



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0182-20
2. Advertiser :	PointsBet Australia Pty Limited
3. Product :	Gambling
4. Type of Advertisement/Media :	Internet - Social - Facebook
5. Date of Determination	10-Jun-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Wagering Code\2.8 Excess participation

DESCRIPTION OF ADVERTISEMENT

This Facebook advertisement is an image divided into three, using a well-known meme depicting WWE founder Vince McMahon. The first section states "NRL games returning on Thu & Fri". The second section states "Getting paid out early if you're up at half time" with the text "T&Cs apply. First \$150 staked. Excludes SA residents" in small text below. The third section states "Rolling those winnings into a 10-legger over the weekend".

THE COMPLAINT

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

I think this advertisement breaches the Gambling Advertisement Code of Ethics and/or is an illegal gambling advertisement.

The advertisement encourages people to continue further better after winning, and betting on a far lower probability outcome.

I think this advertisement encourages bad gambling behaviour in breach of standards.

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 letter dated 28 May 2020.

By way of background, I was involved in the drafting of the AANA Wagering Code when I was Director, Legal at William Hill Australia and on this basis, I am very familiar with the code.

The disputed advertisement is a humorous meme (please see attached) aimed at highlighting the re-commencement of the NRL season (which was postponed in March 2020) as well as PointsBet's (legally compliant) promotion on the opening rounds of the season i.e. Lead at Halftime and get paid as a winner (see attached).

In relation to the AANA Code, the Facebook meme:

1. Does not state or imply a promise of winning (Section 2.5) – rather it highlights the promotion (and specifically, what is required to win i.e. being up at half time).

2. Does not portray, condone or encourage participation in wagering activities as a means of relieving a person's financial or personal difficulties (Section 2.6) - other than setting out the detail of the promotion, there is no reference (explicit or implied) that wagering will relieve someone's financial difficulties.

3. Does not portray, condone or encourage excessive participation in wagering activities (Section 2.8) – there is no call to action (i.e. Bet Now or Place a multi bet etc), nor encouragement clients to chase losses. There is also no reference to the monetary or bet count amounts which could be seen as excessive. A multi bet (be it two legs or ten legs) is a legitimate bet type offered to all of our clients.

4. Does not portray, condone or encourage peer pressure to gamble nor disparage abstention from wagering activities (Section 2.9) - the advertisement is not explicit in calling for a customer to place a multi-bet with winnings, but rather a humours meme. There is no reference to peer pressure nor a reference to abstain from gambling.

In summary, while we acknowledge that some members of the public would rather not see gambling advertising, it is legal for wagering operators to advertise their services, and the advertisement in questions is a humours meme which does not breach the AANA Wagering code, nor community standard and expectations.

That said, while we believe that this ad is compliant, we have removed it from our social channels as a measure of good faith given a member of the public has raised concerns.



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 encourages people to continue betting after winning, and betting on a lower probability outcome.

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 2.8 of the Wagering Code which provides: “Advertising or Marketing Communication for a Wagering Product or Service must not portray, condone or encourage excessive participation in wagering activities.”

The Panel considered the complainant’s specific concern about the promotion of a bet type with a lower probability outcome and noted that this is not an issue under the Wagering Code and the Panel could not adjudicate on this point.

The Panel considered whether the advertisement portrayed ‘excessive’ participation in wagering activities.

The Panel noted the Practice Note to Section 2.8 of the Wagering Code which provides: *“Simply depicting regular wagering, for example as a routine weekend pursuit during a sporting season, does not equate to portraying excessive participation. An advertisement or marketing communication would portray, condone or encourage excessive participation in wagering activities where it depicts:*

- *participants wagering beyond their means;*
- *wagering taking priority in a participant’s life;*
- *prolonged and frequent wagering to improve a participant’s skill in wagering.”*

The Panel considered that the advertisement is suggesting that with the return of the national football codes, a customer can take their winnings early if the match scores



are in the customer's favour and use those proceeds to place other bets over the weekend.

The Panel noted that there is no requirement on the customer to use the proceeds of an early payout to wager further.

The Panel noted that the statement of a '10 Legger' in the advertisement refers to a multibet. A multibet is performed by placing several individual bets, which must all be won in order to win the overall wager. The Panel noted that such bets can be placed over several games or sports, or could be contained in one game. For instance, betting on the first try scorer, winning margin, man of the match etc.

The Panel noted that the concept of a '10 Legger' in relation to a multibet is not uncommon and is offered by all wagering operators.

The Panel considered that the depiction in the advertisement was a suggestion of regular wagering during a weekend of NRL games, and considered that the advertisement was not condoning or encouraging excessive participation and in the Panel's view the message taken from the promotion is not a portrayal of or encouragement for, excessive participation in wagering activities.

The Panel determined that the advertisement did not depict material which breaches Section 2.8 of the Wagering Code.

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