



Case Report

1	Case Number	0197/15
2	Advertiser	Sportsbet
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	27/05/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Social Values

2.4 - Sex/sexuality/nudity S/S/N - nudity

2.6 - Health and Safety Depiction of smoking/drinking/gambling

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement shows a series of scenes where the main character's proclamation of 'I'm Out', which is in reference to using Sportsbet's new betting feature which allows the customer to 'cash out' of bets before the sporting event ends, is confused with humorous misinterpretations as to what the 'I'm Out' is in reference to. The opening scene shows the man sitting on a toilet and being offered a single sheet of toilet paper by the person in the next cubicle after he calls, 'I'm out!'.

THE COMPLAINT

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

I was offended when, while eating my dinner, I was confronted on television by a man sitting on the toilet accepting a sheet of toilet paper from the man in the cubicle next door whilst checking his gambling phone app. The recent increased proliferation of gambling ads during prime time TV is disturbing however I believe Sportsbet is sinking to a new low with the crudity it believes will get our attention. I seek to have this ad removed.

This is a revolting ad, as it shows a man sitting on the toilet with his pants down using his phone for gambling. My family and I were disgusted by this image; it's not something to put on TV without warning. It's inappropriate. I don't want to see a scruffy bogan doing his

business, especially not at dinner time. It's pathetic that Sportsbet thinks this is how to advertise.

How unhygienic!!

I find these ads in poor taste.

It is disgusting and crass and should not be shown.

The push for betting is bad enough without the moron sitting on the toilet...says a lot about the product.

It portrays a man in the office using his phone to opt out of betting. It show that he is concentrating on the phone rather than participating in work team building exercises, office meetings and other office situations. Surely this portrays a problem gambler that is unable to concentrate on his job without thinking about his betting habit.

Depicts gambling at and during work. In my opinion this is very inappropriate as it is normalising actions that in other areas might be construed as addiction. For example, would an ad depicting alcohol consumption in the office toilets be acceptable?

I am offended because I do not see why I should watch an advertisement where someone is or was using his bodily functions.

THE ADVERTISER'S RESPONSE

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

Sportsbet has considered the Complaint and rejects that the Advertisement in any way breaches section 2.6, or any other section of the Code.

The Complaint states that:

- 1. the Advertisement is 'normalising actions that in other areas might be construed as addiction' and*
- 2. 'I am offended because I do not see why I should watch an advertisement where someone is or was using his bodily functions'.*

Sportsbet is firmly of the view that the Advertisement is in no way contrary to 'Prevailing Community Standards on health and safety', particularly in relation to an image of a man sitting on a toilet, where there are no offensive images, sound effects or suggestions.

The 'cash out' feature that the Advertisement is advertising provides the customer with greater control of their bets and allows them the opportunity to exit their bet early. The Advertisement does not show any new bets being placed, nor does it encourage excessive gambling. In addition, the Advertisement contains a 'gamble responsibly' message which includes a phone number for Gamblers Help.

For the reasons mentioned above, Sportsbet believes that the Complaint lacks foundation and should be dismissed.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainants’ concerns that the advertisement features a man using his mobile phone to gamble whilst sitting on a toilet and that this is visually confronting, unhygienic and suggests that the man is a problem gambler.

The Board viewed the advertisement and noted the advertiser’s response.

The Board noted that some of the complainants were concerned that the advertisement is in bad taste. The Board noted that the issue of taste falls outside the Code and cannot therefore be considered by the Board as part of their determination.

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted that this television advertisement features a man using his mobile phone to gamble whilst at work and the various scenarios include using a toilet, attending a team work session in a Board room and using a crowded elevator.

The Board noted the complainants’ concerns that the opening scene showing the man sitting on the toilet is visually confronting and not appropriate.

The Board noted it had previously dismissed a similar complaint about an advertisement featuring a man seated on the toilet reading a newspaper in case 0413/10 where:

“The Board considered that the depiction of the man on the toilet having a conversation with his wife was one which most members of the community could identify with, and that whilst some members of the community such as the complainant could find this offensive and tasteless, the advertisement was intended to be humorous and did not involve any nudity.”

In the current advertisement the Board noted that the man’s shirt is hanging down between his legs and that his genitals are not visible. The Board acknowledged that some members of the community would find this depiction of a man on a toilet to be inappropriate but consistent with its previous determination the Board considered that the scenario is intended to be humorous, there is no nudity and overall the advertisement does not contain any sexualised material.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted the complainants’ concerns that using a mobile phone whilst on the toilet is unhygienic. The Board acknowledged that there are hygiene concerns with any items used whilst on a toilet, including reading material and mobile phones, but considered that this behaviour is common practice amongst some members of the community and is not against Prevailing Community Standards on health and safety.

The Board noted the complainants’ concerns that the advertisement suggests that the man has a gambling problem as he cannot even go to the toilet without taking his phone to access his gambling app.

A minority of the Board considered that the depiction of the man using his gambling App on his mobile phone rather than participating in workplace activities is suggestive of a gambling problem and it normalises gambling in the workplace.

The majority of the Board however noted that the advertised product is an App which allows a customer to cash out his winnings at any time and considered that the depiction of the man inappropriately using the App whilst in various situations at work is intended to highlight the versatility of the product rather than to suggest the man is unable to do anything other than gamble.

Overall the majority of the Board considered that the advertisement does not depict, condone or encourage excessive gambling and does not depict material contrary to Prevailing Community Standards on responsible gambling.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

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