



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0189-20
2. Advertiser :	Sportsbet
3. Product :	Gambling
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	24-Jun-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement features an Olympics style advertisement in the Sportsbet Elite Average Games campaign.

The advertisement features a man in red and white boardshorts and a white t-shirt jumping off a diving platform into a swimming pool. A man on the sideline throws a ball to his left, and he makes a frustrated gesture before hitting the water.

A commentator states, "Keithy Turnips up next he follows the ball...nowhere near him. Sucked in soap-dodger".

A replay of him jumping is shown in slow motion as a voice over states, "Catch this instead..." and details a betting promotion.

THE COMPLAINT

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

In a time of racism and hate, this ad calls the English "a soap dodger". Do we really need such pathetic name calling in a time where we need to unite together?

THE ADVERTISER'S RESPONSE



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

The Complaint

Ad Standards has identified the following section of the AANA Code of Ethics (Code) which is addressed in the Complaint:

2.1 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.

Sportsbet rejects that the Advertisement breaches section 2.1 or any other section of the Code for the reasons explained below.

Context for the Advertisement

The Advertisement is one of a series of advertisements which make up Sportsbet's Elite Average Games campaign (Campaign). The central theme of the Campaign is to depict competitive activities in a way that is relatable and accessible – which speaks to the ease of using Sportsbet's products. The Advertisement does this through taking what appears to be high-performing Olympic athletes with a spin to showcase the average person for their 'brilliant everyday skills'. The humour is in the contrast between the Olympic events and Sportsbet's Average Games.

The Complaint takes issue with the use of the phrase 'soap-dodger' – which is a colloquial reference to the historic aversion of the British towards bathing. The Advertisement 'Classic Catches' is a play on the age-old rivalry between Australia and England which is particularly relevant to cricket catches, whether on field or as shown here, in a pool (as a reference to the well-known backyard pool game). The subtext of the Advertisement is to throw the English competitor off their game through light-hearted sledging, which has formed a part of cricket games since the early English/Aussie rivalry began.

Section 2.1 of the Code: Discrimination or Vilification

The Advertisement does not 'discriminate against or vilify any person or group of people on account of nationality' or any other basis within the meaning of section 2.1 of the Code. None of the required elements of inequity, bigotry, intolerance, contempt, ridicule or inciting hatred (among others) are present in the Advertisement. The Advertisement refers to a member of the English team in jest. However, there is no derogatory or discriminatory imagery or depiction of any individual in a negative way whatsoever (including by reference a person's appearance, character or capabilities as called out in the Panel's decisions under this section of the Code).



We note that the Panel has interpreted section 2.1 such that an advertisement should not cause 'serious offence to the members of the group in question or the general or wider community.' Having regard to the Panel's comments as to the gravity of discrimination and vilification, we do not think it is within the intent of the Code to censor light-hearted banter which plays on long-held sporting customs and is delivered in a friendly and playful manner.

Conclusion

Sportsbet regrets that one individual has objected to the Advertisement. However, the Advertisement does not breach the Code and the Complaint should be dismissed.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement is inappropriate its reference to a British competitor.

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

The Panel 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 Panel noted the Practice Note to Section 2.1 provides the following definitions:

"Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."

The Panel noted that the term 'soap dodger' is a negative stereotypical representation of people of British origin. The Panel noted that the advertisement was intended to be light-hearted and humorous and drew upon sentimental and friendly rivalry. The Panel considered the nature and usual intention of the word "soap dodger" when used in Australia and agreed that the term is used largely with non-hostile, playful and often affectionate intentions.

The Panel considered that in the advertisement the phrase 'soap dodger' is used in a manner that is not meant to be hostile or vilifying, but rather is consistent with Australian humour and banter between two nations that have a long history of sporting rivalry. The Panel noted that advertisements regularly draw upon cultural norms and sentiment to promote a product and service and that in this instance, the



advertisement was not likely to be offensive to most members of the Australian community.

The Panel considered that the term was used in a humorous and lighthearted manner in the advertisement and that most members of the community, including most people of British origin, would not consider the advertisement and the reference to 'soap dodger' in this context to be offensive.

The Panel determined that the advertisement did not discriminate against or vilify people of British extraction and determined that the advertisement did not breach section 2.1 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.