



# Case Report

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|----------|--------------------------------------|-------------------------|
| <b>1</b> | <b>Case Number</b>                   | <b>0111/15</b>          |
| <b>2</b> | <b>Advertiser</b>                    | <b>William Hill</b>     |
| <b>3</b> | <b>Product</b>                       | <b>Gaming</b>           |
| <b>4</b> | <b>Type of Advertisement / media</b> | <b>TV - Free to air</b> |
| <b>5</b> | <b>Date of Determination</b>         | <b>15/04/2015</b>       |
| <b>6</b> | <b>DETERMINATION</b>                 | <b>Dismissed</b>        |

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.6 - Health and Safety Depiction of smoking/drinking/gambling
- 2.6 - Health and Safety Within prevailing Community Standards

## DESCRIPTION OF THE ADVERTISEMENT

The TVC opens on a man standing at a food counter struggling to decide what to order, a sausage roll or a meat pie. The advertisement then cuts to two men meeting on stadium stairs unable to pass each other due to indecision on direction. The advertisement then cuts to the two men wearing tuxedos and dancing together in a ballroom. The advertisement then prompts viewers to 'make a call' over a montage of professional team sport footage.

## THE COMPLAINT

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

*The reasons I object are:*

- 1) the ad says that "men" make decisions implying that if you are not able to make a decision you are not a man.*
- 2) taking a stand makes you a man so making a stand on who is going to win makes you a man.*
- 3) if you cannot make decisions you are a wimp and ostracized by "Real Men"*

4) *Gambling makes you a real man because you are making a decision and you are taking a stand.*

*This ad is sending vulnerable males (the wimpy man making a decision about meat pie or sausage roll) the wrong message about what it is to be a man.*

*This ad also, says that if you are a man it is ok to gamble.*

*The advertisement implies that you can't be a real man unless you gamble.*

## **THE ADVERTISER'S RESPONSE**

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

### *2.1 Discrimination or Vilification*

*ISSUE: Advertisement suggests men who do not gamble or are indecisive are not 'real men'*

*The complaints raise issues under Section 2.1 of the AANA Code of Ethics (Code).*

*The complaints allege that the advertisement breaches Section 2.1 of the AANA Code of Ethics (the Code) by suggesting that men must gamble or be decisive to be a 'real' or heterosexual man.*

*Section 2.1 of the Code provides 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."*

*William Hill notes that the Board has identified in its notification of complaints that the issues raised by the complainants deal with the issue of gender under section 2.1 of the Code. In the following response we will also deal with the issue of sexual preference as it was alluded to by the anonymous complaint of 14th March 2015.*

*William Hill submits that the advertisement does not breach section 2.1 of the Code, as it does not discriminate against or vilify a person or section of the community on account of their gender or sexual preference.*

*William Hill submits that the advertisement does not encourage people to think less of or negatively about a section of the community because of their gender or sexual preference. William Hill submits that the hypothetical notion of a "real man" is not expressed explicitly or impliedly by the advertisement. William Hill submits that the aim of the advertisement is not to divide the concepts of men and 'real men' but to communicate that Australians generally respect people who have an opinion or make a decision and are willing to back that decision.*

*William Hill submits that the advertisement does not intend to imply that "'real men' do not dance around" or that men who are indecisive are "possibly gay," and does not consider the*

*advertisement to be capable of such a construction. No mention is made expressly or impliedly in the advertisement as to the sexual preference of the characters depicted.*

*William Hill submits that the voiceover stating that “men shouldn’t dance around decisions” is for the creative purpose of encouraging people to be decisive, not to humiliate, discriminate or vilify any section of the community. William Hill submits that the clip of the two men dancing together is a humorous analogy for passing a person on a narrow flight of stairs, and is intended for comic effect derived from the facial expressions and unlikely pairing of the dancers. The tone of the advertisement is light hearted and appeals to sensibilities of the typical Australian male sense of humour in line with community standards.*

*On the basis of the above, William Hill Australia submits that the Advertisement does not breach section 2.1 of the Code.*

## *2.6 Health and Safety Depiction of smoking/drinking/gambling*

*ISSUE: Advertisement encourages young men to gamble*

*The complaints raise issues under Section 2.6 of the AANA Code of Ethics (Code).*

*The complaints allege that the advertisement breaches Section 2.6 of the AANA Code of Ethics (the Code) by targeting young people. Comments include “there is a subtle message, particularly to young men,” “a sizeable part of this audience would be young impressionable men... statements that this ad makes leaves a small but repetitive theme.”*

*Section 2.6 of the Code provides that advertising or marketing communications shall not depict material contrary to prevailing community standards on health and safety.*

*William Hill submits that the advertisement does not breach section 2.6 of the Code, as it does not depict, encourage or condone excessive or irresponsible gambling, gambling involving people under the legal age or otherwise promote behaviour considered to be against prevailing community standards on gambling.*

*William Hill Australia is a licensed sports bookmaker. Gambling is a legal activity and gambling products are legally able to be advertised in Australia.*

*William Hill submits that the advertisement does not encourage people under the legal age to participate in gambling activities. William Hill Australia submits that the overall message of the advertisement is directed at a target market that is reflected in the age of the men featured in the advertisement. The physical qualities of these men including their facial hair and stature clearly indicate a target market over the age of 18.*

*William Hill submits that the advertisement does not intend to imply that men need to gamble, instead it leaves the choice in their hands, a notion supported directly by the phrase “It’s Your Call” which is reinforced a number of times throughout the advertisement.*

*William Hill wishes to refer the Board to their decision in case 0149/11 where they dismissed a similar complaint against our related body corporate, Centrebet.*

*As a wagering company, William Hill Australia does not offer products or services to persons*

*under the age of 18, and thus does not target its advertising to persons under the age of 18.*

*The advertisement clearly states the required warning message in relation to responsible gambling, including text directing customers to appropriate gambling help services. This warning message complies with the legislative requirements for all states and territories in Australia.*

*William Hill Australia is committed to responsible gambling, including promoting its services in a responsible manner.*

*William Hill Australia notes that CAD approved the advertisement and provided it with a “B” classification. The advertisement has been aired only in the appropriate times and to the appropriate audience for the rating given.*

*On the basis of the above, William Hill Australia submits that the Advertisement does not breach section 2.6 of the Code.*

*We have reviewed the Advertisement in light of the remaining provisions of section 2 of the Code and determine that the remaining sections of the Code do not apply to the Advertisement.*

## **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’ concern that the advertisement suggests that real men cannot make a decision and that you cannot be a real man unless you gamble.

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

The Board 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 Board noted that this advertisement features a man who is unable to decide between a meat pie and a sausage roll whilst a voiceover states that, “no-one likes a man who sits on the fence” followed by a depiction of two men trying to pass one another on stairs but not being sure which way to move.

The Board noted the complainants' concerns that the advertisement suggests that only real men can make a decision.

The Board considered the most likely interpretation is that being unable to make a decision can be frustrating to others and that any suggestion that a definition of manhood is dependent upon being able to make a decision in a timely manner is tongue-in-cheek, humorous and not to be taken seriously. The Board considered the advertisement to be a light-hearted and self-referential play on a masculine stereotype that does not leave the overall impression that only real men can make a decision or that you are not a real man if you cannot make a decision.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted that this advertisement is for a gambling product. The Board noted that many members of the community would prefer that gambling not be advertised but considered that wagering is a legal pastime in Australia and the appropriate promotion of gambling is not of itself contrary to Prevailing Community Standards on health and safety.

The Board noted the complainants' concerns that the advertisement suggests that real men gamble. The Board noted the voiceover at the end of the advertisement states, "Stand tall. It's time to make a call" and considered that the advertiser is not encouraging an excessive or unhealthy level of gambling or suggesting that to be a real man you should gamble or that all men should gamble but rather that if you do want to gamble then use this business for your wagering activity. The Board noted that whilst the man's decision to buy a meat pie is rewarded by the gratitude of the customers waiting behind him to place their order in the Board's view this scene of 'reward' is linked to his food choice and not to a gambling activity.

The Board noted that the advertisement focuses on men and considered that whilst there is a theme of manliness and gambling in the advertisement in the Board's view it is not so strong as to be suggestive that all men gamble all the time.

Based on the above the Board determined that the advertisement did not depict material which would be in breach of Section 2.6 of the Code.

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

