Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	**0263-19**
2. Advertiser :	**Sportsbet**
3. Product :	**Gambling**
4. Type of Advertisement/Media :	**TV - Free to Air**
5. Date of Determination	**11-Sep-2019**
6. DETERMINATION :	**Upheld - Modified or Discontinued**

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.2 Exploitative or Degrading
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AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Wagering Code\2.1 Directed to Minors

DESCRIPTION OF ADVERTISEMENT

The Panel noted this television advertisement features a woman wearing a South Carolina sash and formal wear on a stage next to a male host in a white suit. Other women wearing sashes can be seen in the background. The sound of an audience applauding can be heard as the woman is handed a microphone by the host and another person hands her a phone. She holds the phone so the Sportsbet App can be easily seen. The voice over states, “Sportsbet’s new iPhone app is so easy to use.”
The woman states, “I personally believe that apps such like as Sportsbet that make it easier for people to use because...Apps”.
The male host raises his eyebrows in a way which suggests the woman’s response is awkward. Another contestant behind her claps enthusiastically at her response.
The voice over states, “The new iPhone app from Sportsbet, it’s foolproof.”
A superimposed yellow box with the word “foolproof” is stamped over the woman's neck.

Ad Standards Community Panel

THE COMPLAINT

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

Misogynistic, sexist, plus gambling should not be promoted and it is aired on Sunday AM tv.

It depicts woman is dumb, beauty pageant is dumb and by the way she is blonde! So Sportsbet is stating on our TV if a blonde beauty pageant can use their app , it is foolproof. This is utter disgusting and offensive; not to mention Many children are watching Sunday morning TV! In this day and age while we try to educate our children, boys or girls, against gender stereotype, I was simply dumbfounded!!! There was even a host of the pageant event who made an 'innuendo' look. This is just outrageous. Sportsbet should shamed publicly and fined!!! THIS IS SIMPLY SO SO WRONG. I AM SERIOUSLY OFFENDED by this 'No Level' of value of this company.

The advertisement is sexist because it stereotypes & exploits women. The only female in the advertisement is represented as a simple unintelligent beauty queen and is inadvertently labelled a fool by slapping a "foolproof" banner across her.

The ad uses a female character, dressed as a beauty queen, who is meant to be promoting the features or benefits of the app, but who is unable to do this. The 'humorous' punchline to the ad is that the app is Foolproof. The subtext being that the beauty queen is a fool.

This ad presents an outdated, stereotypical image of a dumb female to promote a new product for the SportsBet brand, presumably to a male audience. The reason for my concern is that the ad degrades women in order to sell a product. It is a retrograde ad, it unnecessarily harks back to an era where women were objectified and used to sell male-oriented products. Young males and females are likely to be watching this ad given that it is shown during the early evening; they will see women portrayed as stupid and unable to understand technology. While a certain male demographic might find this ad funny, bottom line it takes a cheap shot at young women, in its efforts to sell an app. If audiences don't call out ads like this, they are simply seen as acceptable, and they are not.

In Australia with a high domestic violence problem we should not be promoting gambling for men and showing women as stupid beauty queens . The ad shows the women with a stamp of Foolproof over her indicating even stupid women who look pretty can work the sports bet app
Demeaning to women
Anti women
Making women look stupid
Making women look like they're only beauty objects
Women don't like gambling as much as men do
Making men appear Like a good bloke if they gamble with the blimey voice over and the eye roll of the man in the grey suit

How can we allow this type of advertising on Australia a country built on strong men and women - it's appalling ban this type of advertising.

It is racist/prejudiced - it depicts foreigners and blonde females as being characterised by being stupid or fools.
It is sexist - it depicts blonde females as being characterised by being stupid or fools. It does this without any real humour or irony and without any backstory to suggest that this particular foreign blonde female might be a stupid one.
I found it unusually grating and off colour. Considering that I'm a 45 year old irreligious Australian male who isn't offended by much and I can't recall ever complaining about an advert before I figured that I should. It is a strange ad to see in this day and age and really I wouldn't have expected it to be ok in the past either. If it was funny like an old Benny Hill or Paul Hogan sketch it would be fine by me - but it isn't.

Time's up on portraying women, blonde or not, as morons in advertising. It is discriminatory, insulting and damaging to the self esteem of women, especially young ones. Lack of respect for women underlies violence against women.

This advertisement clearly makes a mockery of US Southern culture; using a blonde model with a fake southern accent and wearing a "South Carolina" sash at a staged beauty contest. The advertisement uses satirical question to imply that the beauty contestant from South Carolina is dumb by the way she answers. It's offending on many levels as it stereotype blondes and people from the south. I think the advertiser could have chosen a better way to communicate the humour in their message without having to put people down.

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 letters dated 20th, 22nd, 23rd, 26th and 29th August 2019 and the Complaint mentioned above regarding Sportsbet's 'Foolproof' advertisement (Advertisement), a digital file of which is attached.

The Complaint

Ad Standards has identified the following sections of the AANA Code of Ethics (Code) as those which may have been breached based on the Complaint:

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.

2.2 Advertising or Marketing Communication shall not employ sexual appeal: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative or degrading of any individual or group of people.

Sportsbet's response to the Complaint

Sportsbet rejects that the Advertisement breaches sections 2.1, 2.2 or any other section of the Code for the reasons outlined below.

Section 2.1 of the Code: Discrimination or Vilification

In short, the Advertisement does not discriminate against or vilify any person or group of people on account of race, nationality, gender or any basis.

As described in detail below, the portrayal of the main character in the Advertisement is purely satirical and without prejudice to, or disparagement of, any particular individual or the female gender.

The Community Panel's views on 'discrimination and vilification' are well known and the extremely serious nature of discrimination and vilification is highlighted by the Community Panel's published views on each as outlined below:

Discrimination: Acts with inequity, bigotry or intolerance or gives unfair, unfavourable or less favourable treatment to one person or a group because of their race, ethnicity, nationality, sex, age, sexual preference, religion, disability and/or political belief. Vilification: Humiliates, intimidates, and incites hatred towards, contempt for, or ridicule of one person or a group of people because of their race, ethnicity, nationality, sex, age, sexual preference, religion, disability and/or political belief.

The Advertisement does not in any way depict material which discriminates or vilifies any individual or a group of people. Rather, it merely attempts to use satire and humor to convey the message that Sportsbet's new app is easy and simple to use. As the Community Panel is aware, the Advertisement is one of a series of Sportsbet advertisements which seek to depict a series of individuals doing silly or foolish things as a humorous way to illustrate that use of the app is 'foolproof'. The characters in the advertisements are varied, and this Advertisement features a beauty pageant contestant giving a particularly silly answer to a question from the host, which is a commonly parodied type of scene or setting. The reference to 'South Carolina' is incidental only, and is included only for humorous context given the popularity of these types of pageants in the US.

Clearly, none of the required elements of inequity, bigotry, intolerance, contempt or inciting hatred (among others) are present in the Advertisement.

Section 2.2 of the Code: Exploitative – women

Section 2.2 of the Code relevantly prohibits advertising which 'employs sexual appeal in a manner which is exploitative or degrading of any individual or group of people'. With respect, the Advertisement does not in any way employ 'sexual appeal' (which include 'images such with a suggestion of sex, some nudity, a sexual pose or tight clothing') at all, nor is it exploitative or degrading in any way toward any individual or group of people.

Rather, the main character in the Advertisement is dressed in conservative attire, being asked a question by the host of the pageant, where the character then provides a ridiculously non-sensical answer to the question. There is no 'sexual appeal' present or intended in the Advertisement (and for completeness, in any event, there is no individual or group of people who are exploited or degraded by the Advertisement).

Conclusion

For the reasons outlined below, Sportsbet submits that the Advertisement does not in any way breach the Code. Again, Sportsbet regrets if the nature of the Advertisement was misconstrued and acknowledges from reading the Complaints that the intended humour in the Advertisement was not to everyone's tastes.

However, with respect, as the Community Panel has recognised, 'the issue of bad taste is one that does not fall within the scope of the Code', and Sportsbet is very careful to ensure that it's advertising fully complies with the Code, and it submits that this Advertisement does so.

AANA, 'Code Crux: discrimination and vilification' at: https://aana.com.au/knowledge/blog/code-crux-discrimination-vilification/ (19 June 2018)
Ad Standards, 'Discrimination and vilification' at https://adstandards.com.au/issues/discrimination-and-vilification (accessed on 14 August 2019)
Ad Standards Community Panel Determination, 'Manscaping', Case Ref. 0137-18 (11 April 2018)

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 complainants' concerns that the advertisement:

- Uses sexist stereotypes of women, in particular a group of women who are involved in beauty pageants
- Implies women are unintelligent, and inferior to men
- Uses a stereotype that all blondes are dumb
- Implies that female attractiveness and beauty are mutually exclusive

- Mocks people of US Southern culture
- Objectifies and degrades the woman in the advertisement
- Portrays women as only existing for male pleasure and derision
- Portrays a lack of respect for women which is an underlying cause of violence against women
- Is advertising gambling at a time when children could be watching, or on TV at all

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

The Panel noted this television advertisement features a woman wearing a South Carolina sash and formal wear on a stage next to a male host in a white suit. Other women wearing sashes can be seen in the background. The sound of an audience applauding can be heard as the woman is handed a microphone by the host and another person hands her a phone. She holds the phone so the Sportsbet App can be easily seen. The voice over states, "Sportsbet's new iPhone app is so easy to use."
The woman states, "I personally believe that apps such like as Sportsbet that make it easier for people to use because…Apps".
The male host raises his eyebrows in a way which suggests the woman's response is awkward. Another contestant behind her claps enthusiastically at her response.
The voice over states, "The new iPhone app from Sportsbet, it's foolproof."
A superimposed yellow box with the word "foolproof" is stamped over the woman's neck.

The Panel first addressed some complainants' concerns that were not an issue under the Code of Ethics or the Wagering Code.

The Panel noted the complainants' concern that the advertisement portrays a lack of respect for women which is an underlying cause of violence against women. The Panel noted that its role is to consider advertisements on an individual basis against the provisions of the Code and that the issue of the broader social impact of an advertisement is not an explicit matter for consideration by the Panel. However the issue of whether the advertisement shows a lack of respect for women is an issue that can be considered under the Code under section 2.1.

The Panel noted the complainants' concerns that gambling should not be allowed to be advertised at all on television, and should not be allowed to be advertised at a time when children can view the advertisement.

The Panel noted that whether or not a gambling related product or service is allowed to be advertised is a matter for government and that Ad Standards generally has no jurisdiction over the placement or timing of wagering advertisements.

The Panel noted that the AANA Wagering Advertising & Marketing Communication Code (the Wagering Code) provides that advertisements for wagering products or services 'must not, having regard to the theme, visuals and language, be directed primarily to minors.'

In this instance, the Panel considered that in this instance the complaints relating to the advertisement were related to the advertising of gambling generally and were not related to the content of the advertisement having appeal to children.

The Panel considered however that the advertisement, in its theme and visuals, was not an advertisement that was directed to or of appeal to children.

The Panel then considered issues which are under the Code.

The Panel 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 Panel noted that the Practice Note for Section 2.1 of the Code of Ethics provides the following definitions:

Discrimination – unfair or less favourable treatment
Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.

The Panel noted the complainants' concern that the advertisement mocks people of US Southern culture.

The Panel noted the woman was wearing a sash with the words 'South Carolina'.

The Panel noted the advertiser's response that, the reference to South Carolina was incidental only and was only included for humorous context given the popularity of beauty pageants in the USA.

The Panel considered that the Nationality or culture of the woman in the advertisement was not the focus of the advertisement – rather the focus was the concept of beauty pageants. The Panel considered that the advertisement did not show the woman receiving unfair or less favourable treatment because she is from South Carolina, and did not humiliate or ridicule the woman on the basis of where she is from.

The Panel noted the complainants' concern that the advertisement shows a lack of respect for women, uses sexist stereotypes of women, in particular a group of women who are involved in beauty pageants and/or blonde women, implies women are unintelligent, and inferior to men and implies that female attractiveness and beauty are mutually exclusive.

The Panel noted the advertiser's response that the advertisement is part of a series which uses satire and humour to convey the message that the new app is easy to use,

and that the advertisement does not in any way depict material which discriminates against or vilifies any individual.

The Panel noted the advertiser's response that this is part of a series of advertisements, however noted that it can only consider the content of the individual advertisement which is the subject of the complaints, and not the wider campaign.

The Panel noted that the scenario in the advertisement was a parody of an incident at a 2007 Miss Teen USA pageant, where a contestant from South Carolina struggled to answer a question about maps. The Panel considered that many people viewing the advertisement would not be aware of this incident and would not recognise this to be a parody.

The Panel considered that the expression on the male hosts face, the voice over stating, 'it's' foolproof' and the word 'foolproof' stamped across the woman's neck combined to give the impression that the woman was being ridiculed for being unintelligent.

The Panel noted that there is an existing stereotype that women who enter beauty pageants are not intelligent, as well as an existing stereotype that blonde women are unintelligent.

The Panel noted the Practice Note for the Code provides that, "Advertisements can humorously suggest stereotypical aspects of an ethnic group or gender, provided the overall impression of the advertisement does not convey a negative impression of people of that group."

The Panel noted that it had previously considered the issue of stereotypes of blonde women being unintelligent in case 0181-18, in which:

"The Panel considered that although the advertisement does not specifically refer to women, blonde jokes are stereotypically at the expense of women and that implication can be inferred in this advertisement. The Panel considered that the overall impression of this advertisement is one of an outdated and poor stereotype that blonde women are unintelligent, which is a negative stereotype and in the Panel's view incites ridicule of blonde women."

Similar to the previous determination, the Panel considered that the current advertisement conveys the overall impression that women who enter beauty pageants are unintelligent, which is a negative stereotype, and in the Panel's view this incites ridicule of these women.

The Panel determined that the advertisement did depict material in a way which discriminates against or vilifies a section of the community on account of gender and did breach Section 2.1 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people."

The Panel noted the complainants' concerns that the advertisement objectifies and degrades the woman in the advertisement and portrays women as only existing for male pleasure and derision.

The Panel noted the advertiser's response that there is no sexual appeal present or intended in the advertisement.

The Panel first considered whether the advertisement used sexual appeal.

The Panel considered that the woman in the advertisement was dressed in formal attire and there was no focus on her body. The Panel considered that the language and visuals in the advertisement did not draw attention to the woman's body or suggest that the woman was a sexual object.

The Panel acknowledged that many people in the community feel that beauty pageants are outdated and exploitative of women, however considered that the setting of a beauty pageant on its own does not amount to a depiction of sexual appeal.

The Panel considered that the advertisement did not contain sexual appeal, and therefore did not breach Section 2.2 of the Code.

Finding that the advertisement did breach Section 2.1 of the Code, the Panel upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertisement will be discontinued across all mediums from Sunday 29 September.