



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0213/15</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>10/06/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- Other Social Values
- 2.1 - Discrimination or Vilification Gender
- 2.3 - Violence Violence
- 2.4 - Sex/sexuality/nudity S/S/N - nudity
- 2.6 - Health and Safety Within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

The Advertisement shows a series of scenes promoting the main character's sense of freedom, which consists of wiping salad off a plate, leaving the toilet seat up, drinking milk from a bottle, walking around in his underwear and not using a drink coaster.

### THE COMPLAINT

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

*I am writing to express my displeasure to the Sportsbet commercials.*

*Freedom while taking off ones shorts and seeming very comfortable walking around in his undies. I find these ads distasteful. We accept gambling irresponsibly is encouraged but couldn't they at least have some decency.*

*The next ad shows men knocking food off their plate and one swigging from a 2 litre container of milk as a great deal of the milk runs down his face.  
As a grandparent I am trying to teach my grandchildren good manners and acceptable ways*

*of behaving. What chance do I have when they see this feral type of behaviour taking place on the television?*

*I find all the scenes in this advertisement give anyone, but especially children, a very negative image and role-model of a so-called "adult" male. Specifically, it implies that betting (and winning) gives a person the "freedom" to behave in a self-centred, irresponsible manner. The advertisement on this day was broadcast in PRIME viewing time. This specific example was the last straw for me due to its portrayal of a man who is old enough to be a parent, but behaving like a child (vide "removing vegetables from plate", "drinking directly from a milk container"). The fact that the voice-over seems to "cheer on" this kind of behaviour is galling. PLEASE consider a review of this advertisement, and all in the series which are similar in tone and message.*

*Promotes males to act indecently and against good behaviour, particularly against females . In this anti violence period we find it supports men to act offensively particularly against women and children and good standards.*

*It is a succession of bad manners and etiquette. Our young people and obviously adults too need to see good examples on TV especially when the advertisement is for adult gambling shown in this case Sunday Football.*

*I find these ads in poor taste.*

*This advertising conveys freedom as freedom from the rules of women. The aggression towards women is highly disturbing. The underlying hatred of women conveyed in this advertisement is quite plain. The disgust which the user displays towards the woman (presumably his wife) is palpable. The advertisement is not pleasant to watch, the image of the man in his underpants is offensive but the glorification of aggression and negativity to women is the most disturbing and unacceptable feature of this advertisement when society is struggling to contain domestic violence.*

## **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 sections 2.1, 2.3 and 2.4, or any other section of the Code.*

*There is no violence or nudity whatsoever, and there is nothing in the Advertisement that discriminates or vilifies based on gender.*

*The Complaint includes allegations that the Advertisement conveys:*

- 'freedom from the rules of women';
- 'underlying hatred of women'; and

- *'glorification of aggression and negativity to women'*.

*Sportsbet is appalled by and absolutely rejects each of these baseless statements, in addition to any suggestion that the Advertisement has any connection whatsoever to domestic violence.*

*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 shows a man in his underpants which is offensive and promotes negative behaviour towards women which is not appropriate.

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 this television advertisement features a man who, after using the cash-out option from a bet he has placed, demonstrates the freedom he feels he has gained by acting defiantly: wiping the salad from his plate then eating a piece of meat with his hands, leaving the toilet seat up, drinking milk straight from the carton, removing his pants and re-joining his friends in the lounge and then placing a drink directly on the table instead of using a coaster whilst his wife looks on.

The Board noted the humorous tone to the advertisement and considered that the man's behaviour is exaggerated. The Board considered that the advertisement does not suggest that all men would or should behave in this manner or that women would not also behave in this manner.

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 considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted the complainants' concerns that the advertisement depicts and promotes men behaving aggressively towards women. The Board noted that the overall theme of the advertisement is the experience of freedom and considered that the man's actions are intended to show him acting outside of society's normal conventions rather than acting aggressively towards his wife. The Board noted that the man's only interaction with the woman in the advertisement is to make eye contact after he has placed a drink directly on a table and considered that his actions towards the woman are not aggressive and equally the woman's response to the man is not aggressive. The Board considered that there is no

suggestion, or encouragement, of domestic violence in the advertisement.

The Board considered that the advertisement does not present or portray violence.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

The Board then 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 in one scene the man removes his pants and then re-enters his lounge wearing his underpants and a polo shirt. The Board noted that the man’s genitals are fully and appropriately covered and considered that the level of nudity is mild. The Board noted that the man’s actions in removing his pants are intended to convey his sense of freedom and considered that his actions are not sexualised or intended to be sexual.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

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