



Case Report

1	Case Number	0102/16
2	Advertiser	Sportsbet
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	23/03/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement depicts three friends sitting in a garage watching a game of sport. One of the men, wearing comically tight shorts, decides that he has 'a hunch' that one team will come from behind to win the game they're watching. His friend doesn't believe that will happen and jokingly suggests that he'll eat his shorts if the 'hunch' proves to be accurate. The game ends, and the 'hunch' proves to be accurate. The man who had the 'hunch' then throws the shorts at his friend, while the other friend comically hands him a bottle of tomato sauce to complete the joke.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

The man who lost a bet sat down facing the another man who dropped his shorts and faced the "loser" and a bottle of tomato sauce was handed to him. I have contacted Sportsbet to ask about this ad and they said they like to be a bit cheeky. I asked does that include a suggested sexual act with 2 men sauce and an audience?

The main male depicted in the advertisement is wearing extremely small and short shorts. The man depicted is overweight, so having these shorts being very tight, it showcases his genitals. He then strips down to his underwear, showing his backside to the camera. I find it extremely offensive that this is even on television. I would like this reviewed, because it is

also seen on TV during 9-5 time slot, and is simply disgusting. I know it is meant to be funny, but I find it deeply offensive.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Sportsbet has considered the Complaint and considers that the Advertisement does not breach section 2.4, or any other section of the Code.

The Advertisement depicts three friends sitting in a garage watching a game of sport. One of the men, wearing comically tight shorts, decides that he has 'a hunch' that one team will come from behind to win the game they're watching. His friend doesn't believe that will happen and jokingly suggests that he'll eat his shorts if the 'hunch' proves to be accurate.

The game ends, and the 'hunch' proves to be accurate. The man who had the 'hunch' then throws the shorts at his friend, while the other friend comically hands him a bottle of tomato sauce to complete the joke.

At no stage in the Advertisement do the tight shorts go any way towards showcasing genitals. The man's backside is covered by his underwear and is further obscured by the 'Sportsbet' logo placed over the top of the image of his underwear, in addition to being out of focus.

There is no display of, or reference to, sex, sexuality and nudity in any way in the Advertisement and therefore it cannot be reasonably considered that the Advertisement breaches section 2.4 of the Code. Sportsbet believes that the Complaint lacks foundation and should be dismissed.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainants' concerns that the advertisement is sexualised and causes offence.

The Board viewed the advertisement and noted the advertiser's response.

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted that this television advertisement features three men sitting and watching a game of sport. One of the men says he has a hunch that one team will come from behind to win the game. His friend doesn't believe that will happen and suggests that he'll eat his shorts if the 'hunch' proves to be accurate. The hunch proves to be accurate and the man throws his shorts at his friend, while the other friend hands him a bottle of tomato sauce.

The Board noted that the scene with the man having the shorts and sauce bottle handed to

him is a light hearted response to the earlier statement that, he'll eat his shorts if the 'hunch' proves to be accurate.

The Board considered that most members of the community would find the advertisement humorous and would not consider the advertisement was sexualised.

The Board noted the scene with the men on the lounge shows them all wearing shorts and this is a scene that would be familiar on most football fields or at a weekend gathering of men to watch the football.

The Board noted that the scene depicting the man in his underpants is from the rear and not sexually explicit. The Board noted there was no display of, or reference to, sex, sexuality and nudity in the advertisement.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.