



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0107-22
2. Advertiser :	Sportsbet
3. Product :	Gambling
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	25-May-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Wagering Code\2.5 Promise of winning

DESCRIPTION OF ADVERTISEMENT

This advertisement is a tipping segment. It depicts a woman stating that: "Bet with mates, we love this feature on our app and we know that you guys do as well. All you gotta do is create a group and you can share in those moments together. So what I like to do with my bet with mates group is we all pick a leg that we think is going to win. So Sam Docherty, he is usually my go-to lock leg in my bets with mates group. I know that he's going to be getting 25 disposals every week. All my other friends that do the same in their same game multi. Good luck punters, enjoy the footy but gamble responsibly".

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

It's bad enough these ads are plastered everywhere. But for the spokesperson to state she "knows" is terribly misleading and dangerous. Much closer attention needs to be paid to the language and the claims. Both the advertiser and the broadcaster should be held to account.

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 16 May 2022 regarding a complaint (Complaint) received by Ad Standards concerning Sportsbet's television broadcast integration in Channel 7's AFL coverage involving Georgie Parker (Advertisement), a digital copy of which is enclosed.

Ad Standards has identified the Complaint as raising issues with the following section of the AANA Wagering Advertising Code (Code):

2.5 Advertising or Marketing Communication for a Wagering Product or Service must not state or imply a promise of winning.

Sportsbet strongly rejects any suggestion that the Advertisement breaches section 2.5 of the Code (or any other section) for the reasons explained below. As always, Sportsbet takes its compliance with the Code seriously.

What does the Code prohibit?

Section 2.5 of the Code prohibits advertising for a wagering product or service that states or implies a promise of winning.

No statement or implication of a promise of winning

The Advertisement contains no statement or implication of a promise of winning. The Advertisement is a television broadcast integration involving Sportsbet ambassador Georgie Parker in the lead up to Channel 7's coverage of an AFL match. The purpose of the Advertisement is to promote Sportsbet's group betting product known as 'Bet With Mates' and provide a 'tip' in relation to an upcoming match. Ms Parker begins the integration by introducing the product and then provides the following recommendation (or 'tip') for a leg to include in a multi-leg bet:

"What I like to do with my Bet With Mates group is we all pick a leg that we think is going to win. So Sam Docherty [Carlton Football Club player], he is usually my go to leg in my BWM group. I know that he is going to be getting 25 disposals every week. All my other friends do the same in their Same Game Multi. Good luck punters. Enjoy the footy, but gamble responsibly." (our emphasis)

It is clear from the language used by Ms Parker (ie, 'me', 'my', 'we think', 'I know') that the recommendation or 'tip' is a personal one and merely an opinion which ordinary members of the community would well understand is by no means certain but rather subject to myriad uncontrollable variables (eg, player injury, poor performance, inclement weather etc.). It follows that the Advertisement does not in any way suggest that winning would be the 'definite outcome' of placing a bet based on the recommendation. (1) Further, Ms Parker's 'tip' is put in respect of a single leg of a hypothetical multi-leg bet which by its very nature would depend upon the successful



outcome of all other legs and as such increases the unlikelihood that it could reasonably be interpreted by a viewer as implying a promise of winning.

Sportsbet submits that the reasoning outlined above is consistent with a previous case concerning PointsBet (2) where the Community Panel (rightly) dismissed a complaint about an advertisement in which an ambassador – Billy Brownless – promoted an early payout offer for the upcoming AFL round and used the language ‘lead at half time, guess what, you win’ and ‘they’ve [PointsBet] gone mad. They’re just giving away cash.’ That finding was reached on the basis that no reasonable person would consider that money would be given away and that gambling comes with an inherent possibility of loss.

Conclusion

For the reasons outlined above, Sportsbet strongly rejects any assertion that the Advertisement breaches section 2.5 or any other section of the Code, and respectfully submits that the Community Panel should dismiss the Complaint.

(1) See section 2.5 of the AANA's Practice Note in respect of the Code.

(2) See Ad Standards Community Panel case no 0269-20 (9 September 2020): <https://adstandards.com.au/sites/default/files/reports/0269-20.pdf>.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Wagering Advertising and Marketing Communication Code (the Wagering Code).

The Panel noted the complainant’s concern that the advertisement depicts a woman stating that she “knows” a player will get 25 possessions, which is misleading as she doesn’t know and it implies a promise of winning if punters use her tip.

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

The Panel noted that the advertiser is a company licensed in a State or Territory of Australia to provide wagering products or services to customers in Australia and that the product advertised is a wagering product or service and therefore the provisions of the Wagering Code apply.

Section 2.5 Advertising or Marketing Communication for a Wagering Product or Service must not state or imply a promise of winning

The Panel noted the Practice Note to this section of the Wagering Code:

“Advertising or marketing communication may depict winning on a wager provided there is no direct or implied suggestion that winning will be a definite outcome of participating in wagering activities”.



The Panel considered that the woman's language, "I like", "my group", "we think", indicates that her statement was a personal opinion rather than a guarantee of winning if a punter uses her tips.

The Panel noted the advertiser's response that the woman's comments are made in respect of a single leg of a hypothetical multi-leg bet which by its very nature would depend upon the successful outcome of all other legs. The Panel considered that even if a punter uses her tip and places a bet, a winning outcome is still dependent on other factors and therefore her comments are unlikely to be considered to be implying a guarantee or promise of winning.

The Panel considered that most viewers would understand that gambling comes with an inherent possibility of loss and that tips provided by a wagering company ambassador are tips only and are not stating or implying a promise of winning if punters use the tips.

Section 2.5 Conclusion

The Panel considered that the advertisement did not state or imply a promise of winning and determined that the advertisement did not breach Section 2.5 of the Wagering Code.

Conclusion

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