



Ad Standards Community Panel  
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Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	Case Number	0131/18
2	Advertiser	NEDS
3	Product	Gaming
4	Type of Advertisement / media	Internet
5	Date of Determination	21/03/2018
6	DETERMINATION	Dismissed

## ISSUES RAISED

2.7 - Native Advertising Advertising not clearly distinguishable

## DESCRIPTION OF THE ADVERTISEMENT

An article on the Nine News Pickle site with the heading 'How Philly won the Super Bowl with a high school trick'. The sponsored article includes several mentions of odds offered by Neds and a line at the bottom of the article which states 'This content brought to you by Neds, odds correct at time of publication'. The article is surrounded by sponsored banner advertisements for Neds.

## THE COMPLAINT

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

*The initial page is headed under the title of "High school trick that won the super bowl" this initial page offers itself as an editorial, it at no time states or alludes to being an advertisement for a gambling company. The category the headline is placed in is the sports section of Nine, it is not placed in an 'advertising or promoted' category therefore it is unequivocally being touted/displayed as an editorial. When clicking to the second page the headline now jumps from WWOS sports category to a lifestyle category called "Pickle" still the Headline is made out to be an editorial however in very small writing the words 'odds on' are discreetly displayed yet still no*



*significant mention of the fact that it is now a gambling advertisement for NEDS. At the very end of the fake editorial NEDS states that the content was supplied by their company. This advertisement is a gambling ad disguised as an editorial, NINE assists this fake editorial by placing it in a sports category so as to convince people of its authenticity as sports writing. In my opinion NINE should state from the very first headline that the NEDS content/fake editorial is sponsored or it should be placed in a advertising category that clearly states to the potential reader they are entering a gambling advertisement and not entering an editorial.*

### **THE ADVERTISER'S RESPONSE**

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

*The advertisement under review is a part of sports news article published by Nine MSN as part of an integrated digital advertising and a pay per sign up referral program. The news article (copy attached) contains a statement at the end of the article that "the content was brought to you by Neds". This statement clearly labels the references to Neds and the odd offered by Neds on the relevant matches as advertising, as required by section 2.7 of the Code. Accordingly, it is submitted that this news article does not breach Section 2.7 of the AANA Code of Ethics.*

### **THE DETERMINATION**

The Ad Standards Community Panel ("Panel") considered whether this advertisement breaches the AANA Code of Ethics (the Code).

The Panel noted the complainant's concerns that the advertisement is not clearly distinguishable as an advertisement.

The Panel considered whether the advertisement complied with Section 2.7 of the Code which requires that "Advertising or Marketing Communications shall be clearly distinguishable as such to the relevant audience."

The Panel noted the internet advertisement appeared as article on the Nine News Pickle site with the heading 'How Philly won the Super Bowl with a high school trick'. The sponsored article includes several mentions of odds offered by Neds and a line at the bottom of the article which states 'This content brought to you by Neds, odds correct at time of publication'. The article is surrounded by sponsored banner advertisements for Neds.



The Panel noted the advice provided in the Practice Note to Section 2.7: "If it is clear to the relevant audience that the content is commercial in nature (for example by the nature of the content, where the content is placed, how consumers are directed to the content, the theme, visuals and language used, or the use of brand names or logos), then no further disclosure or distinguishing element is needed."

The Panel noted the complainant's concern that they saw the link on the Nine News website and that they were not aware when they clicked on the headline that they were being directed to an advertisement.

The Panel considered that links to specific articles, whether they are advertising or marketing communications or their content, are outside of the scope of the Code and that the Panel could only examine the content of the advertisement itself.

The Panel then noted the complainant's concerns that he was not aware that he was reading an advertisement until the end of the article and that this was misleading.

The Panel noted that the advertisement was surrounded by Ned's branding and advertisements. The Panel considered that this branding would be clear to most members of the community that the content was an advertisement.

The Panel noted that the second paragraph of the article links to the Ned's website and details of Ned's betting odds on the team identified in the article were provided, and again this would indicate to most members of the community that this was linked to a promotion by the featured sports betting service provider.

The Panel noted the article concluded with the line, "This content brought to you by Neds" and considered that this made it very apparent that this was an advertisement.

The Panel noted that the article appeared in the odds-on section of the website and this section is titled "Your source of the latest betting odds and news..."

The Panel considered that this advertisement is clearly distinguishable as advertising material to the relevant audience and determined that the advertisement did not breach Section 2.7 of the Code.

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

