



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

| | |
|---|----------------------------------|
| 1. Case Number : | 0193-22 |
| 2. Advertiser : | Product Madness |
| 3. Product : | Gambling |
| 4. Type of Advertisement/Media : | Internet - Social - Other |
| 5. Date of Determination | 24-Aug-2022 |
| 6. DETERMINATION : | Dismissed |

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This snapchat advertisement features an image of a woman playing with a toy poker machine. The words "POV: Me visiting Grandma" are superimposed over the video. She looks sad and hits the table as she loses. The advertised game is then seen being loaded onto a tablet. It shows a pop up with a welcome bonus. The woman appears very happy as she plays the game. The screen shows the text "Huge Win! 6,061,282".

A child's voice-over says, "My Grandma is so sad because she just hates losing. So I downloaded Lightning Link Casino on her tablet. With a crazy welcome bonus of ten million coins now she can't stop winning. And when my grandma is happy, I am happy."

THE COMPLAINT

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

The entire nature of this advertisement is trying to trick children in to downloading a gambling app on elders devices, including a high volume of the apps currency, which implies that they want the elders to play the game for long enough to make a habit of it.



THE ADVERTISER'S RESPONSE

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

Advertiser Response: Thank you for the opportunity to respond to this complaint. We have carefully considered the complaint and have reviewed the ANAA Code of Ethics. We consider that the complaint is misconceived and is based on a mistaken understanding of the Product Madness business. Product Madness is a leading provider of social and mobile slots games. Product Madness' games are played for fun using virtual currency and do not facilitate real money gambling. The complainant states that the ad is "trying to trick children into downloading a gambling app on elders devices". However, as already noted, the app in question is not a gambling but a social gaming app which does not facilitate real money gambling.

We note that the advertisement was produced by a social media influencer, Nathan Cox ("Coxy" or "coxy.official") ("Coxy"), and is primarily designed, and likely to be viewed by, followers of Coxy who is based in Cambridge in the United Kingdom. These followers would be well aware that Coxy is in fact an adult, not a child. In addition, those seeking to download the relevant Product Madness app are required to confirm that they are over 18 to the relevant app store. Please note also, using the targeting methods available, we have always put in place protections to ensure that these ads are only ever viewable by audiences who are over 18 years of age. In your notification of complaint, you have drawn our attention in particular to section 2.6 of the Code. We have carefully reviewed the Code and the associated Practice Note, and we are unable to see how the advertisement could be considered to depict material contrary to prevailing community standards on health and safety. For completeness, we have also carefully considered the other parts of section 2 of the Code. Again, we are unable to see how the advertisement could be considered to be contrary to any of these sections.

Notwithstanding that, as outlined above, we do not consider the advertisement in question to be in breach of the Code, we are proposing to take the following steps: We will withdraw the post in question temporarily, in order to add a notice that states that only those over 18 will be able to play the app/game in question, and that there is no opportunity for players to win anything or real value when playing the app.

THE DETERMINATION

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

The Panel noted the complainant's concern that the advertisement featured a child downloading a gambling app for their grandmother, and is promoting excessive gambling to the elderly.



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

Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.

Promoting gambling app to the elderly

The Panel noted the complainant's concern that the advertisement is aimed at elderly people and seeks to encourage them to spend money and make a habit of playing the game.

The Panel noted that the app game being promoted is not gambling in the sense that users place bets and can win money. The Panel noted the advertiser's response that the game does not feature real money and real money cannot be won. Rather, tokens are earned over time or can be purchased in order to play.

The Panel further considered that advertisers are allowed to advertise their products to any reasonable audience (ie people legally able to play), and people of a certain age who may be grandparents are a reasonable audience for this product.

The Panel considered that promoting an app such as this to elderly people is not unhealthy or unsafe, and considered that the advertisement did not breach the Code on these grounds.

Child featured in advertisement

The Panel considered whether the use of a child in promoting a casino/slots app is a breach of the Code.

The Panel noted the advertiser's response that the voice in the advertisement is that of a adult man, however considered that he sounds like a child and most viewers would come to that conclusion.

The Panel considered that it is common for children and teenagers to assist their older relatives with technology, quite often with mobile devices. The Panel considered that a child helping their grandparent to download an app is not itself a breach of the Code, even if the app itself is not necessarily intended or appropriate for them.

The Panel noted that the advertisement does not depict any child playing the game. The Panel noted that this advertisement was placed on Snapchat, which is a medium unlikely to be used by young children.

Section 2.6 conclusion



The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

Conclusion

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