



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0151/19
2	Advertiser	Lottoland
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/06/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Social Values

2.1 - Discrimination or Vilification Gender

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement has a 30second and 15second version. The advertisement depicts a lady entering a home and then a room, carrying multiple shopping bags, excitedly saying to a man lying on a couch that she has won the jackpot and she tells him to “pack your bags”. The man sits up and says “awesome, where are we going”. The woman responds “nowhere, just be gone by midday”. The advertisement ends by providing details of the next upcoming “US Power jackpot”, including the amount of the potential top prize and the mention of the chance to win, and then goes on to tell the viewer to visit the Lottoland website or download the app for more details.

THE COMPLAINT

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

It is very mean spirited and insulting to both men and women , portraying the woman





as a mean shallow person who will stay with her husband until she has money and then is happy to kick him out. Portrays the husband as someone not worthy of respect simply because he is sloppily dressed.

Its sexist. Let's not pretend if roles were reversed the lefty feminist movement would be up in arms. Its makes men out to be lazy fat slobs. Like obviously we are to believe they are in a relationship. What gives her the right to kick him out? Why wouldnt he be entitled to half anyways? The ad is clearly sexist. It's what some call a cuck-mercial

The implication that when a women wins the lotto that she will kick her husband out. I find that very offensive

I found the ad offensive because it denigrates family values.

THE ADVERTISER'S RESPONSE

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

Lottoland refers to the letter dated 28 May 2019 from Ad Standards (AS).

AS' letter sets out a copy of complaints received about a television advertisement promoting Lottoland's jackpot betting services and specifically involves a woman entering a room with shopping bags and saying she has won the jackpot, after which she suggests the man in the room should be gone by later that day (Advertisement).

Lottoland has prepared this response on the basis of the material supplied in the AS's letter. Lottoland assumes that the Panel will not consider or rely on any other material, nor quote any other complaint material, in its reasons or findings.

The Case Managers have requested that Lottoland address in this response all applicable AANA advertiser codes. The reasons given for this is that the Case Managers have not viewed the Advertisement and the Panel will review the material in its entirety against section 2 of the Advertiser Code of Ethics (Code).

Lottoland notes that it is licensed in the Northern Territory to provide sports betting services to customers in Australia and the service promoted in the Advertisement is a wagering product or service as defined by the Code.

We describe the Advertisement in the following terms (noting that there are 15 and 30 second versions, with the description below relating to the longer 30 second version):

The Advertisement is a promotion of the betting product we call "US Power jackpot". It shows a lady entering a home and then a room, carrying multiple shopping bags,



excitedly saying to a man lying on a couch that she has won the jackpot and she tells him to “pack your bags”. The man sits up and says “awesome, where are we going”. The woman responds “nowhere, just be gone by midday”. The Advertisement ends by providing details of the next upcoming “US Power jackpot”, including the amount of the potential top prize and the mention of the chance to win, and then goes on to tell the viewer to visit the Lottoland website or download the app for more details.

We note that the words “Paid actor” appear at the bottom of the image during the early part of the Advertisement.

We also note that the Advertisement does not specify or explicitly say that the woman and the man are either married or in a partner relationship - as suggested by more than one of the complaints. We note that neither actor wears a wedding ring. In fact, there is nothing to say what the status of their relationship is. The man could just as equally be the woman’s brother or a friend who is visiting or staying with her in her house.

Lottoland submits the following regarding the applicability of each sub-section of section 2 of the Code, referring to each of the sub-sections by number:

2.1 – the Advertisement does not portray people 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 operative words in the section are “discriminates or vilifies” and in our view the Advertisement does neither of those things. It pokes a bit of fun at a man who believes he is entitled to share in the new-found wealth of the woman, without saying what the actual status of their relationship is. If anything, the woman is putting herself first (and not the money as suggested by one complainant). In our view, the humor used only suggests stereotypical aspects of men and women. The overall impression is light hearted and does not convey a negative impression of all women or men. The Advertisement does not, in our view, suggest that the stereotypical characteristics displayed are always associated with the gender concerned, are the only options available to that gender or are behaviours that are never carried out or displayed by the other gender;

2.2 – the Advertisement does not employ sexual appeal in a way or manner described in this sub-section, or in any way or manner whatsoever. Nor do the complaints allege that it does;

2.3 – the Advertisement does not present or portray violence in a way or manner described in this sub-section, or in any way or manner whatsoever. Nor do the complaints allege that it does;

2.4 – the Advertisement contains no sex, sexuality or nudity as mentioned in the sub-



section. Nor do the complaints allege that it does;

2.5 – the Advertisement uses language that is appropriate in the circumstances and contains no strong or obscene language. The complaints do not allege that it does;

2.6 – the Advertisement does not, in Lottoland’s view, depict material contrary to prevailing community standards (as that term is defined in the Code) on health and safety; and

2.7 – the Advertisement is clearly an advertising or marketing communication that promotes Lottoland’s betting services. The complaints do not allege otherwise.

Lottoland submits that the AANA code relating to advertising and marketing of Food and Beverage has no application due to the subject matter of the Advertisement.

In relation to the Code for Advertising & Marketing Communications to Children (Children Code), Lottoland submits that the Advertisement is not an advertising or marketing communication “...directed primarily to children”. Having regard to the theme, visuals and language used in the Advertisement, it cannot be said that it is designed to engage and resonate with children.

In relation to the Wagering Advertising and Marketing Communications Code (Wagering Code), Lottoland submits as follows, using the sub-section numbers set out in the Wagering Code:

2.1 – the Advertisement is not directed primarily to minors, for the same reasons as set out above in relation to the Children Code. Lottoland also refers to the Practice Note on the Wagering Code, specifically to the comments in section 2.1 relating to application of the term “...directed primarily to minors”. The Practice Note makes it clear that section 2.1 does not apply to marketing that “..may be seen by minors”;

2.2 – the Advertisement does not depict a person who is a minor. The complaints do not allege that it does;

2.3 – the Advertisement does not depict a person aged 18-24 years old engaged in wagering activities. The complaints do not allege that it does;

2.4 – the Advertisement does not portray, condone or encourage wagering in combination with the consumption of alcohol. The complaints do not allege that it does;

2.5 – the Advertisement does not state or imply a promise of winning. There is no suggestion in the Advertisement that winning will be a definite outcome of participating in Lottoland’s offering, or in wagering generally. The complaints do not



allege that it does;

2.6 – the Advertisement does not portray, condone or encourage participation in wagering activities as a means of relieving a person’s financial or personal difficulties. There is no suggestion that betting with Lottoland is a solution to financial concerns or material personal issues (such as depression or bereavement) of the woman or man depicted. There is no reference to salary or debts or anything playing on a consumer’s fears of financial pressures. The Advertisement does not present wagering as a viable alternative to employment. There are no expressions of any financial difficulty that winning would relieve. The complaints do not allege that the Advertisement portrays, condones or encourages participation in Lottoland’s service offering as a means of relieving a person’s financial or personal difficulties. In our view, the depiction of the man could at best imply that he is facing trivial difficulties - such as tiredness. Indeed, it could be the weekend, or him relaxing on a day off or other leisure day, as opposed to depicting him as being in financial distress. Men relaxing in the way depicted are quite normal, and not “lazy fat slobs” as one complainant states. Being “sloppily” dressed (as another complainant puts it) is, in our view, common in millions of houses across Australia;

2.7 – the Advertisement does not state or imply a link between wagering and sexual success or enhanced attractiveness. The complaints do not allege that it does;

2.8 - Lottoland submits as follows:

- the Advertisement does not portray, condone or encourage excessive participation in wagering activities;

- there is nothing in the Advertisement that depicts a participant wagering beyond their means;

- there is nothing in the Advertisement that depicts wagering taking priority in a participant’s life. If anything, the woman is using her winnings to assert and enjoy herself;

- there is nothing in the Advertisement that depicts prolonged and frequent wagering to improve a participant’s skill in wagering;

- there is nothing in the Advertisement which shows individuals placing further bets, and there is no indication that further bets will lead to winning; and

2.9 – the Advertisement does not portray, condone or encourage peer pressure to wager nor disparage abstention from wagering activities. There is nothing in the Advertisement that encourages criticism or ridicule for not engaging in wagering activities, or mocks non-participants. The complaints do not allege that it does.



In summary, in Lottoland's view none of the specific sub-sections of an applicable code have been breached.

Please contact the writer if you have any questions or need further information.

THE DETERMINATION

The Ad Standards Community Panel (the "Panel") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code").

The Panel noted the complainants' concerns that the advertisement discriminates against men and women.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel noted this television advertisement has two 30 second versions and two 15 second versions.

The 15 second version depicts a woman entering a room, carrying multiple shopping bags, excitedly saying to a man lying on a couch that she has won the jackpot and she tells him to "pack your bags". The man sits up and says "awesome, where are we going". The woman responds "nowhere, just be gone by midday". The advertisement ends by providing details of the next upcoming "US Power jackpot", including the amount of the potential top prize and the mention of the chance to win, and then goes on to tell the viewer to visit the Lottoland website or download the app for more details. The versions advise that the draw closes at 9pm tomorrow and 9pm tonight, respectively.

The 30 second version depicts a man asleep on a couch with his hand in a bowl of Cheezels. A woman enters the home and then the room, carrying multiple shopping bags, excitedly saying to a man lying on a couch that she has won the jackpot and she tells him to "pack your bags". The man sits up and says "awesome, where are we going". The woman responds "nowhere, just be gone by midday". She then flicks her fingers at him and tells him to "shoo". The advertisement ends by providing details of the next upcoming "US Power jackpot", including the amount of the potential top prize and the mention of the chance to win, and then goes on to tell the viewer to visit the Lottoland website or download the app for more details. The versions advise that the draw closes at 9pm tomorrow and 9pm tonight, respectively.

The Panel 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 Panel noted that the Practice Note for Section 2.1 of the Code of Ethics provides the following definitions:

- Discrimination – unfair or less favourable treatment
- Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.

The Panel first considered complaints that the advertisement is offensive towards men by suggesting that they are lazy slobs and unworthy of respect.

The Panel considered that the advertisement depicts a man asleep on the couch with a bowl of cheese rings. The Panel considered that many people fall asleep on the lounge while eating, and that this is not a suggestion that they are lazy slobs.

However, the Panel considered that the man in this advertisement is depicted as unattractive but considered that this is not a reference to all men, just this character in the advertisement.

The Panel considered that advertisement has a light-hearted and humorous tone and that that, combined with the depiction of a relatable scenario, is not a depiction which would be seen to humiliate or incite ridicule of this man, or men in general.

The Panel then considered complaints that the advertisement is offensive towards women by portraying the woman as a mean and shallow person who will stay with her husband until she has money and then kick him out.

The Panel noted the advertiser's response that the advertisement does not specify the relationship between the man and woman and that neither are wearing a wedding ring. The Panel considered that it was not possible to know the relationship between the pair.

The Panel considered that even if the pair in the advertisement were in a relationship, their dialogue is one which many couples are likely to have jokingly played out. The Panel considered that the trope of "If I won lotto I'd leave you" is not of itself a negative depiction of the woman in the advertisement, or women in general.

The Panel considered the advertisement did not portray material in a way which discriminates against or vilifies a person on the basis of gender.

The Panel also noted a complainant's concern that the advertisement denigrates family values. The Panel considered that this was not an issue under Section 2 of the Code.



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