



Case Report

1	Case Number	0150/13
2	Advertiser	Sportsbet
3	Product	Gaming
4	Type of Advertisement / media	TV
5	Date of Determination	22/05/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Depiction of smoking/drinking/gambling

DESCRIPTION OF THE ADVERTISEMENT

The Advertisements focus on Sportsbet's 'Top Tote Plus' product ('Product') which guarantees Sportsbet customers the best payout of all 3 TABs (i.e. NSW, S-Tab, Tatts) and the 'starting price'. To explain the Product, the Advertisements show two men at a venue watching the races after having placed a bet. The Sportsbet talent is in the foreground narrating the differing reactions of the two men who both placed a winning bet - one with the TAB and one using the Product. The Advertisements illustrate the disappointment punters might experience if they place a winning bet with the TAB but realise they could have received a better dividend if they'd used the Product.

THE COMPLAINT

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

In this saturated gambling economy, Sportsbet.com has introduced a new type of loser; somebody who wins a bet but demonstrates the traits of a loser due to not having the Sportsbet.com better odds.

a) Problem gambling is a societal problem and this creates a new breed of 'loser' and 'gambling loss'.

b) It is unethical to illustrate on television the hardship of gambling loss and further glorify it by suggesting the Sportsbet.com product offers a winning alternative.

c) This advertisement is aimed towards problem or habitual gamblers with the message that they 'are losers, UNLESS they use the Sportsbet.com product'.

Sports gambling has rapidly become part of the Australian sports culture and it is through advertisements like this that social, gambling problems are accelerated.

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 concerns expressed in the Complaint and does not seek to shy away from the importance of advertising its services in a responsible manner.

The Complaint alleges that the Advertisements breach section 2.6 of the AANA Code of Ethics which states that 'Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.'

Sportsbet strongly believes that the Advertisements are well within prevailing community standards. They do not depict excessive or irresponsible gambling or involve people gambling under the legal age; they merely illustrate the benefit of using the Product.

In particular, the Complaint asserts (in summary) that the Advertisements:

(a) create a new breed of 'loser' and 'gambling loss';

(b) glorify gambling loss and suggest the Product offers a winning alternative; and

(c) are aimed towards problem gamblers with the message that they are 'losers' unless they use the Product.

Sportsbet rejects each of these assertions.

The Advertisements, in a light hearted manner, merely explain the Product and how it works and point out the disappointment successful punters might feel if they discover that they could have received a higher dividend (i.e. better odds) by using the Product instead of betting with one of the TABs.

The Advertisements in no way glorify gambling loss or suggest the Product offers a winning alternative and are not aimed at problem gamblers. Indeed, in accordance with Sportsbet's commitment to responsible gambling and applicable regulations, we note that there is no portrayal of alcohol being consumed in the Advertisements and the following text is displayed on screen towards the end of the Advertisements:

Is gambling a problem for you? Call Gambler's Help Online 1800 858 858 or your local state gambling helpline. Gamble Responsibly. www.gamblinghelponline.org.au.

Sportsbet has not provided comments in respect of the AANA Code for Advertising and Marketing Communications to Children as the Advertisements are outside the scope of that 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 concerns that the advertisement suggests gambling with the right product will offer a winning alternative for someone who although having won is shown as a loser and encourages excessive gambling which is against prevailing community standards on health and safety.

The Board noted that gambling is permitted be advertised and that the Board is not able to comment on whether it should be or not but only on the content of the advertisement.

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

The Board considered whether the advertisement was in breach of 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 the advertisement features two men watching their results after they have placed a bet. The images include one of the punters appearing disappointed after they could have received a higher dividend. The Board considered that the advertisement was focused on getting a better product from a different company and in such comparative advertising it is not uncommon to show one person happier than the other.

The Board considered that the depiction of the man with inferior return was not a strong indication that someone can still be a loser even after winning and was unlikely to encourage increased gambling.

The Board noted that the advertisement does not present gambling in a manner which indicates social success and considered that the advertisement does not suggest that the social status of the men who win the bet has been elevated as a result of their win.

The Board also noted that they had previously considered an advertisement for Sportsbet promoting a mobile phone application that also used the term “every race, every day” (case number 0476/12). The majority of the Board agreed that in the above mentioned advertisement the convenience of being able to bet from your phone in conjunction with the catch phrase was encouraging of frequent and continued betting. The Board considered that in this television advertisement however, the advertisement does not focus on the facility to bet frequently and the catch phrase is not the focus of the advertisement so does not strongly encourage frequent betting.

The Board noted that gambling is a product which is allowed to be advertised and considered that the advertisement does not encourage excessive gambling or otherwise promote behaviour which would be considered to be against prevailing community standards on gambling.

Based on the above, the Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and 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.