



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0242-21
2. Advertiser :	Entain Group Pty Ltd
3. Product :	Gambling
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	8-Sep-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement features three men sitting on a couch watching a race on TV. One of the men comments, "We shouldn't have backed the favourite". Another man then falls through the ceiling and lands sitting on the couch next to them.

The new man comments, "Well, you think that hurt, this will hurt even more."

He goes on to explain that the roughie they were thinking of backing but didn't is going to win, and he knows this because he is the punting god. He describes the different features on the Neds app.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

NEDS gambling TV advertisement has a character calling himself the "PUNTING GOD" when he's talking to losing gamblers. As a Catholic - I take extreme displeasure for the word "GOD" being used and associated with gambling with a TV advertisement. This is not acceptable even for a liberal Christian country.



You wouldn't be able to use the word "MOHAMMED" so why try and get away with using the words "PUNTING GOD".

NEDS gambling TV advertisement shouldn't be able to DISRESPECT the Christian religion and try and get away with it as being acceptable.

If NEDS gambling TV advertisement disrespected the Muslim religion they wouldn't get away with it.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Thank you for your letter dated 18 August 2021 and for bringing this complaint to our attention. We are always open to hearing the views of community members either directly or through avenues such as Ad Standards ("AS").

We understand that the advertisement in question is a television commercial promoting our "Neds" brand ("Ad") and specifically a product called "Blended".

In your letter of 18 August 2021, the description of the Ad and the reason for concern by the community member is set out as follows:

- 1. NEDS gambling TV advertisement has a character calling himself the "PUNTING GOD" when he's talking to losing gamblers. As a Catholic - I take extreme displeasure for the word "GOD" being used and associated with gambling with a TV advertisement. This is not acceptable even for a liberal Christian country.*
- 2. You wouldn't be able to use the word "MOHAMMED" so why try and get away with using the words "PUNTING GOD".*
- 3. NEDS gambling TV advertisement shouldn't be able to DISRESPECT the Christian religion and try and get away with it as being acceptable.*
- 4. If NEDS gambling TV advertisement disrespected the Muslim religion they wouldn't get away with it.*

The specific issues raised are in relation to clause 2.1 of the AANA Wagering Code – Discrimination or Vilification – Religion.

Our response to these complaints is set out below.

A description of the advertisement

The Ad is a 30 second fictional advertisement. The Ad is set in a fantastical world. It begins with three punters on a couch watching the races and deciding on which horse to bet on. A man then magically appears on the couch describing himself as the "punting god", who then explains to the punters that they're about to lose the next bet because they backed the wrong horse. After the horse that the punters were thinking of backing but didn't, eventually wins the race, a phone magically appears in the "punting god's" hand and he (and then later the voiceover) describe the new Blended



product and how it works. The Ad concludes with the “Neds” logo on screen. In accordance with regulations and as part of our commitment towards responsible gambling, “Is gambling a problem for you? Call Gambling Help on 1800 858 6.

Our comments in relation to the complaint

At the outset and with respect to the views of the community member, we wish to correct some incorrect assertions made in the complaint:

Incorrect assertion

“The word ‘GOD’ being used and associated with gambling with a TV advertisement”

Response

Although the word “god” has been used, it has been used in a generic context and not in relation to a religious context. The word has been used to describe the character’s value of being an influential person who is admired by others. This is seen by the reactions and response of the three punters.

The definition of a god from various online dictionary sources (and how it has been used in this context) include:

- *A person or thing of supreme value
“had photos of baseball’s gods pinned to his bedroom wall”
(Miriam Webster – online dictionary)*
- *A greatly admired or influential person.
“he has little time for the fashion victims for whom he is a god”
(Oxford Dictionary – online)*
- *Someone who is admired very much by a person or group of people, and who influences them a lot, can be referred to as a god.
“To his followers he was a god.”
(Collins Dictionary – online)*

Neds wouldn’t be able to use the word ‘MOHAMMED’ . There is no restriction on the use of the words ‘God’ or ‘Mohammed’ in advertising under the AANA Code of Ethics. Further, there is no restriction on an advertiser’s ability to have either of those be represented as a character or person in an advertisement.

Neds is disrespecting the Christian religion. The Ad at no stage disrespects the Christian religion. At no point at all does the Ad refer (either expressly or impliedly) to the Christian religion.

Section 2 of the Wagering Code

As we are an online and telephone wagering business licensed and regulated in Australia, the Wagering Code is applicable to our Ad. Although, for the reasons mentioned above and below, we do not believe our Ad contravenes the Wagering Code.



2.1 – Directed to Minors

We believe that our Ad, having regard to the theme, visuals and language used, is not directed to minors (persons under 18 years of age).

2.2 – Depiction of Minors

We believe that our Ad does not depict a person under the age of 18 years of age in an incidental role or at all.

2.3 – Depiction of 18-24 year olds wagering

We believe that our Ad does not depict a person aged 18-24 years old engaged in wagering activities.

2.4 – Wagering in combination with the consumption of alcohol

We believe that our Ad does not portray, condone or encourage wagering in combination with the consumption of alcohol.

2.5 – Stated or implied promise of winning

We believe that our Ad does not state or imply a promise of winning.

2.6 – Means of relieving a person's financial or personal difficulties

We believe that our Ad does not portray, condone or encourage participation in wagering activities as a means of relieving a person's financial or personal difficulties.

2.7 – Sexual success and enhanced attractiveness

We believe that our Ad does not state or imply a link between wagering and sexual success or enhanced attractiveness.

2.8 – Excessive participation in wagering activities

We believe that our Ad does not portray, condone or encourage excessive participation in wagering activities.

2.9 – Peer pressure to wager or abstention from wagering

We believe that our Ad neither portrays, condones or encourages peer pressure to wager nor disparages abstention from wagering activities.

Section 2 of the AANA Code of Ethics

For the reasons mentioned above and below, we do not believe our Ad contravenes the AANA Code of Ethics.

2.1 – Discrimination

We believe that our Ad does not discriminate against or vilify a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

Religion

At no stage during the Ad is there any unfair or less favourable treatment of a person on the basis of religion.



At no stage during the Ad, does the Ad humiliate, intimidate, incite hatred, contempt or ridicule of a person on the basis of religion.

Further, there is no negative depiction of a particular group of society. Further still, there is an allowance under the AANA Code of Ethics that advertisements can humorously or satirically suggest stereotypical aspects of a group of people in society provided the overall impression of the advertisement does not convey a negative impression of people of that group on the basis of religion. At no stage during the Ad, does the Ad provide an overall negative impression of any group of people on the basis of religion.

The above makes it clear that advertisements are able to reference religious themes/figures/people in general. However, in doing so advertisements must abide by the Code of Ethics.

The Ad refers to a fictional character, the “punting god”. This fictional character appears magically on the couch to the surprise punters in the Ad. It is clear that this Ad is set in a fantastical world where fictional things happen, that would not normally happen in the real world.

The reference to the “punting god” is not a religious reference. It is used in a descriptive manner of the character who is greatly admired and has supreme value. Even if the character was interpreted as having a religious reference, there are no requirements in the AANA Code of Ethics that restricts reference of religious themes and/or characters/personalities. The Code of Ethics specifically states that “Advertising 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 orientation, religion, disability, mental illness or political belief.”.

At no stage during the Ad has Neds breached this section. There is no discrimination of any kind.

Further, even if the character was interpreted as having a religious reference, the overall impression of the Ad does not convey a negative impression of people of that group on the basis of religion.

2.2 – Sexual appeal

We believe that our Ad does not employ sexual appeal where images of minors, or people who appear to be minors, are used; or in a manner which is exploitative or degrading of any individual or group of people.

2.3 – Violence

We believe that our Ad does not present or portray violence.

2.4 – Sex, sexuality and nudity

We believe that our Ad does not treat sex, sexuality or nudity with insensitivity to the relevant audience.



2.5 – Language

We believe that our Ad uses language which is appropriate in the circumstances, and is not strong or obscene.

2.6 - Health and Safety

We believe that the Ad does not depict material contrary to prevailing community standards on health and safety.

AANA Code for Advertising and Marketing Communications to Children

We do not consider that the AANA Code for Advertising and Marketing Communications to Children applies as the Ad is not, having regard to the theme, visuals and language used, directed primarily to children or for product which is targeted toward or having principal appeal to children.

AANA Food and Beverages Marketing and Communications Code

We do not consider that the AANA Food and Beverages Marketing and Communications Code applies as the Ad does not advertise food or beverage products.

We sincerely hope that the clarification provided here resolves the concerns of both Ad Standards and the community member.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement uses the word God in connection with gambling and is disrespectful to the Christian religion.

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

Section 2.1: Advertising or Marketing Communication 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.

The Panel noted the AANA Practice Note which provides guidance on the meaning of:

Discrimination - unfair or less favourable treatment

Vilification - humiliates, intimidates, incites hatred, contempt or ridicule

Religious views - a person's belief or non-belief in a faith or system of worship

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of religion?



The Panel noted that in order to find a breach of Section 2.1 it would need to determine that the advertisement depicted material in a manner that was unfair or less favourable or humiliating or inciting ridicule of a person or section of the community, because of, in this case, religion.

The Panel noted the advertiser's response that 'god' has been used to describe the character's value of being an influential person who is admired by others, rather than used in a religious context.

The Panel noted that many religions have a god and each monotheistic religion refers to its god using different names. The Panel considered that although the advertisement uses the term 'punting god' it is not identifying a particular religion.

The Panel considered that overall the advertisement is not showing a religion in a negative light, or suggesting that people who follow a particular religion should be thought less of.

The Panel acknowledged that people of faith may not like the use of the word in the advertisement however considered that the content of the advertisement itself does not humiliate, intimidate or incites hatred, contempt or ridicule of Christian people nor does it suggest treatment of any people in an unfair or less favourable manner on account of their religion.

Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of religion, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.