



**ADVERTISING
STANDARDS
BUREAU**

Level 2, 97 Northbourne Avenue, Turner ACT 2612
Ph (02) 6173 1500 | Fax (02) 6262 9833
www.adstandards.com.au
ACN 084 452 666

Case Report

1	Case Number	0215/14
2	Advertiser	Sportsbet
3	Product	Gaming
4	Type of Advertisement / media	TV
5	Date of Determination	25/06/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Social Values
- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement contains real footage, animation and a voiceover. After a shot of the words “World Cup”, the Advertisement opens with a female voiceover saying “It’s the world’s biggest Brazilian offer” while a triangular shaped crop of brown hair is being shaved (exposing a male’s bald head underneath). It continues with a voiceover explaining the multibet offer, which is accompanied by an image of a man with three legs (two sturdy legs and a third leg dangling in the middle), followed by a shot of a woman’s leg which is imprinted with the words “Money Back”. 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 primary school teacher, I find it ridiculous that an ad like this is on at such an early hour on TV. In displaying an image of a third leg dangling between a soccer player's legs, the company is turning a positive for children, exercise and a game they enjoy, into something unmistakably crass, even for younger children. While the ad may be funny to adults, the times lot in which it is played I feel is inappropriate.

This advertisement suggests women must maintain a 'Brazilian' in regards to her pubic hair, then proceeding to remove it to leave a shaved out word, also the provocative & unnecessary suggestion on a women's smooth legs. Following this a soccer player is suggested to have a large '3rd leg', which clearly resembles a male's penis.

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 Complaints 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 sections 2.1 and 2.4, or any other section of the Code. In our view, the Advertisement plainly does not "discriminate against" nor "vilify" any person or section of the community on account of race, ethnicity, nationality (or any other aspect or trait cited in section 2.1). For the purposes of this response we refer to race, ethnicity and nationality collectively as 'Heritage'. Further, to the extent the Advertisement may contain mild sexual overtones; the Advertisement does treat "sex, sexuality and nudity with sensitivity to the relevant audience".

The Advertisement, in a light hearted and jovial manner, uses a cheeky, irreverent play on words to explain and promote the Special. The suggestive imagery of the triangular shaped crop of hair, and the third middle dangling leg, adds to the humour of the Advertisement, bearing no resemblance whatsoever to female or male genitalia.

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 Heritage.

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 Brazilians on account of their Heritage. 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),
Brazilians on account of their Heritage.*

Treating sex, sexuality or nudity insensitively

The Advertisement does not breach section 2.4 by treating sex, sexuality or nudity with insensitivity to the relevant audience.

First, there is no nudity or sex in the Advertisement. Second, while the imagery that is used in the Advertisement may be cheekily slightly suggestive, the imagery bears no resemblance whatsoever to genitalia. The Advertisement is not insensitive to the relevant audience; rather,

the imagery and play on words is meant to be humorous and make the relevant audience laugh at its silliness.

Therefore, the Advertisement certainly does not treat sex, sexuality or nudity insensitively.

Other matters raised in the Complaints

We reject the assertion that the Advertisement is “offensive” to Brazilian nationals as it “insinuate[s] sexual reference”. While the imagery may be slightly suggestive of a Brazilian shave, there is no specific connection, other than its name, to Brazilian nationals and their pubic region.

In response to the assertion that the Advertisement “suggests women must maintain a ‘Brazilian’ in regards to her pubic hair” , we submit that the Advertisement is certainly not suggesting that women must maintain a Brazilian shave - the Advertisement merely hints at the specific hair cut as a play on the word ‘Brazilian’.

One of the complainants asserts that there is a “provocative and unnecessary” suggestion on a woman’s smooth legs. While this assertion is outside the scope of Section 2.4 and the Code generally, even so, we firmly reject it in the context of the light hearted Advertisement.

Finally, in response to the assertion that the Advertisement contains inappropriate “sexual innuendo for the time slot”, we reiterate that the images used in the Advertisement bear no resemblance whatsoever to genitalia, and are an appropriate use of humour for the time slots prescribed by the Advertisement’s particular CAD rating.

Conclusion

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

For the reasons mentioned above, 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 complainants’ concerns that the advertisement is offensive to Brazilian people and features references to the shaving of a woman’s pubic region and the use of a third leg to represent a penis which are inappropriate.

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 man’s head being shaved to reveal the word “offer”, followed by a third leg swinging between a man’s legs before falling off.

The Board noted that as well as referring to the people of Brazil the term “Brazilian” can also be used in reference to waxing. The Macquarie Dictionary definition of a Brazilian wax is: “a hair removal treatment which takes all the hair from around the anus, perineum and vulva”. The Board noted that the image of a man’s head prior to being shaved and the use of the word “Brazilian” amount to a double entendre but considered that it is quickly made clear that it is a man’s head about to be shaved and it is a Brazilian betting offer that is being promoted.

The Board considered that the advertisement did not depict material which discriminated against or vilified a section of the community on account of nationality.

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 2.4 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 the complainants’ concerns that the triangle of hair shown is suggestive of a woman’s pubic region and that the use of the phrase, “The World’s biggest Brazilian.....offer” is suggestive of the practice of shaving a woman’s pubic hair (Brazilian shave). The Board considered that whilst this is not an unlikely interpretation of the advertisement it is very quickly made clear that the hair is on a man’s head and it is an offer being promoted, not a Brazilian shave.

The Board noted the complainants’ concerns that the depiction of a third leg hanging between a man’s spread legs is suggestive of a penis. The Board noted that this scene is accompanied by a voiceover describing the betting practice, “a 3 leg multi” and that these words also appear on screen. The Board considered that in the clear context of a promotion of a three leg multi bet, the depiction of a third leg is not strongly suggestive of a penis and is not inappropriate.

The Board noted that the final scene of the advertisement shows a woman running her hand over her leg and the words, “Money Back” are written down the side of it. The Board noted that only the lower leg and the woman’s hand are visible and considered that the level of nudity was very mild and the depiction was not sexualised or inappropriate.

The Board noted that the advertisement had been rated PG by CAD and considered that the advertisement does not contain material which is inappropriate for a broad audience which could include children.

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

