



Case Report

1	Case Number	0167/16
2	Advertiser	Ubet
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	27/04/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Depiction of smoking/drinking/gambling
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement showcases a fictitious environment, referred to as a 'Punters Academy', in which adults (referred to as 'Punters' in the ad) can go to refine their ability to place a bet. The advertisement showcases a number of scenes in which 'Punters' are put through their paces as a form of training ahead of actually placing a bet at some point in the future.

THE COMPLAINT

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

*Despite being tongue in cheek I think it is wrong to use the education setting to promote punting and the idea that you can punt as a career option.
The ad states that gambling makes watching sport more fun and exciting which may encourage excessive gambling, or may make gambling attractive to children, as it was shown in the afternoon on a public holiday.*

THE ADVERTISER'S RESPONSE

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

The confidential complaint states that the complainant viewed the advertisement around 2pm on 25 March 2016.

The complainant's reason for concern was:

"The ad states that gambling makes watching sport more fun and exciting which may encourage excessive gambling, or may make gambling attractive to children, as it was shown in the afternoon on a public holiday."

There are two components to this complaint:

(a) The first component of the complaint is that "the ad states that gambling makes watching sport more fun and exciting which may encourage excessive gambling". UBET's response is as follows:

(i) UBET notes that the advertisement does not state 'that gambling makes watching sport more fun'. The ad poses the question 'does it make the game more thrilling?' and uses the brand name (UBET) to answer that question. This statement is based on research from real punters that having a bet does make watching sport or racing more thrilling and is designed to create some excitement around the product.

(ii) UBET does not agree that the advertisement encourages excessive gambling. The advertisement does not include any call to action to place bets of a particular size or with any particular frequency. The advertisement contains responsible gambling messaging in accordance with statutory requirements.

(iii) UBET considers that the message of the advertisement is consistent with prevailing community standards regarding wagering.

(b) The second component of the complaint is that "[The ad] may make gambling attractive to children, as it was shown in the afternoon on a public holiday." UBET's response is as follows:

(i) The ad was classified B by CAD and was placed in appropriate timeslots and programming that aligned with that classification.

(ii) Based on the time of the complaint, it is likely that the complainant viewed the advertisement in one of the following programmes:

- CH7 14:05 – Movie: The Sting*
- CH7 14:35 – Movie: The Sting*
- CH10 13:20 – The Living Room*
- CH10 13:47 – The Living Room*
- CH10 14:05 – Entertainment Tonight*

- *CH10 14:32 – Everyday Gourmet*
- *7Mate 14:49 – Swamp People*
- *7Mate 15:39 – Canadian Pickers*
- *OneHD 14:45 - Macgyver*

UBET notes that none of these are children’s programming.

Complaint received on 31 March 2016

The complaint states that the complainant viewed the advertisement on 31 March 2016.

The complainant’s reason for concern was:

“Despite being tongue in cheek I think it is wrong to use the education setting to promote punting and the idea that you can punt as a career option.”

There are two components to this complaint:

(a) The first component of the complaint is that “I think it is wrong to use the education setting to promote punting”. UBET’s response is as follows:

- (i) The ‘education setting’ referenced by the complainant is the UBET Punters Academy.*
- (ii) The Academy is a fictitious environment, styled on a military academy, for adults to refine their ability to place a bet. The environment does not evoke a primary or secondary school, more an adult educational institution.*
- (iii) No children are depicted in the advertisement.*
- (iv) All elements of the advertisement, which could be referred to as educating “punters”, are done in a fun, humorous manner and at no time show an actual way to place a bet. The humour of the advertisement comes from the absurdity of the idea of such a place.*

(b) The second component of the complaint is that “the idea that you can punt as a career option”. UBET’s response is as follows:

- (i) The advertisement does not indicate, either visually or as part of the voiceover, that punting could be a career option.*
- (ii) Instead, the theme of the advertisement is simply that having a bet on a game makes watching the game more thrilling. Watching sport is a leisure activity, not a career option.*

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 makes gambling attractive to children and may promote excessive gambling, or the notion that punting is a career option.

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 television advertisement features a ‘Punters Academy’ in which adults can refine their ability to place a bet.

The Board noted that in one scene we see a man balancing glasses of beer and a bag of chips in his arms being guided by an Academy staff member as he navigates a bar setting and as they pass a table of four women the voiceover says, “...around the cougars”.

The Board noted the reference to a group of women as ‘cougars’. The Board noted it had previously considered the use of the term ‘cougars’ to mean a group of women in case 0096/11 where:

“The Board considered that the use of the term ‘cougars’ is a well-known and humorous reference to women who like to date younger men.”

In the current advertisement the Board noted that the term ‘cougars’ is being used to refer to a group of women who appear older than the man with the beer. The Board noted that the women are seated at a table together and considered that there was no suggestion that these women were looking to date younger men or that these women would refer to themselves as cougars.

The Board noted that the man does not interact with the women and considered that the manner in which the reference to cougars is made is light-hearted and not intended to present the women in a negative or demeaning manner.

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 gender.

The Board determined that the advertisement did not breach Section 2.1 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 acknowledged that some members of the community would prefer that this product not be advertised but considered that gambling is legally allowed to be promoted

provided the content of the advertisement does not breach any advertising codes.

The Board noted that the advertisement depicts an Academy for punting and considered that as placing a bet is very easy when using the advertiser's mobile phone App, in the Board's view an Academy is not required to teach people how to place a bet. The Board considered that the Punters Academy is clearly an exaggerated establishment designed to parody boot-camp training style establishments and is for an issue that clearly does not need to be taught.

The Board noted the complainant's concern that the advertisement suggests gambling makes watching sport more fun. The Board noted the advertiser's response that the actual content of the advertisement is that it asks if gambling makes the game more thrilling and considered that the advertisement does not suggest you should gamble but rather that if you decide to place a bet you could find watching sport more thrilling.

The Board noted the complainant's concern that the advertisement promotes excessive gambling. The Board noted that the focus on the advertisement is on how to gamble more effectively and considered that there is no call to action to place a bet or how often to bet.

The Board noted the scene showing a Punters' Academy staff member shouting at a man using his mobile phone as he is doing sit-ups and considered that this encouragement to continue placing a bet while doing exercise is not a positive message. The Board noted the earlier scene of ordering drinks while ordering and carrying drinks, and considered that these scenes show the all-pervasive nature of gambling, however the Board considered that the overall impression is that the men in the advertisement are obsessed with placing a bet more effectively rather than with placing bets frequently. The Board noted the humorous tone of the advertisement and considered that the concept of a Punters' Academy is clearly farcical and not intended to be representative of an actual establishment that would teach people how to bet.

The Board noted the complainants' concerns that the advertisement presents gambling as attractive to children and suggests gambling as a career option. The Board noted that the advertisement had been rated 'B' by CAD which means it cannot be broadcast in any program between 5am and 8.30am, or in programs directed to children between 4pm and 7pm on any day. The Board noted that news, current affairs and sports programs are not included in these time restrictions, and that different rules apply for live television sporting events. The Board considered that if children were to view the advertisement it is very unlikely that they would take away a message that gambling is a career option. The Board considered that the theme, language and visuals of the advertisement, as well as the advertised product, are not likely to be of appeal to children and in the Board's view using a fictitious educational facility does not of itself make an advertisement attractive to children.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on responsible gambling.

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 complaints.

