



Case Report

1	Case Number	0119/15
2	Advertiser	Sportsbet
3	Product	Gaming
4	Type of Advertisement / media	Internet
5	Date of Determination	15/04/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This internet advertisement features office workers behaving as if they are at the cricket rather than at work. Scenes include a man pushing his way through a crowded lift holding a tray of beer which he manages to spill on someone's shoes, the same man cheering loudly then asking someone to move from their chair as he believes he has a ticket for it. In one scene a group of workers are in a boardroom and the speaker says that the graph shows that performance is going down. One of the seated men calls out, "So is your wife!"

THE COMPLAINT

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

Derogatory, sexist and misogynistic treatment of women within a workplace glorified. Reference to "your wife going down on me".

This style of advertisement represents the lowest of an already low brow form of machismo campaigns targeted at male gamblers. This particular advertisement I found so offensive as to constitute an assault on the dignity of women within a workplace. The glorification of sexual office banter and misogynistic chauvinistic behaviour depicted was inexcusable.

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 rejects that the Advertisement in any way breaches sections 2.1 and 2.4, or any other section of the Code.

1. Section 2.1 of the Code

The ASB has identified section 2.1 of the Code in relation to discriminating against or vilifying a person based on gender.

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 scene in question shows a meeting being held, with the presenter making the comment: ‘As you can see by the graph, performance is going down’. In response to this, someone else at the meeting makes the comment ‘Yeah so is your wife’ and each of his colleagues reacts by laughing.

There is no suggestion that the presenter’s wife or women in general are actually ‘going down’. The ‘target’ of the light-hearted comment, if there is one, is clearly the presenter and his presentation, and the comment is merely an attempt at humour by using a slightly suggestive phrase to lighten the mood of the meeting taking part in the Advertisement.

As such the Advertisement does not ‘unjustly or prejudicially’ treat women, nor does the Advertisement ‘abusively disparage’ or ‘revile’ women.

2. Section 2.4 of the Code

While the comment ‘Yeah so is your wife’ is cheekily suggestive of a sexual act, there is no imagery of sex, sexuality or nudity, and there is no suggestion of any sexual activity. The comment is said in order to make light of the presentation, and, objectively viewed, there is no requisite insensitivity to the relevant audience.

Conclusion

Sportsbet regrets if 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.

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 concern that the advertisement is sexist and derogatory in its use of the phrase, “your wife going down on me”.

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 internet advertisement features office workers behaving as though they are at the cricket. The Board noted that the scene the complainant is concerned with features a man giving a presentation and stating that performance is going down, to which another man calls out, “So is your wife!”

The Board noted that the overall theme of the advertisement is of what not to do in the office and features staff teasing and distracting one another. The Board noted that throughout the advertisement the main character is seen as the instigator of inappropriate behaviour but that in this boardroom scene he is the recipient. The Board noted that when the comment, “so is your wife” is made all of the people present, including the man the comment is directed at, laugh. The Board noted that the comment suggesting a wife is ‘going down’ has a sexual connotation but considered that the use of the phrase in the advertisement is intended as a flippant joke, possibly to distract the man during his presentation, and that in the context of the advertisement as a whole this comment is not demeaning or discriminatory towards women or men.

The Board noted that one scene shows three men encouraging their female colleague to give them a wave. The Board noted that requesting a wave is common behaviour at the cricket where spectators chant at their team in order to secure a wave of acknowledgement. The Board noted in the advertisement that Jenny does give her male colleagues a wave after a while and considered that this scene was not suggestive of workplace harassment but rather a re-enactment of common cricket behaviour.

The Board noted the scene where the main character, dressed as wonder woman, asks a female character if she thought it was fancy dress day as well to which she bursts in to tears and runs away. The Board noted that the man looks embarrassed when he realises the

woman was not in fancy dress but wearing her normal work clothes and considered that this scene was not intended to be demeaning to the woman but to highlight the man's insensitivity and lack of awareness.

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 their gender.

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

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 the scene where the main character appears to be at the urinal where he is joined by his colleagues who cheer him on. The Board noted that the female colleague, Jennie, is also present. The Board noted that the man's genitals are not visible and considered that the presence of a woman in a male toilet is not inappropriate in this instance as there is no sexual suggestion in this scene.

The Board noted the reference in the boardroom scene to a man's wife 'going down'. The Board noted that the phrase 'going down' can have a sexual meaning but considered that in the context of an internet audience of an advertiser promoting a product for adults the level of innuendo is not inappropriate and does 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.

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided".

The Board noted that the opening credits to this online advertisement describe it as 'Sh*t you can do at the cricket, but not in the office.'

The Board noted that the word 'shit' has an asterisk in place of the letter 'i' and considered that in the context of an internet advertisement for a betting provider the use of the word 'sh*t' is not inappropriate and is being used in a manner consistent with common Australian colloquialism.

The Board considered that the advertisement did not use language which is strong, obscene or inappropriate in the circumstances.

The Board determined that the advertisement did not breach Section 2.5 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 the advertisement features examples of workplace banter between office workers. The Board noted specifically the scene where a man says another man’s wife is ‘going down’. A minority of the Board considered that this comment crosses the line in relation to appropriate workplace behaviour and that it normalises inappropriate comments which contain sexual innuendo and are designed to humiliate the recipient.

The majority of the Board however acknowledged that humiliating behaviour is not appropriate and should not be condoned but considered in this instance the whole premise of the advertisement is behaviour which is not appropriate in the office. The Board noted that all the people present react to the comment with laughter and that, following on from the comment about his wife the recipient of the comment continues with his inappropriate behaviour and does not appear to be upset or adversely affected by his colleague’s comment. The majority of the Board considered that overall the advertisement did not depict, encourage or condone bullying behaviour.

The Board noted that there are two scenes where a stapler is thrown at a man and that in the first scene he drops the stapler, in the second he catches it. The Board noted that the man requests that the stapler be passed to him and considered that whilst throwing objects in an office environment is not behaviour to be encouraged in the Board’s view these actions are depicted in the advertisement in the context of what not to do in the office and there is no suggestion that anyone is in any danger at any time within the advertisement.

Overall the Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

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

