



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0212/17</b>
<b>2</b>	<b>Advertiser</b>	<b>Sportsbet</b>
<b>3</b>	<b>Product</b>	<b>Gaming</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>24/05/2017</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

## DESCRIPTION OF THE ADVERTISEMENT

Man shows the performance capacity of his new leaf blower. Inside the home he sits near a friend on the lounge and blows a piece of food out of his hand and near his mouth. The new betting app is shown.

## THE COMPLAINT

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

*The danger of aiming an air blower directly at other people. Such action is a breach of safety practices.*

*Air forced into open human pores can result in air into the blood stream with possible fatal outcomes. First year apprentices get this advice very early in their training.*

*Towards the end of the ad, 3 men are sitting on the couch drinking, eating pizza, watching TV and placing bets on their phones while the women are standing in the kitchen. Its not 1950! Also, this ad followed the Vic Govt ad in reference to respecting women.*

*The ad has a man using a leaf blower which he blows directly into another person's face. It is a known fact that this is a very dangerous act as it can cause injury. It's not good teaching to*

*younger people who could do this at home with dire results. Chainsaws lawn mowers and blow vacs are known to cause major injuries.*

## **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 2 May 2017 and the Complaints mentioned above regarding Sportsbet's Power Play advertisement (Advertisement).*

### *The Complaints*

*The Complaints respectively state that:*

*'The ad has a man using a leaf blower which he blows directly into another person's face. It is a known fact that this is a very dangerous act as it can cause injury. It's not good teaching younger people who could do this at home with dire results. Chainsaws lawn mowers and blow vacs are known to cause major injuries.'*; and

*'Towards the end of the ad, 3 men are sitting on the couch drinking, eating pizza, watching TV and placing bets on their phones while the women are standing in the kitchen. It's not 1950! Also, this ad followed the Vic Govt ad in reference to respecting women.'*

*The ASB has identified section 2.1 and 2.6 of the AANA Code of Ethics (Code) as the section which may have been breached based on the Complaint. The Code states:*

*2.1: Advertising or Marketing Communications 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.*

*2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.*

### *Sportsbet's response to the Complaints*

*Sportsbet has considered the Complaints and considers that the Advertisement does not breach section 2.1, 2.6, or any other section of the Code.*

*The Advertisement opens with a voiceover of 'When blokes find something awesome, they want to use it on everything' and then shows comical, unrealistic examples of a man in various situations making use of a leaf blower, such as closing the gate, inflating balloons and blowing out candles on a cake.*

*The scene which is the subject of the Complaints shows three men on a couch eating snacks, with one of the men having an excessive amount of crumbs down the front of his shirt, while three women are seen in the background having a conversation. The voiceover then states 'Nah, that'll blow right out' and the man with the leaf blower then uses the blower to remove the crumbs and, in doing so, also blows over a lamp, to comically demonstrate a further use*

*of the leaf blower.*

#### *2.1 – Discrimination or Vilification*

*The Advertisement in no way depicts material in a way which discriminates against or vilifies a person on account of gender.*

*Women are not mentioned in any way in the Advertisement, least of all with any discriminatory or vilifying implication. Simply showing three women in the background having a conversation in the vicinity of the kitchen cannot reasonably be viewed as discriminating against, or vilifying, women.*

*The fact the Advertisement followed a particular advertisement from the Victorian Government is irrelevant in determining whether the Advertising complies with the Code.*

#### *2.6 – Health and Safety*

*Sportsbet rejects that the Advertisement in any way promotes using a leaf blower in a dangerous manner. Instead, it portrays a humorous exaggeration of the circumstances in which a person can use something they like for multiple purposes to promote Sportsbet's 'Power Play' betting feature, which can now be used across AFL in addition to racing. The Advertisement depicts adults in adult situations and is clearly targeted towards adults who will understand the humorous and exaggerated nature of the Advertisement.*

*The examples portrayed are clearly comical in nature and do not present themselves as real suggestions, which is shown either by the unlikely results (e.g. closing a gate or blowing up multiple balloons just to the right level) or unfortunate consequences (e.g. cake frosting on other people's faces or a lamp being blown over).*

*For completeness, the Advertisement does not depict in any way, or make reference to, the use of chainsaws or lawn movers.*

*As such, the Advertisement cannot reasonably be interpreted as encouraging others, especially young people, to copy this behaviour, or in any way depicting material contrary to Prevailing Community Standards on health and safety.*

#### *Conclusion*

*Sportsbet believes that the Complaints lack 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 complainant's concerns that the advertisement features a man using a leaf blower in a dangerous manner by directing it toward someone's face.

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 that this advertisement features a man in the garden using his new leaf blower and testing what its capability for activities such as closing the gate, blowing up multiple balloons at once and blowing out the candles on a cake. He is seen sitting on a lounge with his mates and blows a pastry out of the hand of one of the men.

The Board noted the complainant's concern that the scene with men on the couch and women in the background in the kitchen is old fashioned and stereotypical.

The Board noted the scene in the advertisement where three men are on the lounge and there are women in the background in the kitchen. The Board considered that this scene is a stereotypical separation of men and women at a party but the depiction is a fleeting scene and the focus at the time is not on the separation of the men and the women but a focus on the man using his new leaf blower and also the new betting app.

The Board noted that the advertisement is promoting a new betting app and the functionality for the AFL and that this is clearly the intent of the advertisement. The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender.

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

The Board then 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 concern that the advertisement features a dangerous practice of blowing high pressure air in someone's face and that this behaviour could be copied by children.

The Board noted it had previously considered a case for People's Choice Credit Union where large amounts of air were blown into the faces of a group. In that case, the Board noted that the actors "do not appear stressed or concerned about the amount of air being directed at them and that they continue to try and smile and laugh at the appearance of their own faces and hair."

Similarly in the current case, the Board noted that use of a leaf blower in this type of situation could present some minor dangers in relation to particles ending up in someone's eye but that in the context of a controlled filming situation this was not a concern. The Board noted that the man who has the pastry removed from his hand does not appear concerned by the action of the leaf blower and he acknowledges the actions of his mate.

The Board noted that the leaf blower was visible in the advertisement and considered that young children may find this idea humorous but that they would be unlikely to be in situations where they were operating a leaf blower and handling it in this way without the assistance and supervision of an adult.

The Board considered that the advertisement was light hearted and that although young children may view the advertisement as funny, it was not encouraging children to mimic the behaviour and was not depicting behaviour that was contrary to Prevailing Community Standards on health and safety.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety and 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 complaint.