



Case Report

1	Case Number	0211/14
2	Advertiser	Sportsbet
3	Product	Gaming
4	Type of Advertisement / media	TV
5	Date of Determination	25/06/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Religion

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement promotes Sportsbet's World Cup money back special offer ('Special') which allows Sportsbet customers who place a win / draw bet on Australia v Chile, but their bet loses, to get their money back if the Socceroos score a goal during the game.

The Advertisement uses animation with a voiceover. The Advertisement opens with an image of a soccer fan wearing a green and gold soccer guernsey (Character), and then continues with animated graphics to explain the Special, before returning to an image of the Character. It concludes with the Sportsbet logo and a message regarding responsible gambling.

THE COMPLAINT

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

As a Christian I find the depiction of Christ supporting gambling belittling to my faith and offensive.

I am offended that the advertiser has Jesus Christ giving the thumbs up for sports betting. That he is used in this way to promote and support gambling. I am a Christian and it's deeply offensive and disgusting to watch. Jesus is the heart of the Christian Faith and the ad is not representing that Faith in a positive light.

I am offended at the use of a religious icon to promote gambling. No matter what religion the use of their icon is unacceptable and degrading.

Asking the gambling public to "Keep the faith" is to encourage gambling, this is not what encouraged in my faith.

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 does not seek to shy away from the importance of advertising its services in a responsible manner.

Sportsbet rejects that the Advertisement in any way breaches section 2.1 or any other section of the Code. In our view, the Advertisement plainly does not “discriminate against” or “vilify” any person or section of the community on account of their religion (or any other aspect or trait cited in section 2.1).

While the Character used in the Advertisement may bear a very minor resemblance to Jesus, the Character is a long way removed from a reproduction of the religious icon and in no way discriminates or vilifies a person on account of their particular religion.

What is it to “discriminate against” or “vilify”?

The Oxford and Collins Dictionaries support our contention that the Advertisement does not breach section 2.1 by either discriminating against or vilifying any person or section of the community on account of their religion.

According to the Oxford Dictionary to “discriminate against” is to “make an unjust or prejudicial distinction in the treatment of different categories of people.” Similarly, the Collins Dictionary states that to “discriminate against” is to “single out a particular person, group, etc., for special...disfavour, often because of a characteristic...”

With respect to vilification, the Oxford Dictionary states that to “vilify” is to “speak or write about in an abusively disparaging manner.” And according to the Collins Dictionary to “vilify” is to “revile with abusive or defamatory language; malign.”

Having regard to the above definitions, we submit that it is clear that the Advertisement does not discriminate against or vilify a person on account of their religion. The footage and the voiceover are collectively and separately very light-hearted and jovial, and we submit that the Advertisement certainly does not:

(a) “make an unjust or prejudicial distinction” or “single out for particular disfavour” (i.e. discriminate against); nor

*(b) “abuse”, “malign” or “disparage” (i.e. vilify),
a person on account of their religion.*

Other matters raised in the Complaints

The #KeepTheFaith hashtag is Sportsbet’s way of asking Australia to ‘Keep the Faith’ in the Australian team, in what is widely regarded as a very tough group of teams in the World Cup. While the matter is outside the scope of section 2.1 and the Code generally, we firmly reject the complainant’s assertion that by asking the public to ‘Keep the faith’, the Advertisements is encouraging gambling, particularly in a manner which is contrary to the Code.

Conclusion

Sportsbet regrets if the jovial nature of the Advertisement was either misconstrued or may have offended the complainant, but we firmly reiterate our view that the Advertisement does not breach the Code.

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 is offensive in its use of Christ the Redeemer to promote gambling and that the use of the phrase, “Keep the Faith” is insulting to Christians.

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

The Board 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 Board noted the advertisement features a cartoon image of a figure which resembles the Christ the Redeemer statue along with information about placing bets on the Football World Cup game between Australia and Chile.

The Board noted the complainants’ concerns about the use of the Christ the Redeemer figure.

A minority of the Board noted that within the broad spectrum of the Christian faith there are varying views regarding the issue of gambling and considered that whilst gambling is not of itself a sin within the Christian faith there would be members of the Christian, and non-Christian, community who would likely react to this use of a Christian icon promoting gambling and find it offensive and inappropriate.

Following considerable discussion however the majority of the Board considered that ‘Christ the Redeemer’ is also an icon of Brazil and in the context of promoting the FIFA World Cup which is being held in Brazil the use of a well-known statue which is associated with that nation is not inappropriate or discriminatory towards Christians.

The Board noted the complainants’ concerns that the phrase “keep the faith” is insulting to Christians. The Board noted that this phrase is commonly associated with having faith in a sports team. The Board noted it had previously dismissed complaints about an advertisement for Sportsbet featuring a Christ-like figure on a surf board with the text, “...walk on water...”

in case 0159/11 where:

”The Board noted that the combination of the appearance of the figure and the wording do give the impression that the figure is supposed to be Jesus, although the Board considered that the phrase “walk on water?” is a general phrase which relates to someone who performs very well or can do no wrong. Although clearly intended as a depiction of Jesus, there is nothing negative in the depiction of Jesus surfing.

The Board considered that although the imagery of the advertisement could be considered offensive to some people with strong Christian beliefs, in the Board’s view the overall tone of the advertisement is light-hearted. The Board considered the advertisement does not denigrate Christianity or Christians, and does not discriminate against Christ or Christians.”

A minority of the Board considered that this use of the word “faith” in connection with a religious icon is treating a serious religious concept in a manner which is casual and inappropriate, and that this lack of respect is discriminatory towards members of the community with Christian beliefs.

The majority of the Board however considered that in the context of a promotion of betting on a football game between Australia and Brazil the use of a cartoon depiction of a country’s iconic Christian statue and the phrase “keep the faith” whilst likely to be found offensive to some members of the community does not meet the threshold for material which discriminates or vilifies people with Christian beliefs.

Following considerable discussion the Board noted that the advertisement did not treat the issue of Christian beliefs with the level of respect that some members of the community would prefer but considered that overall the advertisement did not depict material which discriminated against or vilified a section of the community on account of religion.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

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

