



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0105/19
2	Advertiser	Tabcorp Holdings Limited
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	17/04/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Gender

DESCRIPTION OF THE ADVERTISEMENT

The television Advertisement features a race goer is admiring her outfit in front of a mirror when her friend, Peter, asks her “what do you call the Grand Finals of racing?” She then finds herself transported into an imaginary game show called “Who Are You Backing” and the four potential answers to the question appear on screen – they all read “The Championships”. Before she can choose an answer, the screen cuts to footage of The Championships and the voice over says “Yep, it’s The Championships”.

THE COMPLAINT

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

I find it objectionable as the woman is portrayed as a "Dumb blonde" who cannot answer a simple question even though the answer is staring her front of her face (4 times) and people are shouting her the answer in the background.

I think it is derogatory to women and reinforces the male misogynist treatment often





exhibited by sport males (and organisations) to women. This stereotypes women as dumb and by showing such an ad implies it is ok to treat women like this. It perpetuates the male "blokey" treatment of women by sport in general.

Does not set a good example.

THE ADVERTISER'S RESPONSE

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

We refer to your letter dated 3 April 2019 (the Letter) in relation to a complaint received by Ad Standards on 31 March 2019 in relation to a television advertisement (the Advertisement) that aired on SBS Viceland (the Complaint).

We appreciate you affording us the opportunity to respond to Ad Standards' concerns with regards to the Complaint.

Description of the advertisement

The Advertisement was advertising the upcoming Championships race days to be held on the 6th and 13th of April 2019 at Royal Randwick through an imaginary game show called "Who Are You Backing". A copy of the script can be found at Annexure A. A digital copy of the Advertisement will also be provided to Ad Standards via the online upload facility.

In summary, a race goer is admiring her outfit in front of a mirror when her friend, Peter, asks her "what do you call the Grand Finals of racing?" She then finds herself transported into an imaginary game show called "Who Are You Backing" and the four potential answers to Peter's question appear on screen – they all read "The Championships". Before she can choose an answer, the screen cuts to footage of The Championships and the voice over says "Yep, it's The Championships".

The Advertisement's CAD reference number is B6QX2BLA and its CAD rating is B.

We can also confirm that our advertising agency is M&C Saatchi of 99 Macquarie Street, Sydney NSW 2000 and our media buyer is OMD of 32 Pyrmont Bridge Road, Sydney NSW 2009.

Consideration of Section 2 of the Code of Ethics

Our responses to each part of Section 2 of the AANA Advertiser Code of Ethics (the Code of Ethics) are outlined below:

1. *Discrimination or vilification – The Advertisement does not contain any matter*



that could be considered discriminatory or that vilifies any members of the community, including women.

In the Advertisement, a race goer is asked “what do you call the Grand Finals of racing?”. When the race goer is transported into the imaginary game show called “Who Are You Backing?”, the same answer of “The Championships” is displayed on the screen as options A, B, C and D.

The Advertisement is clearly using humour to indicate that no other racing series could be considered “the grand finals of racing”. No negative impression was created or portrayed about women in the Advertisement.

- 2. Exploitative or degrading – The Advertisement does not employ sexual appeal in a manner that is exploitative or degrading of any individual or group of people.*
- 3. Violence – The Advertisement does not present or portray any form of violence.*
- 4. Sex, sexuality and nudity – The Advertisement does not refer to any matters of sex or nudity.*
- 5. Language – The Advertisement does not contain any strong or obscene language and is therefore appropriate in the circumstances.*
- 6. Health and Safety – The Advertisement does not depict images contrary to public health and safety with regards to the use of motor vehicles.*
- 7. Distinguishable as advertising – The Advertisement is clearly distinguishable as advertising due to a number of reasons.*

First, the Advertisement begins with the race goer admiring her race day outfit in front of a mirror in her living room. Then, after Peter asks her a question, she is magically transported into the middle of an imaginary game show called “Who Are You Backing”. By the nature of its content, the Advertisement is clearly distinguishable to viewers as advertising.

Secondly, there is a call to action for TAB at the conclusion of the Advertisement, which again makes it clear to viewers that the Advertisement is advertising.

Consideration of Section 2 of the Wagering Code

We have reviewed Section 2 of the AANA Wagering Advertising and Marketing Communications Code (the Wagering Code) and note as follows:

- 1. Directed to Minors – The Advertisement was not directed primarily towards*



minors.

2. *Depiction of Minors – The Advertisement did not depict a minor.*
3. *Depiction of a person aged 18-24 years – The Advertisement did not depict a person aged between 18 – 24 years old engaging in wagering activities.*
4. *Alcohol – The Advertisement did not portray, condone or encourage wagering in combination with the consumption of alcohol.*
5. *Promise of winning – The Advertisement did not state or imply a promise of winning.*
6. *Relief of financial or personal difficulties – The Advertisement did not portray, condone or encourage participation in wagering activities as a means of relieving a person’s financial or personal difficulties.*
7. *Sexual success – The Advertisement did not state or imply a link between wagering and sexual success or enhanced attractiveness.*
8. *Excessive participation in wagering – The Advertisement did not portray, condone or encourage excessive participation in wagering.*
9. *Peer pressure to wager – The Advertisement did not portray, condone or encourage peer pressure to wager.*

If required, we would welcome the opportunity to discuss this matter further with you.

Thank you again for the opportunity to comment on this matter. If you have any further questions, please do not hesitate to contact me on (02) 9218 1334.

THE DETERMINATION

The Ad Standards Community Panel (the “Panel”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Panel noted the complainant’s concern that the advertisement discriminates against women.

The Panel viewed the advertisement and noted the advertiser’s response.

The Panel considered whether the advertisement complied with Section 2.1 of the Code which requires that ‘advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on



account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Panel noted the complainant's concern that the advertisement is sexist as the woman is displayed as unintelligent and unable to answer a simple questions, even though all four answers are identical.

The Panel noted the Practice Note to Section 2.1 provides the following definitions:

"Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."

The Panel noted this television advertisement features a woman in front of a mirror, when a man asks her "what do you call the Grand Finals of racing. She is then shown in a "Millionaire Hot Seat" style scene trying to select the correct answer. The four answers displayed are all the same.

The Panel noted the advertiser's response that the advertisement shows an exaggerated scenario, the point of which is to show that no other racing series could be considered correct.

The minority of the Panel considered that the advertisement reinforces the negative stereotype that women are uninformed about sports. The minority considered that the advertisement ends with no resolution of the woman coming to the correct answer, or indeed any answer at all. The minority considered that depicting the woman as being unable to answer the question when only one answer is available is a depicting which incites ridicule of the woman in the advertisement.

The majority of the Panel considered that there is no sense that the woman is being ridiculed by men or compared to them, rather it is a game show theme of a clear answer with no alternatives. The majority of the Panel considered that although the woman does not immediately select an answer, this would be a common response from any person faced for four identical answers and being asked to choose one.

The majority of the Panel considered that most members of the community would not consider the portrayal of the woman to be humiliating or inciting hatred, contempt or ridicule of the woman in the advertisement or women in general. The majority of the Panel considered that the woman is not shown to be treated unfairly or less favourably than the man in the advertisement, or men in general.

The Panel considered the advertisement did not portray the woman depicted in the advertisement in a negative way, and would not lead most reasonable members of the community to think less of the woman in the ad or women in general. The Panel



determined that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person on account of gender and did not breach Section 2.1 of the Code.

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

