



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

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| 1 | Case Number | 0186/18 |
| 2 | Advertiser | Ubet |
| 3 | Product | Gaming |
| 4 | Type of Advertisement / media | TV - Free to air |
| 5 | Date of Determination | 24/04/2018 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

2.9 - Pressure to gamble encourage peer pressure

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts four men in an outdoor area standing around a table when one man says "Righto boys, race four about to jump, let's go". One of the men grabs a form off the table and runs off screen. The other three men pull out their phones. A voice over describes the benefits of the 'tappy app' while a split screen shows the app being used on a phone on the left side of the screen, and the man trying to place a bet through the paper form on the right. The man misses his chance to bet and returns to the table where his friends show him their app.

THE COMPLAINT

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

I was offended by the portrayal of the shortest man in the group as being inept, which may breach the section 2.1 of the AANA's CODE OF ETHICS, and, moreover, I believe there is a depiction of peer pressure, which may breach section 2.9 of the AANA's WAGERING ADVERTISING & MARKETING COMMUNICATION CODE.

THE ADVERTISER'S RESPONSE





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

Tappy allows customers to build a bet via the app, enter their stake, scan the barcode at a counter or self service terminal, pay in cash and then receive their bet ticket.

We understand that Ad Standards has identified section 2.9 of the AANA Wagering Advertising and Marketing Communications Code (Wagering Code) as having potentially been breached by the Article. Section 2.9 provides that "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 Complainant has identified section 2.1 of the AANA Advertiser Code of Ethics (Code of Ethics) as having been breached by the Article. Section 2.1 provides that "Advertising or Marketing Communication shall 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."

In summary, UBET's position is that the Complaint is frivolous in nature. Accordingly, UBET's position is that the Advertisement does not breach the Wagering Code or the Code of Ethics and that the Complaint should accordingly be dismissed by Ad Standards as a matter of course.

Our detailed response is set out below. |

1. Description of Advertisement

The Advertisement was broadcast on free to air television between 15 February to 17 March 2018 (excluding blackout periods) in Brisbane, Adelaide, Tasmania, Darwin and in regional Queensland and South Australia. It was also broadcast on digital video (YouTube) between 15 February and 31 March 2018 in Queensland, South Australia, Tasmania and the Northern Territory.

The Advertisement features four male friends standing around a table in a busy venue. A race being broadcast on television (off screen) captures each of the characters' attention. While three of the characters turn towards the television, the fourth character (Person A) is shown rushing away from the table in an over the top, slapstick-style manner, in order to place a bet on the race. The remaining three men appear bemused by his haste, and then proceed to use their mobile phones to build their bets on the race, using UBET's Tappy feature.



Person A is shown filling out a bet slip to place his bet. He is depicted as having trouble filling out the bet slip properly, and in the delay caused, fails to take his completed bet slip to the counter and place his bet before the race. The benefits of Tappy are being described by a voice over at the same time as Person A is struggling to place his bet using a bet slip. The Advertisement is designed to highlight the convenience of the Tappy feature.

Person A appears annoyed at himself for missing the opportunity to place his bet, and returns to his friends.

There is no audible dialogue between the four men throughout the Advertisement.

2. Comments in relation to the complaint

The Complainant's reasons for concern in relation to the Complaint were:

"I was offended by the portrayal of the shortest man in the group as being inept, which may breach the section 2. 1 of the AANA 's Code of Ethics, and, moreover, I believe there is a depiction of peer pressure, which may breach section 2. 9 of the AANA 'S WAGERING ADVERTISING & MARKETING COMMUN/CATION CODE."

3. UBET's response to the complaint

Section 2.9 of the Wagering Code

The Practice Note to the Wagering Code provides in respect of section 2.9 that:

"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."

For the reasons set out below, UBET disagrees with the proposition that the Advertisement portrays criticism, ridicule, or mocking in relation to wagering activities (or abstention from wagering) for the following reasons:

- Each of the four characters featured in the Advertisement unilaterally decide to place a bet on a race, without any form of encouragement from each other.*
- Person A rushes away from the table to place his bet at his own volition, without communicating or engaging with any of the three other characters. He is not pressured or coerced into placing a bet.*
- Person A also does not abstain from wagering, but fails to place his bet on time. This means that he was not capable of being disparaged from abstaining from wagering. Notwithstanding that Person A did not abstain from wagering as set out in section 2.9, when Person A returns to his friends, he is not mocked for having missed the time to place his bet. Two of his friends have their arms around his shoulders in a friendly and*



welcoming manner, and one of the characters shows him their mobile phone, presumably to show him how he can use Tappy.

- In each sequence containing the four characters, all are shown to be smiling, laughing and being inclusive of each other. There is no suggestion that any of the characters feel criticised, ridiculed or mocked due to their participation (or non-participation) in wagering.
- The Advertisement is designed to promote UBET's Tappy feature, and the focus throughout the Advertisement is to highlight the features of Tappy. The focus of the Advertisement is not on the four characters encouraging each other to wager.

Accordingly, UBET submits that the Advertisement does not breach section 2.9 of the Wagering Code.

Section 2.1 of the Code of Ethics

The Complainant states that the shortest man in the group is portrayed as being inept, which they allege may breach section 2.1 of the Code of Ethics. UBET strongly disagrees with this proposition.

The Advertisement depicts a group of four friends who naturally differ in height, weight and overall appearance. Even if the proposition that the shortest man in the group is portrayed as being inept is taken as correct (which UBET disputes), it is unclear how this constitutes discrimination or vilification against people of a particular race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

Accordingly, UBET submits that the allegation that the Advertisement breaches section 2.1 of the Code of Ethics is wholly unreasonable, and the Complaint should be dismissed.

4. UBET's response in relation to other relevant provisions

UBET submits that it has also not contravened any other section of the AANA Code of Ethics, or of the Wagering Code in relation to the Advertisement.

5. Conclusion

In summary, UBET submits that the Advertisement does not breach either section 2.9 of the Wagering Code, or section 2.1 of the Code of Ethics and that the Complaint, which is frivolous in nature, should be dismissed as a matter of course.

THE DETERMINATION

The Ad Standards Community Panel (the "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 depicted a scene of peer pressure.

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

This television advertisement depicts four men standing around a table when one man says "Righto boys, race four about to jump, let's go". One of the men grabs a form off the table and runs off screen. The other three men pull out their phones. A voice over describes the benefits of the 'tappy app' while a split screen shows the app being used on a phone on the left side of the screen, and the man trying to place a bet through the paper form on the right. The man misses his chance to bet and returns to the table where his friends show him their app.

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.

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 the complainant's concern that the advertisement depicted peer pressure towards the shorter man in the group.

The Panel considered that the shorter man in the group is not shown to be bullied or disparaged by the other men, and appears to have a positive relationship with the group.

The Panel noted that the man's height is not referenced in any way in the advertisement, and is not a foundation of the advertisement storyline. The Panel considered that the man is not disparaged or humiliated because of his height.

The Panel considered the advertiser's response that upon the shorter man's return to the group he is not mocked for having failed to place a bet in time, and two members of the group put their arms around him and show him their phones, presumably to show him how he can use the application.

The Panel considered that the man is not shown to be encouraged or pressured to wager. The scene shows that all members of the group realise a race is upcoming, and the shorter man immediately heads away from the group with them making no



comment, nudge or disparaging look towards him or between themselves while he is present. The Panel noted the remaining members of the group do share a look once the shorter man leaves, but this is clearly in regards to his choosing to wager manually, rather than using the gambling application on his phone and is not a depiction of pressure to wager.

The Panel noted that the advertisement is showing that the gambling application could be easier to use than manually placing a bet, and is showing the applications superiority over using a manual form style of betting.

The Panel determined that the advertisement did not show a depiction of peer pressure to wager and did not breach Section 2.9 of the Code

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

