



## Case Report

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| <b>1</b> | <b>Case Number</b>                   | <b>0248/12</b>    |
| <b>2</b> | <b>Advertiser</b>                    | <b>Star City</b>  |
| <b>3</b> | <b>Product</b>                       | <b>Gambling</b>   |
| <b>4</b> | <b>Type of Advertisement / media</b> | <b>TV</b>         |
| <b>5</b> | <b>Date of Determination</b>         | <b>11/07/2012</b> |
| <b>6</b> | <b>DETERMINATION</b>                 | <b>Dismissed</b>  |

### ISSUES RAISED

- 2.6 - Health and Safety      Unsafe behavior  
2.6 - Health and Safety      within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

The ad depicts a lounge singer playing a moving piano, taking the viewer on a tour of The Star casino. As the piano moves throughout the various entertainment venues at The Star, the lead character sings a tongue-in-cheek lounge version of the popular 1990s rock song 'Welcome to the Jungle' by Guns N' Roses. In the background various other stories are taking place - for example a motorbike being lifted from the pool and an ostrich in the penthouse suite.

### THE COMPLAINT

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

*The advertisement promotes the casino as a jungle and a place that will bring you down. It strongly suggests through images and through the alignment of wording with images that it encourages destruction of property will cater to your 'disease' (addictions are readily inferred) that it will provide alcohol to a point that will bring you to your knees (against all responsibility of service guidelines) and that it will provide escort services (or whatever else you want depending on your 'disease').*

*Given the casino it is a provider of gaming and alcohol (both clearly shown in the ad) this is a very inappropriate message for all including children (the ad is show in varied format earlier in the day but still shows the essential messages)and persons with various addictions. This implies the casino as a place that encourages illegal behaviour.*

*The small print at the bottom of the screen which says the casino encourages responsible gambling is completely at odds with and overridden by the images and wording of the ad. I believe this ad runs contrary to appropriate advertising for gaming and alcohol.*

## **THE ADVERTISER'S RESPONSE**

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

### *General comment*

*The Star's television advertisement is a fun and light hearted look at the casino and its customers.*

*It is intended to publicise The Star as a glamorous entertainment destination. As evidenced by the cultural and age mix in the ad, it is intended to reinforce the public offering that everyone is welcome.*

*The Star strenuously denies that it promotes the casino as a jungle or a place that would bring you down. More specifically, The Star points out that the ad -*

- Does 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.*
- Does not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.*
- Does not present or portray violence.*
- Treats sex, sexuality and nudity with the requisite sensitivity.*
- Does not contain any strong or obscene language.*
- Does not depict material contrary to Prevailing Community Standards on health and safety.*

### *The soundtrack*

*The essence of the complaint appears to relate to the background music selected and the wording of that soundtrack. The song selected for the television ad was the Guns n Roses song 'Welcome to the Jungle', which is a song from the 1980s that is-*

- ranked as the second "greatest metal song" by the video hits television program VH1; and*
- is included in the 500 Greatest Songs of All Time, as judged by Rolling Stone magazine.*

*In addition to giving the commercial an edge, the song was selected because it appeals to The Star's target audience.*

*The Star denies that it is targeting anyone with an addiction or that the television ad can be interpreted in the way that has been suggested by the complainant. The words of the song should not be taken out of context nor taken literally and should be viewed in the context of an ad which is promoting the breadth of The Star's gaming and non-gaming offering (including fine dining restaurants, bars, new 5 star hotel, and the retail arcade).*

### *Destruction of property*

*The ad comprises a series of story fragments which are not meant to be real or taken literally and they are certainly not a depiction of conduct that would be tolerated by the casino. The ad was directed at showcasing the refurbished gaming floor of the casino and to communicate to The Star's customers the promise of a good time.*

*The complaint suggests, amongst other things, that the advertisement encourages the destruction of property and implies that The Star endorses anti-social behaviour. With respect, The Star's view is that this interpretation is too literal. The Star would certainly not*

*tolerate the destruction of a piano on the grand entrance, the placement of a motorbike in the Darling pool, the release of an emu (or Ostrich) in the hotel, or even the smashing of glasses or chandeliers on the floor. We do not believe the public would perceive the ad to condone the conduct depicted in it and, moreover, our records indicate that these concerns have not been borne out in the conduct of our customers since the airing of the commercial.*

#### *Responsible service of alcohol*

*The complaint asserts that the ad strongly suggests that The Star "will provide alcohol to a point that will bring you to your knees". The Star refutes this suggestion. We take our responsibilities and obligations relating to the service of alcohol very seriously. We regard ourselves as the bench mark when it comes to Responsible Service of Alcohol practices and this is reflected in the relatively minimal number of incidences given the volume of patrons who visit our property and the number of outlets which serve liquor.*

*The Star denies that the ad in any way depicts or suggests that The Star tolerates intoxication, irresponsible drinking which is likely to result in intoxication, or encourages irresponsible, excessive or rapid consumption of liquor.*

#### *Escort Services*

*The complaint to the Advertising Standards Bureau asserts that The Star's ad strongly suggests "that [The Star] will provide escort services (or whatever else you want depending on your 'disease') ... " Such an assertion is without any foundation whatsoever.*

*While prostitution and escort services are no longer themselves a criminal offence in NSW, The Star has continued to treat such activity as highly undesirable and takes steps to prevent such activity in the casino. The Star's approach to such activity was considered in The Star's most recent casino licence review in 2011. Ms Gail Furness SC stated in her Report of Investigation pursuant to Section 31 of the NSW Casino Control Act 1992 - "I am satisfied that reports of suspected prostitution in the casino are taken seriously by The Star and appropriate action is taken."*

*It is worth noting that The Star is one of the most heavily regulated organisations in Australia. It is governed by its own legislation - the Casino Control Act and Casino Control Regulations. It has its own regulatory body, the NSW Independent Liquor and Gaming Authority, which oversees its conduct and it is subject to regular reviews to determine its suitability to maintain its casino licence.*

#### *Responsible Gambling*

*The Star considers itself an industry leader in terms of its approach to Responsible Gambling and is committed to harm minimisation and having programs in place to minimise the incidence of problem gambling by providing appropriate and timely assistance, support and referrals for customers who may be experiencing difficulties associated with their gambling behaviours.*

*The Star and its parent companies have received various accolades for its work in this area including recognition in the Dow Jones Sustainability Index as a global leader in the gambling industry and a world leader in Responsible Gambling since 2003. This recognition is in no small part a reflection of the work that The Star does in the area of Responsible Gambling.*

*We would point out that The Star is not strictly required by statute to include the responsible gambling message in the TV ad, which was referred to in the complaint as "the small print at the bottom of the screen". Such messaging is required by Regulation 33(2) of the Casino Control Regulations 2009 (NSW) for advertising in writing in a newspaper, magazine, poster or other printed form. However, The Star deemed it appropriate to include this messaging in the medium of TV advertising to reinforce its commitment to Responsible Gambling.*

*Please note also that great care has been taken to ensure that images associated with gambling in the television ad portray gambling in a responsible manner. You will note that*

*there are no images of gaming machines included in the ad at any time and no children are shown, even in the shots of the non-gaming outlets and areas of the property.*

## **THE DETERMINATION**

The Advertising Standards Board (Board) considered whether this advertisement breaches Section 2 of the AANA Advertiser Code of Ethics (the "Code").

The Board noted complainant's concerns that the advertisement depicts material contrary to prevailing community standards on occupational health and safety in its portrayal of the casino venue as a jungle and a place that encourages illegal behaviour, including excess drinking and escort services.

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

The Board considered whether the advertisement was in breach of 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 advertisement features a man playing a piano as he traverses through the casino premises, whilst singing "Welcome to the Jungle". As the musician traverses the casino behind the piano, a number of fantasy scenes are displayed.

The Board noted that the background scenes, including the removal of a motor bike from a fountain, the presence of an Emu in the venue and the overturning of a piano were clearly fantasy elements and not a depiction of behaviours that would be accepted or tolerated in a regulated gambling venue. The Board considered that the fantasy element is emphasised by the other patrons not reacting or appearing to even see the events take place. The Board considered that most members of the community would recognise the activities as fantasy elements and not form the view that the depicted actions were being promoted or condoned.

Based on the above, the Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and 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.

