



Case Report

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| 1 | Case Number | 0222/16 |
| 2 | Advertiser | Tabcorp |
| 3 | Product | Gaming |
| 4 | Type of Advertisement / media | TV - Pay |
| 5 | Date of Determination | 25/05/2016 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

- 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 man approaching a TAB venue when a reporter approaches him and a backdrop advertising Tab is placed behind him. The reporter interviews him and ask who he thinks is going to win; he signs a man's newspaper as he passes.

THE COMPLAINT

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

Glamorisation of gambling which is a massive problem within certain segments of society.

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 3 May 2016 regarding a complaint (reference number 0222/16) received by the Advertising Standards Bureau (ASB) in relation to a Tabcorp advertisement.

The complainant describes the relevant advertisement as follows:

A man walks into a TAB venue and reporters swarm him and bring in a massive backdrop advertising Tab. They emulate pre sports interviews with players and ask who they think is going to win. He signs autographs in the meantime.

While the complainant has not provided the date or time that the relevant advertisement was broadcast, we understand that the complainant may be referring to Tabcorp's advertisement named "NRL/AFL Offers Generic" with key number 'NEWTAB160003' (the Advertisement). The complainant's description of the Advertisement is erroneous in three regards. First, the man is not inside the TAB venue at the time he is met by the reporter. Secondly, there is only one person who plays the role of a reporter and not multiple reporters. Thirdly, the man signs one autograph (for a bemused passer-by) and not multiple autographs.

The complainant has alleged that the Advertisement breaches Section 2.6 of the AANA Code of Ethics (the Code) which states that:

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

The complainant's reasons for concern regarding the Advertisement are:

Issues Raised To Date:

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

2.6 - Health and Safety Within prevailing Community Standards

REASON FOR CONCERN: Glamorisation of gambling which is a massive problem within certain segments of society.

Tabcorp's response

Our response to this complaint is as follows:

1. The complainant has raised '[d]epiction of smoking/drinking/gambling' as an issue relevant to the Advertisement under section 2.6 of the Code. Section 2.6 of the Code does not ban advertising that depicts gambling; nor does any other part of the Code. We therefore do not understand how this issue is relevant. Gambling brand advertising is legal in all Australian States and Territories. The Advertisement is a general brand advertisement for TAB. TAB is licenced and permitted to provide gambling services in Australia.

2. The complainant has raised 'Prevailing Community Standards' as an issue relevant to the Advertisement under section 2.6 of the Code. The concept of 'Prevailing Community Standards' is considered in the Practice Note to the Code which states that the Board 'will have regard to community standards at the time the marcomms was published'. Australians have enjoyed wagering for entertainment and leisure since the first official thoroughbred horse race meeting in 1810 at Sydney's Hyde Park. Around 70 per cent of Australians will gamble each year. Gambling in Australia is highly regulated by state and federal laws in order to protect certain segments of society. Tabcorp does not agree that it is a 'Prevailing Community Standard' that the general public in Australians should not be able to engage in gambling for entertainment or leisure, or that Australian gambling companies should not be able to advertise their brand and approved products. This view is supported by the legality of both gambling and gambling advertising.

3. The complainant has suggested that the Advertisement "[g]lamoris[es] ...gambling which is a massive problem within certain segments of society" but has failed to identify which part of the Advertisement does this and how it achieves the glamorisation of gambling. The Advertisement does not 'glamorise' gambling. The Advertisement is intended to be humorous and light-hearted. It has a sports-based theme because it relates to TAB's football products. The first male in the Advertisement named 'Brett' is dressed in regular casual clothing and steps off a regular suburban bus. He grabs a newspaper from a male pedestrian and signs it while being asked questions by a reporter (again, relevant to the sports-theme). The signing of the newspaper leaves the pedestrian bemused because he does not know or recognise 'Brett'. There is no suggestion that 'Brett' is wealthy, famous or in any way glamorous. We therefore do not agree that the Advertisement breaches the Code.

Tabcorp's approval process

All Tabcorp advertisements are reviewed and authorised by Tabcorp's internal Legal

Department. In addition, FreeTV's Commercials Advice team approved this Advertisement prior to it being broadcast on free-to-air television.

Placement of the advertisement

The Advertisement has been broadcast, across both free-to-air and subscription television, more than 200 times. Substantially similar versions of the Advertisement (that is, versions where the final graphics and messaging are different but the interaction between "Brett" and the "reporter" are the same) have been broadcast more than 2,500 times.

The advertisement is also available for viewing on Youtube.

Despite the large number of times that the Advertisement (and similar versions of the Advertisement) has been broadcast, Tabcorp is not aware of any other complaints regarding this Advertisement.

Tabcorp's commitment to responsible gambling

Tabcorp takes its responsible gambling obligations seriously. We have been rated as the overall global gambling industry leader in the annual assessment for the Dow Jones Sustainability Index in 10 out of the past 11 years.

In the most recent assessment, Tabcorp once again received a 100% rating in the 'Promoting Responsible Gambling' category. Tabcorp's global leadership ranking in the Responsible Gambling category recognises our commitment to the responsible delivery of gambling products. Responsible gambling is an important part of our operating philosophy and company values.

We thank you for providing us with the opportunity to respond to the complainant.

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 glamorises gambling.

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

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 that the advertisement depicts a mock interview being undertaken before a game. The Board considered that the man being interviewed is an ordinary person, not a recognised, glamorous or popular figure and that the impression is a parody of sportsmen or experts being interviewed before a game, which is clearly not the case in this advertisement.

The Board noted that gambling is a product which is allowed to be advertised and considered that the advertisement does not encourage excessive gambling or otherwise promote behaviour which would be considered to be against Prevailing Community Standards surrounding 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 complaint.