



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0192-21
2. Advertiser :	Sportsbet
3. Product :	Gambling
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	14-Jul-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Wagering Code\2.9 Pressure to gamble
AANA Wagering Code\2.8 Excess participation
AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement has four versions:

Version 1 features a military scene in which a group is waiting for an alien communication when the screen switches to a horse race. Two men apologise and explain they are still in the race for the “quaddie”.

Version 2 features a scene appearing to be on Mars. A man yells at a group about needing to leave urgently through a portal in order to fix the past and save the future. The group wish to delay because they are “still alive in our multi”. They speak back and forth and the portal closes.

Versions 3 (30sec) and 4 (45sec) feature two groups of people meeting in a field, one group wearing chainmail and the other wearing animal skins. The chainmail group request to postpone a battle as they are “still alive in the quaddie”. The other group agrees.

All versions end with the statement “Bet with mates”.



THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

Advert portrays recruiting your mates to bet with you as a normal part of mateship. This is not a true expression of mateship, which normally means looking after or caring for your mates, not putting them in harm's way. Statistically gambling and betting apps create many more losers than winners. The financial hardship that often ensues for the betting person and those who are financially dependent on them is not a reflection of mateship. At the very least there should be a warning to bet responsibly. "Friends don't let friends drive drunk" also applies here - friends don't entice friends to gamble. To imply that gambling is something mates should do together is offensive.

The definition of problem gambling is gambling which disrupts everyday life and performing normal functions, and these ads not only normalise gambling, but imply that even highly critical functions could and should be prioritised below gambling via sportsbet. By running them even during the day, even younger audiences are likely to internalise this message to some extent, and the unrealistic nature of the scenarios also mean the implied message is unlikely to be considered let alone questioned.

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 29 June 2021 (Letter) regarding the two complaints (Complaints) received by Ad Standards (Ad Standards) concerning Sportsbet's Bet With Mates – 'Kings' and 'First Contact' television commercials (Advertisements), digital copies of which are enclosed.

Ad Standards has identified the Complaints as raising issues with the following sections of the AANA Wagering Advertising Code (Code):

2.8 Advertising or Marketing Communication for a Wagering Product or Service must not portray, condone or encourage excessive participation in wagering activities.

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.

Sportsbet strongly rejects that the Advertisements breach sections 2.8 or 2.9 of the Code (or any other section) for the reasons explained below. As always, Sportsbet



takes its obligations under the Code very seriously and is committed to ongoing compliance.

Excessive participation in wagering activities

Section 2.8 of the Code prohibits wagering advertising that portrays, condones or encourages excessive participation in wagering activities. Relevantly, the AANA's Practice Note in respect of the Code (Practice Note) provides that the mere depiction of regular wagering (eg, as a routine weekend pursuit during a sporting season or other social event) does not equate to portraying excessive participation and that the frequency of participation depicted in the advertisement is only one factor relevant in assessing whether advertising breaches this section.

The Advertisements contain no reference or element of repeated or excessive wagering. Rather, they depict two fantasy stories where the climax is interrupted by a subset of characters (or 'mates') who seek to pause momentarily so that they can watch the outcome of a single group bet. The Advertisements are clearly intended as a humorous and lighthearted way to promote a new Sportsbet product known as "Bet With Mates" which enables friends to participate in social betting groups within the Sportsbet platform. The conclusion of the Advertisements incorporates a clear responsible gambling message as is the case with all Sportsbet's advertising.

Participation in social betting groups, or 'punters clubs' as they are colloquially known, is a common social experience enjoyed by many Australians from time to time. The Advertisements are clearly intended as an absurdist parody of this common social activity. They do not portray or condone any participants betting repeatedly, continually or beyond means. Rather, they reference only wanting to watch a single race as the characters claim to be 'still alive in the quaddie', which is common racing parlance and in reference to having earlier placed a group quadrella bet. The reference to wanting to watch the outcome of a single unquantified bet cannot sensibly be interpreted as implying that a participant is wagering beyond ordinary or proper limits or in a prolonged manner to improve their overall skill/success in wagering.¹ For these reasons, Sportsbet respectfully submits that the Advertisements do not breach section 2.8.

Peer pressure to wager or disparaging abstention from wagering activities

Section 2.9 prohibits wagering advertising that portrays, condones or encourages peer pressure to wager or disparages abstention from wagering activities. The Practice Note elaborates on this section by providing that wagering advertising will contravene the prohibition if it criticises or ridicules non-engagement in wagering activities or disparages abstention from wagering, for example by mocking those who choose not to participate.

The Advertisements contain no such element. As mentioned above, the climax in the Advertisements depicts a subset of characters (or 'mates') who enquire about pausing momentarily so that they can watch the outcome of a single group bet. Nowhere in



this moment, nor in the Advertisements more broadly, does a character pressure another character into performing any wagering activity or criticise or ridicule another character about choosing to abstain from participating in any wagering activity. Further, we note that the careful use of the element of interruption or pause within the Advertisements is entirely for dramatic/comedic effect, in an absurdist manner, and does not imply that an individual should prioritise wagering over any other daily focus or endeavour. For these reasons, Sportsbet respectfully submits that the Advertisements do not breach section 2.9.

Conclusion

For the reasons outlined above, Sportsbet strongly rejects any assertion that the Advertisements breach sections 2.8, 2.9 or any other section of the Code.

THE DETERMINATION

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

The Panel noted the complainants' concern that the advertisement:

- Condone and encourages excess participation in wagering activities
- Is offensive in that it suggests that a viewer should gamble with mates when gambling is dangerous.

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.

Wagering Code Section 2.8 - Advertising or Marketing Communication for a Wagering Product or Service must not portray, condone or encourage excessive participation in wagering activities.

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 noted a complainant’s comments that the advertisement suggests that important or critical functions (such as the scenarios depicted in the advertisements) should be prioritised below gambling and that this is an example of wagering disrupting everyday life.

The Panel noted it had previously upheld complaints about excessive participation in wagering activities in cases 0447/16, 0459/17 and 0492/17 where wagering appeared to take priority in a participant’s life or participants went beyond ordinary or proper limits.

In contrast, in the current case, the Panel noted that the advertisement depicts ridiculous and exaggerated scenarios featuring aliens, space and medieval battles. The Panel noted the complainant’s comment that the unrealistic nature of the scenarios mean that the implied message is unlikely to be considered or questioned.

The Panel considered however that the unrealistic nature of the scenarios meant that most members of the community would not interpret the advertisement as a realistic depiction of people prioritizing wagering over life events and that overall the advertisement does not convey the message that wagering is taking priority in the men’s lives.

The Panel 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.

Wagering Code Section 2.8 Conclusion

The Panel determined that the advertisement does not portray, condone or encourage excessive participation in wagering activities and does not breach Section 2.8 of the Wagering Code.

Wagering Code Section 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 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 overall impression of the advertisement is that the men are all willingly watching the race. The Panel considered that the advertisement does not show any of the men encouraging the others to participate, and none of the men seem unwilling to participate.

The Panel noted that the advertisement promotes “Bet with mates” however considered that this was not a promotion of peer pressure but rather showcasing the feature of the same name which enables users to create a group and wager together.

Wagering Code Section 2.9 conclusion

Finding that the advertisement does not contain any messaging which portrays, condones or encourages peer pressure to wager nor disparage abstention from wagering activities, The Panel determined that the advertisement did not breach Section 2.9 of the Wagering Code.

Code of Ethics Section 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.

The Panel noted the AANA Practice Note which provides guidance on the meaning of:
Discrimination - unfair or less favourable treatment
Vilification - humiliates, intimidates, incites hatred, contempt or ridicule
Gender - male, female or trans-gender characteristics.

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of gender?

The Panel noted that in versions 1 and 2 of the advertisement the men are shown to choose to watch the race rather than assist in potentially saving their own lives (by 1. listening to the aliens message and 2. saving the past). The Panel considered that this may suggest that the men are foolish.

The Panel considered however that the men’s lives are not in imminent peril and although their prioritisation may be unwise it does not appear to be dangerous at the time.

The Panel considered that the content of the advertisement did not show the men to receive unfair or less favourable treatment because of their gender, and did not humiliate, intimidate or incite hatred, contempt or ridicule of the men because of their gender.

**Code of Ethics Section 2.1 conclusion**

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of gender, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

Conclusion

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