



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0176-20
2. Advertiser :	Bluebet
3. Product :	Gambling
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	10-Jun-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Wagering Code\2.1 Directed to Minors

DESCRIPTION OF ADVERTISEMENT

This television advertisement features the voiceover “What is it that makes an Aussie classic? Summer at the beach. And watching footy on a Friday night .Kicking back wit your best mate. And your old car that just keeps on going. It's something you can rely on. Bluebet is the Aussie classic for punters. We've been in bookmaking since 1990. And whilst you can find us online and in the app store, we haven't changed much, but we haven't forgotten what's important. So here's to another Aussie classic.Bet Australian. Bet with “Bluey” at bluebet.com.au or download in the App Store. Gamble responsibly

Imagery in the advertisement is animated and features: Two men flipping sausages on a barbeque at the beach; A crowd watching the AFL at a stadium; A dog catching a Frisbee in its mouth; A dog sitting in a car, while the owner pats him on the head; A car with the number plate “BLUEY” and a “Blue Bet” sticker driving away; Race horses riding past; A camera taking a photo of a racehorse; A hand holding up the Blue Bet app on their phone; A crowd cheering; A group of men watching a screen with the “Blue Bet” logo on it; A hand holding up the Blue Bet app.

THE COMPLAINT

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



Kids would reference a cartoon that is positive and relate it to gambling being a good thing.

At one point the voice over quickly slips in "Bet with Bluey". This is co-opting of a very popular children's character ([https://en.wikipedia.org/wiki/Bluey_\(2018_TV_series\)](https://en.wikipedia.org/wiki/Bluey_(2018_TV_series))), and as such is inappropriate and acts as an attempt to normalise the activity of gambling at a very young age. It is inconceivable that the team that produced and approved the add are not aware of the children's character and how popular that character is in Australia

The name of the gambling company is Bluebet. In the course of the ad the speaker uses the expression "bet with Bluey". I object strongly to this as "Bluey" is the name of a very popular Australian child's programme. Combining that with the time that this ad is being broadcast (Saturday morning), to me, breaches a moral requirement if not a legal one, regarding children being exposed to any form of gambling.

THE ADVERTISER'S RESPONSE

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

I refer to your letters dated 22 May 2020 and 2 June 2020 relating to complaints received by Ad Standards ("AS"), reference 0176-20, pertaining to a television commercial which was broadcast in or around late May 2020. BlueBet has considered the complaints against the AANA Wagering Advertising Code and section 2 of the AANA Code of Ethics ("the Codes") and offers the following information and comments to assist AS's consideration of the complaint at the forthcoming meeting of the Community Panel.

DESCRIPTION OF THE ADVERTISEMENT

The first complaint did not provide any specific detail of the advertisement in question, however we understand that the advertisement complained of was broadcast on television in regional areas of Western Australia from 23 March 2020. The subsequent complaints emanated from the ACT on 28 May 2020 and New South Wales on 30 May 2020.

The advertisement complained of uses animated graphics to build brand awareness of BlueBet and its history. The animated images used are generic scenes associated with Australian lifestyle, including:

- A beachside barbecue;*
- An AFL football ground;*
- A non-specific breed of working dog (something between a kelpie and cattle dog) running in a backyard and then travelling in a car with its head out the window;*
- A horse racing around a racetrack;*
- Friends socialising around a television.*



There are two references in the advertisement to the term 'Bluey'. One is in written form on the number plate of a car as it drives away. The second reference (and only verbal reference) is at the end of the advertisement where the voiceover says, "Bet Australian. Bet with Bluey" at bluebet.com.au or download in the App Store."

DETAILS OF THE COMPLAINT

The complainants variously state that:

- "the ad has references to bluey as in kids cartoon, saying bet with bluey, as the kids would very well understand who bluey is it doesn't seem very appropriate"; and*
- "Kids would reference a cartoon that is positive and relate it to gambling being a good thing".*
- At one point the voice over quickly slips in "Bet with Bluey". This is co-opting of a very popular children's character ([https://en.wikipedia.org/wiki/Bluey_\(2018_TV_series\)](https://en.wikipedia.org/wiki/Bluey_(2018_TV_series))), and as such is inappropriate and acts as an attempt to normalise the activity of gambling at a very young age. It is inconceivable that the team that produced and approved the add (sic) are not aware of the children's character and how popular that character is in Australia.*
- The name of the gambling company is Bluebet. In the course of the ad the speaker uses the expression "bet with Bluey". I object strongly to this as "Bluey" is the name of a very popular Australian child's programme. Combining that with the time that this ad is being broadcast (Saturday morning), to me, breaches a moral requirement if not a legal one, regarding children being exposed to any form of gambling.*

ADVERTISER'S RESPONSE TO THE COMPLAINT

The complainants appear to suggest that BlueBet is attempting to leverage the popularity of the ABC's children's show 'Bluey' for the purposes of promoting gambling to children and encouraging them to gamble. BlueBet does not agree with this view and is also of the view that the advertisement complies with the Codes. Our response as it pertains to each of the different Codes is below.

AANA Wagering Advertising Code

Section 2.1 The advertisement must not be directed primarily to Minors.

We have also considered the Practice Note to this section, which relevantly states that this provision does not apply to advertisements that may be seen by minors, but are not directed primarily to them.

In response to the complaint as it relates to this section, BlueBet submits the following.

a. The timing/scheduling of the advertisements

As per the schedule provided, all broadcasts of the advertisement were on programs with a target demographic of men aged 25 years or older. Generally, the sort of programs on which the advertisement played were movies, news and current affairs, sport, sitcoms or dramas with adult themes. Predictably, none of these programs could be considered anything which is regularly watched by, or targeted at, children. Many of the programs also aired late at night when children are asleep. There were limited instances when the advertisement was broadcast during breakfast shows such as Today or Sunrise. While these sort of programs may from time to time be seen by



minors, they regularly contain adult themes and none of them could be said to appeal to children or would align with the potential viewership of the children's TV show Bluey.

b. Differences between Bluey the TV Show and the advertisement

The complainant makes specific reference to the children's show Bluey which airs on the ABC. Bluey is a cartoon about the antics of a family of Blue Heelers. It is aimed at pre-school aged children and is aired exclusively on the ABC Kids channel. The characters in the show have a distinct appearance – they are either blue or orange and are depicted in a human like standing position with a box like appearance. As can be seen by the attached image of Bluey in the TV show, there is no resemblance between the characters in that show and that of the dog featured in the advertisement, which is brown and does not talk. In the limited instances a minor may see the advertisement there is no visual or oral attribute contained therein which would connect it to the TV show.

There is one verbal reference to Bluey in the advertisement and one written reference. The written reference, in our view, is irrelevant insofar as the complaint relates to viewers of the TV show Bluey, as these children are too young to have the literary skills to comprehend what is written or any ability to relate the two. The verbal reference is brief, distinct from the TV show and is consistent with previous BlueBet advertising as outlined below.

c. BlueBet's use of the term Bluey pre-dates the TV show

BlueBet started promoting their business with references to the term Bluey in August 2018. We did so because it was an abbreviation of the business name and also aligned with the phrase 'True Blue Betting' which was used in our other promotions. It also had links to iconic Australian images which was relevant to BlueBet as one of the few Australian owned businesses in its industry. This was promoted through radio advertising and the promotion of "Bluey's Bets" (tips/recommended bets) on the BlueBet blog, website and social media pages.

Bluey the TV show did not air until 1 October 2018, some three months after BlueBet started using the term.

d. The term 'Bluey' has multiple meanings

The term Bluey has been used to describe many things throughout the last century of Australian history. It has become a versatile term in Australian vernacular and used to describe many things, including amongst others:

- People with red hair;
- Blue heelers;
- 'True blue' Aussies; or
- A swagman's bundle.

Two of these meanings directly relate to BlueBet as it is 100% Australian owned and the CEO is a prominent red head. These strong links to the business are why the term Bluey is used, rather than any attempt to direct the advertisement to minors.



e. Adult targeting

Whilst the advertisement was in animated form, it features only adult themes and characters. There is nothing in the advertisement which could be seen to be appealing to minors of any age, especially those children young enough to be fans of the TV show Bluey (i.e. pre-schoolers).

Viewers of the advertisement are provided with the name of BlueBet's website and app, however it is important to note that in order to actually use BlueBet's wagering products the user is required to be a registered BlueBet account holder. An account cannot be opened by anyone under the age of 18 and strict age and identity verification procedures are in place as part of our compliance obligations under the Anti Money Laundering and Counter Terrorism Financing Act.

Section 2.2 – the advertisement does not depict a person who is a minor. The complaint does not allege that it does.

Section 2.3 – the advertisement does not depict a person aged 18-24 years old engaged in wagering activities. The complaint does not allege that it does.

Section 2.4 – the advertisement does not portray, condone or encourage wagering in combination with the consumption of alcohol. The complaint does not allege that it does.

Section 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 BlueBet's offering, or in wagering generally. The complaint does not allege that it does.

Section 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 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 complaint does not allege that the advertisement portrays, condones or encourages participation in BlueBet's service offering as a means of relieving a person's financial or personal difficulties.

Section 2.7 – the advertisement does not state or imply a link between wagering and sexual success or enhanced attractiveness. The complaint does not allege that it does.

Section 2.8 – 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. 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 the complaint does not allege that the Advertisement does any of these things.

Section 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 complaint does not allege that it does.

AANA Code of Ethics

Section 2.1: Portrayal of People

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.

Section 2.2: Objectification

The advertisement does not employ sexual appeal:

- (a) where images of Minors, or people who appear to be Minors, are used; or*
- (b) in a manner which is exploitative or degrading of any individual or group of people.*

Section 2.3 Violence

The advertisement does not present or portray violence unless it is justifiable in the context of the product or service advertised.

Section 2.4 Sex, sexuality or nudity

The advertisement treats sex, sexuality and nudity with sensitivity to the relevant audience.

Section 2.5 Language

The advertisement uses language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language is avoided.

Section 2.6 Health and Safety

The advertisement does not depict material contrary to Prevailing Community Standards on health and safety.

Section 2.7 The advertisement is clearly distinguishable as such to the relevant audience.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Wagering Advertising and Marketing Communication Code (the Wagering Code).



The Panel noted the complainants' concerns that the advertisement uses a popular children's character and is therefore directed to minors, and suggests to children that gambling is a good thing.

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

The Panel noted that the advertiser is a company licensed in a State or Territory of Australia to provide wagering products or services to customers in Australia and that the product advertised is a wagering product or service and therefore the provisions of the Wagering Code apply.

As per the AANA Wagering Advertising and Marketing Communication Code Practice Note: "The Code applies to advertising and marketing communication for wagering products and services provided by licensed operators in Australia."

In particular the Panel considered Section 2.1 of the Wagering Code which provides: 'Advertising or Marketing Communication for a Wagering Product or Service must not, having regard to theme, visuals and language used, be directed primarily to Minors'.

The Panel noted that Minors are defined in the Code as persons under the age of 18 years.

The Panel noted the advice provided in the Practice Note to Section 2.1: "*Whether an advertisement or marketing communication is "directed primarily to minors" is an objective test based on a range of factors. It is a combination of visual techniques and age of characters and actors which will mean the marketing communication is directed primarily to minors.*"

The Panel further noted the advice provided in the Practice Note to Section 2.1: "*An advertisement or marketing communication featuring cartoons or licensed characters, such as super heroes and celebrities, that particularly appeal to minors may breach the Code. Licensed operators should take great care when using cartoon-like images. They may be acceptable if they are adult in nature but licensed operators run the risk of breaching the Code if the cartoon images are appealing to minors. The Community Panel will also consider whether advertisers have taken reasonable steps to prevent minors from viewing advertising or marketing communication, for example ... the likely age of the audience viewing the communication.*"

The Panel first considered the complaints that a children's character is referenced in the advertisement.

The Panel noted that 'Bluey' is a cartoon dog and a children's program that airs on ABC. The Panel noted that 'Bluey' is a Blue Heeler dog, and is characterized by a light blue body and dark blue head and tail, and is shown with human characteristics such as standing upright and speaking.



The Panel noted that the advertisement does depict a dog, however the dog is not shown at the same time as the voiceover mentions Bluey, and the dog is not similar in any way to the children's character, other than species.

The Panel also noted the advertiser's response that the advertisement was placed in general programming with a target audience of men over 25, and was not placed in any children's programming

The Panel then considered whether the advertisement is directed primarily to minors considering its themes, visuals and language.

The Panel considered that it is essential that they consider all elements of the advertisement and to make a decision based on how all of the elements of the advertisement interact, and the overall impression that they make, in determining whether an advertisement is clearly directed primarily to children.

The Panel considered that the theme of the advertisement is one of nostalgia, describing things that are considered an Aussie classic. The Panel considered that although scenes depicted in the first half of the advertisement such as the beach, barbeques and pets may be attractive to minors, they are equally attractive to adults. The second half of the advertisement provides a brief history of the wagering company and its belief that it is also a Aussie classic. The Panel considered that this is of primary appeal to adults rather than children.

The Panel considered the visuals of the advertisement. The issue of animation is one where the Panel has previously stated that animation per se does not mean that an advertisement will be considered to be directed primarily to children. Specifically the Panel noted scenes in advertisements for Kellogg's LCMs (0179/13 and 0180/13) (which predominantly featured real life images of children at school but also included images of cartoon snails and dinosaurs) and for Kellogg's Coco Pops (0176/17) (which featured Coco Pops in a shopping trolley manoeuvring around a supermarket). By contrast however in a number of other advertisements including animated characters (eg: Kraft 0229/11 and Smiths Chips 0190/13) the Panel had considered that the advertisements were not directed primarily to children on the basis that the animation was in the context of a theme, music or text that be attractive to an older audience of either teenagers or adults or both.

The Panel considered that the language of the advertisement was directed to adults as it was describing examples of what is an Australian classic, however noted that described summer scenes such as the beach and barbeques may have appeal to minors. The Panel considered that the voiceover was quite masculine and the music was quite rock/guitar heavy, and considered that neither the voiceover or music were child-like.

The Panel considered in this case that the advertisement may be attractive to a broad audience and was not clearly directed in the first instance to people under 18. The Panel considered that overall the themes, visuals and language were predominately



adult, and considered that the use of the word 'Bluey' without any other imagery or language to connect it to the children's character would not be recognised by most children.

The Panel acknowledged that there is a strong concern in the community relating to the visibility and attractiveness of gambling ads to children. The Panel considered that this advertisement may be attractive to children given the animation, however the advertisement was not directed primarily to minors and therefore the Panel determined that the advertisement did not breach Section 2.1 of the Wagering Code.

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