



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0177/19
2	Advertiser	Tabcorp Holdings Limited
3	Product	Gaming
4	Type of Advertisement / media	Internet-Social-FB
5	Date of Determination	26/06/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

2.9 - Pressure to gamble encourage peer pressure

DESCRIPTION OF THE ADVERTISEMENT

This Facebook advertisement features the caption 'It's time to commit to your state! Origin legends Anthony Minichiello and Trevor Gillmeister have a message for TAB punters' and an emoji of a hand pointing down.

The video content features a voice over stating 'are you a fan of origin? Could you be a bigger fan? Ever bet against your state? Hmm then you need to take an oath of Origin. Our legends help you commit or recommit to your state". Vision is shown of people in a club environment reacting to what the voice over says. Two men walk in front of a wall with a sign stating 'Oath of Origin' captions introduce them as 'Mini - played origin' and 'Gilly stopped people playing origin'. The men then help various people recommit to their Orogen team. The end of the advertisement features the words 'Commit to your state. Download the TAB app or head to your local'.

THE COMPLAINT

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



I believe this advertisement is a breach of the AANA Wagering Advertising Code 2.9 Advertising or Marketing Communication for a Wagering Product or Service must neither portray, condone or encourage peer pressure to wager nor disparage abstention from wagering activities.

The advertisement is portrayed in such a way, and uses language to reinforce, that you are not a true fan of your State of Origin NRL team unless you put a wager on your team. The advertisement encourages you to prove that you are a true supporter and to place a bet on the State of Origin for your team.

I believe this advertisement is portraying peer pressure to wager by calling into question allegiance as a fan or team supporter.

I am not offended by gambling or general gambling advertisements, but felt this advertisement was over the line in its portrayal of gambling in this way.

THE ADVERTISER'S RESPONSE

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

We refer to your letter dated 17 June 2019 in relation to a complaint received by Ad Standards on 30 May 2019 (Complaint) relating to an advertisement that the complainant viewed on Facebook on 30 May 2019 (Advertisement).

The complainant described the Advertisement as follows:

The video advertisement on Facebook was from TAB advertising betting on the upcoming State of Origin. The ad features Anthony Minichello [sic] and Trevor Gilmeister [sic] as ex State of Origin NRL players. A series of die hard fans prove how committed they are to their teams.

The complainant's reasons for concern regarding the Advertisement were:

I believe the advertisement is a breach of the AANA Wagering Advertising Code 2.9 Advertising or Marketing Communication for a Wagering Product or Service must neither portray, condone or encourage peer pressure to wager nor disparage abstention from wagering activities.

The advertisement is portrayed in such a way, and uses language to reinforce, that you are not a true fan of your State of Origin NRL team unless you put a wager on your team. The advertisement encourages you to prove that you are a true supporter and to place a bet on the State of Origin for you team.



I believe this advertisement is portraying peer pressure to wager by calling into question allegiance as a fan or tram supporter.

I am not offended by gambling or general gambling advertisements, but felt this advertisement was over the line in its portrayal of gambling in this way.

Tabcorp's position is that Tabcorp has not breached section 2.9 of the AANA Wagering Advertising Code, or any other section of the ANNA Wagering Advertising Code or the AANA Code of Ethics, and that the Complaint should accordingly be dismissed by Ad Standards. Our detailed response is set out below.

DESCRIPTION OF ADVERTISEMENT

The Complaint relates to a 60 second video (i.e. the Advertisement) posted by Tabcorp to Facebook in connection with NRL's 2019 State of Origin series. A copy of the script is at Annexure A. A digital copy of the Advertisement will also be provided to Ad Standards via the online upload facility.

In summary, the Advertisement opens with a voice over saying "Are you a fan of Origin? Could you be a bigger fan? Have you ever bet against your State? Then you need to take an Oath of Origin! Our legends will help you to commit, or recommit to your state".

The Advertisement then shows Anthony Minichiello and Trevor Gillmeister (former NRL players) asking three NRL fans to swear that they will commit, or recommit, to supporting their State of origin in the NRL series. These "oaths of origin" are taken on a "pie stained" jersey, a wig and a bumper sticker.

After the NRL fans have taken their oaths, the voice over says "Fans have never been happier", with the NRL fans saying "I never thought Gilly could bring me to tears without tackling me", "Thanks to Gilly, I'll never back the blues again" and "I've never been so attached to my bumper sticker, which used to be attached to my car".

Anthony Minichiello and Trevor Gillmeister then declare to the camera that they will "help make an honest fan out of you".

In addition to social media, the Advertisement also aired on Subscription TV.

The Advertisement's CAD rating is B.

CONSIDERATION OF SECTION 2 OF THE AANA CODE OF ETHICS

We have considered Section 2 of the AANA Code of Ethics and outline our responses below:



(a) Determination or vilification: The Advertisement does not contain any matter that could be considered discriminatory or that vilifies members of the community.

(b) Exploitative or degrading: The Advertisement does not employ sexual appeal in a manner that is exploitative or degrading of any individual or group of people.

(c) Violence: The Advertisement does not present or portray any form of violence.

(d) Sex, sexuality and nudity: The Advertisement does not refer to any matters of sex or nudity.

(e) Language: The Advertisement does not contain any strong or obscene language and is therefore appropriate in the circumstances.

(f) Health and Safety: The Advertisement does not depict images contrary to public health and safety.

(g) Distinguishable as advertising: the Advertisement is clearly distinguishable as advertising.

CONSIDERATION OF SECTION 2 OF THE AANA WAGERING ADVERTISING CODE

We have also considered Section 2 of the AANA Wagering Advertising Code and outline our responses below:

(a) Directed to Minors: The Advertisement is not directed primarily towards minors.

(b) Depiction of Minors: The Advertisement does not depict a minor.

(c) Depiction of person aged 18-24 years: The Advertisement does not depict a person aged between 18-24 years old engaging in wagering activities.

(d) Alcohol: The Advertisement does not portray, condone or encourage wagering in combination with the consumption of alcohol.

(e) Promise of winning: The Advertisement does not state or imply a promise of winning.

(f) Relief of financial or personal difficulties: The Advertisement does not portray, condone or encourage participation in wagering activities as a means of relieving a person's financial or personal difficulties

(g) Sexual success: The Advertisement does not state or imply a link between wagering



and sexual success or enhanced attractiveness.

(h) Excessive participation in wagering: The Advertisement does not portray, condone or encourage active participation in wagering.

(i) Peer pressure to Wager: The Advertisement does not, either expressly or impliedly, portray, condone or encourage someone putting peer pressure on another person to place a bet in order to show that they are committed to their State of origin's NRL team.

The call out in the Advertisement for people to take an "oath of origin" and "commit" to their State, is asking people to take an oath to barrack for their State of origin's NRL team in the 2019 NRL State of Origin series.

Further, the Advertisement does not disparage abstention from wagering activities, as it doesn't convey the message, either expressly or impliedly, that if someone doesn't place a bet on the State of Origin series, they are not committed to their State of origin's team.

We thank you for the opportunity to respond to the Complaint and welcome the opportunity to discuss this matter further with you if required.

If you have any questions, please do not hesitate to contact me.

THE DETERMINATION

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

The Panel noted the complainant's concern that the advertisement portrays peer pressure.

The Panel viewed 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 2.9 of the Wagering Code which provides: 'Advertising or Marketing Communication for a Wagering Product or Service must neither portray, condone or encourage peer pressure to wager nor disparage abstention from wagering activities'.

The Panel noted that this Facebook advertisement features various people taking "an oath" to their origin team.

The Panel noted the complainant's concern that the advertisement implies that a person is not a true fan of their State of Origin football team unless they put a wager on their team, and that that is a portrayal of peer pressure by calling into question allegiance as a team supporter.

The Panel noted the practice note for Section 2.9 which states "Advertising or marketing communication must not portray, condone or encourage criticism or ridicule for not engaging in wagering activities or disparage abstention from wagering, for example by mocking non-participants".

The Panel considered that the NRL State of Origin is a sporting event which inspires passion and enthusiasm by supporters, and ribbing of someone's team is a common occurrence during the sporting series.

The Panel noted the advertiser's response that the advertisement call out for people to take an "oath of origin" and "commit" to their state, is asking people to take an oath to barrack for their State of Origin's NRL team.

The Panel considered that while the advertisement is authorised by a company which provides licensed wagering services, there is not a strong call to action to wager. The Panel considered that the overall impression of the advertisement is light-hearted and humorous, and does not contain any language or messaging which portrays, condones or encourages criticism or ridicule for not engaging in wagering activities.

The Panel considered that the advertisement does not disparage abstention from wagering activities, and does not depict peer pressure to wager. The Panel determined that the advertisement did not breach Section 2.9 of the Wagering Code.

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

