



Case Report

1	Case Number	0163/15
2	Advertiser	Tatts Lotteries
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	13/05/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The brand commercial entitled “Lucky Charm” depicts Lucky the Cat walking down a streetscape encountering various lucky situations. Lucky introduces himself and the game letting customers know there is a new game from Tatts. Lucky goes on to walk down the street, encountering less than fortunate situations which turn into lucky situations as he walks by. Lucky also talks to the camera about the selling features and points of differentiation of the game.

THE COMPLAINT

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

I feel like this ad would be very appealing for children. It features a friendly, animated cat who talks in a very upbeat voice about Lucky Lottery whilst walking down an animated, brightly coloured street. The cat mentions how fun and exciting this new game is which is not how gambling should be described. The ad uses simplistic language and bright colours which I believe would target children- I actually thought I had switched the channel over to a children's show when I first saw it. Furthermore, the cat says that the lottery is a game that you can play every day which again, is something I do not think is appropriate as it encourages excessive gambling. The cat says that the winners take all the money which is represented by a person "winning" an entire vending machine worth of chip bags which is obviously a metaphor for money, and a metaphor which is easily accessible for children.

THE ADVERTISER'S RESPONSE

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

By way of background, Lucky Lotteries is a lottery game which has been available in the New South Wales (NSW) market from New South Wales Lotteries Corporation Pty Ltd (NSW Lotteries) for 83 years in various forms. For decades in NSW, the key icon of the game has been "Lucky" the Cat. The brand ambassador has undergone many rebrands over the years but has been an animated Cat for most of the period. In March of 2014 a refreshed "Lucky" and associated campaign was released to the NSW market.

Earlier this year the game received approval to expand into Victoria, Queensland, Northern Territory and Tasmania. The game launched on 30 March 2015 in the new markets with a fully integrated campaign associated with launching the game in the new jurisdictions, including but not limited to the airing of a 15 second and 30 second brand television commercial. This brand advertising campaign is the same campaign which has been used in the NSW market over the past 14 months.

- Reports that the ad would be appealing for children. Features friends, animated cat who talks in an upbeat voice whilst walking down an animated, brightly coloured street / advertisement uses bright colours*

Commencing at the initial creation stages of the campaign and continuing through to now, Tatts along with our agencies have always been mindful that the work was created for and tested against our target markets (which demographically are 40-64 year olds).

All media was purchased against a segment where the general audience is 40-64 years. No programming rated C (children) or programs targeting children were used during the launch campaign. Careful action is taken by Tatts and our media agency to view the spot list of planned appearances of the advertisement on air before being approved. Examples of programming where this commercial has appeared in the Victorian market include news related shows (60 Minutes, A Current Affair, Seven News) and lifestyle programs (Better Homes and Gardens, Bargain Hunt, Australia's Best Houses).

Whilst we endeavoured to make the advertisement engaging for adult viewers through bright and professional animation, there was a conscious effort to ensure the commercial was not targeted at children. Examples of how we delivered this include;

- The selection of stores in the streetscape were purposefully chosen to be relevant for adults; hardware store, bank, newsagency, book store, café.*
- All characters contained within the advertisement were built to look over 25 years old.*
- Lucky the Cat was created to be positioned as a 30-45 year old male (please note the voice over talent for Lucky is approximately 45 years old).*
- The buildings were briefed to look fun and vibrant but take on a life like architecture rather than a typical cartoon.*

- *Scenarios depicted in the advertisement are not of a futuristic or supernatural nature.*

In addition, feedback from the Responsible Play team was provided at each production stage of the advertisement (including concept) and incorporated into the final version of the commercial to ensure the advertisement was compliant legally and was delivered in a responsible manner.

- *Lucky the Cat mentions the game is fun and exciting / simplistic language has been used*

The existing game in New South Wales was often described as fun and exciting, so naturally this is how the game was positioned in Victoria. Each draw has over 10,000 guaranteed prizes which creates excitement and the mechanism and branding of the game is fun. Simplistic language was used throughout the advertisement as it is a new game. Tatts does not feel the language used is directed at children (please refer to script).

- *Lucky explains the game is a 'game you can play every day of the week'*

Unlike other lottery games, Lucky Lotteries does not have a fixed day where draws take place, but rather draws are conducted when all the tickets in a game sell out. This feature differentiates the game from other games within the lottery portfolio and is not phrased in a way to encourage customers to play excessively.

- *Lucky explains that the 'Jackpot winner takes the lot' – represented by a vending machine releasing all of its contents as a metaphor for money – which can be accessible for children.*

This is a factual element of the game - unlike many other lottery games where the jackpot prize can be shared there can only ever be one jackpot winner in Lucky Lotteries. Also, the winner has to have won a prize in the first instance and then if that number is drawn again they win the prize plus the jackpot. That is what the reference to "winner takes the lot" is referring to. The vending machine was simply used as a visual representation of the jackpot winner 'taking the lot'. The vending machine was not interpreted as specifically appealing to children. Plain packaged vending machine content was used to ensure that products were not appealing to children.

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 complainants' concerns that the advertisement is appealing to children with the use of the animated cat and could encourage excessive gambling.

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

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 as the product itself is not a product directed to children, the AANA

Children's Code did not apply.

The Board noted that this advertisement features the animated Tatts Lotto cat "Lucky" who walks down a street, coming across unfortunate situations which turn into lucky situations as he walks by. Lucky also talks to the camera about the features of the game including:

- Guaranteed winners in every draw
- It's a game you can play every day of the week
- The Jackpot winners takes the lot

The Board noted that the use of bright colours and animation in this advertisement would likely increase the appeal of the advertisement to children but considered that the topic that the cat is talking about would not appeal to children and young children would not understand the jargon being used in the advertisement.

The Board noted that the street scene that the cat is in, is filled with adults and shows stores that would be the type that adults would go in and not toy stores or other types that might appeal to children.

The Board noted specifically the reference to "it's a game you can play every day of the week.." A minority of the Board felt that this type of statement could encourage viewers to gamble everyday and was not an appropriate component to be advertising. The majority of the Board however, felt that the advertisement was not suggesting that people buy an entry to the lotto every day but rather it was highlighting the availability of the game every day of the week which distinguishes it from other lotto and powerball games that are only played on certain days of the week.

The Board noted that the "lucky" character has been the 'mascot' for the lotteries product for several years and that most members of the community would recognise and associate the character with lotto. The Board felt that the overall tone of the advertisement is an adult one and that the voice of the cat together with his movements along the street did not amount to a portrayal that would be of particular interest to children and did not depict material contrary to Prevailing Community Standards on health and safety relating to gambling and did not encourage or condone excessive gambling.

The Board determined that the advertisement did not breach of Section 2.6 of the Code. Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaints.