



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0112/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Sportsbet</b>
<b>3</b>	<b>Product</b>	<b>Gaming</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Radio</b>
<b>5</b>	<b>Date of Determination</b>	<b>23/03/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.1 - Discrimination or Vilification Race

## DESCRIPTION OF THE ADVERTISEMENT

The Advertisement features the Sportsbet voice-over talent comically attempting to pronounce real athletes' names that are particularly long and difficult to pronounce. It then explains that with Sportsbet's new Bet Live product, which enables customers to place live bets over the phone without the need to speak to an operator, customers won't face these difficulties.

## THE COMPLAINT

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

*The ad is racist and promotes a lack of tolerance for multicultural Australia.*

## 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 does not seek to shy away from the importance of advertising its services in a responsible manner.*

*Sportsbet rejects that the Advertisement in any way breaches section 2.1 or any other section of the Code. In our view, the Advertisement plainly does not “discriminate against” nor “vilify” any person or section of the community on account of nationality (or on any other basis).*

*To discriminate against or to vilify are both very serious matters. The Oxford and Collins dictionaries support our contention that the Advertisement does breach section 2.1 of the Code by reason that they provide:*

- to “discriminate against” is to “make an unjust or prejudicial distinction in the treatment of different categories of people” (Oxford Dictionary) or to “single out a particular person, group, etc., for special...disfavour, often because of a characteristic...” (Collins Dictionary); and*
- to “vilify” is to “speak or write about in an abusively disparaging manner” (Oxford Dictionary) or to “revile with abusive or defamatory language; malign” (Collins Dictionary).*

*The Advertisement does neither of those things – it does not even reference or in any way identify or speak out about any particular group or category of people. Instead, the Advertisement merely attempts to demonstrate in a light-hearted manner the comically exaggerated challenges that someone can have in pronouncing long or difficult names in order to promote the appeal of Sportsbet’s new product.*

*Although some listeners may not find the Advertisement as humorous as some others might (or at all), it certainly does not go so far as to ‘unjustly or prejudicially’ treat any nationality, nor does the Advertisement ‘abusively disparage’ or ‘revile’ any nationality.*

### *Conclusion*

*Sportsbet regrets if the jovial nature of the Advertisement was either misconstrued or may have offended the complainant, but we firmly reiterate our view that the Advertisement does not breach the Code.*

*For the reasons mentioned above, Sportsbet believes that the Complaint lacks foundation and should be dismissed.*

*Sportsbet has considered the complaint 0102/16 (Further Complaint) and refers to its earlier submission.*

*Sportsbet has considered the Further Complaint and considers that the Advertisement does not breach section 2.4, or any other section of the Code for the reasons outlined in our Submission, in particular that there is no display of, or reference to, sex, sexuality and nudity in any way in the Advertisement. Sportsbet does not understand the statement within the Further Complaint ‘does that include a suggested sexual act with 2 men and an audience’ and believes that the further 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 complainant’s concerns that the advertisement is racist and promotes a lack of tolerance for multicultural Australia.

The Board reviewed 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 radio advertisement features a male voiceover stumbling over unusual names which are difficult to pronounce before going on to say that punters have previously struggled to pronounce names when placing bets but the new Bet Live product means punters no longer have to speak to an operator when placing bets over the phone.

The Board noted the complainant’s concern that the advertisement is racist. The Board considered that struggling to pronounce a name is not of itself racist and in this instance the focus is on the announcer’s lack of ability rather than the names and their origins. The Board noted that the voiceover states that some people may have struggled to pronounce the names of international sports men and women and considered that this is not a negative depiction of other nationalities but rather an acknowledgement that some people may struggle to pronounce names not common in their home country.

The Board noted the complainant’s concern that the advertisement promotes a lack of tolerance for multicultural Australia but considered that identifying that some names are hard to pronounce is not a promotion of intolerance but rather an acknowledgement of a fact. The Board noted that the advertisement does not make any comment about the names or origins of the players, or about countries other than Australia, and considered that overall the advertisement does not present other nationalities in a negative light and does not depict, encourage or condone intolerance towards people from other countries.

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 nationality, ethnicity or race.

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

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

