



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

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| 1. Case Number : | 0269-20 |
| 2. Advertiser : | PointsBet Australia Pty Limited |
| 3. Product : | Gambling |
| 4. Type of Advertisement/Media : | TV - Pay |
| 5. Date of Determination | 9-Sep-2020 |
| 6. DETERMINATION : | Dismissed |

ISSUES RAISED

AANA Wagering Code\2.5 Promise of winning

DESCRIPTION OF ADVERTISEMENT

This Pay TV advertisement depicts PointsBet spokesperson Billy Brownless speaking about current odds being offered by Pointsbet, and a current wagering promotion. When advertising the promotion he states, "And PointsBet's AFL early payout continues. Lead at half time, guess what, you win. It's on every Thursday, Friday and Saturday night, all season long. And during the festival of footy it went off over 33% of the time. Giving away over three million dollars to punters who would have done their dough. PointsBet. They've gone mad. They're just giving away cash. So download the PointsBet app and please remember to gamble responsibly.

THE COMPLAINT

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

Billy Brownless appeared on behalf of Pointsbet during the Live Saturday Countdown to the afternoon AFL game and stated that Pointsbet were basically giving away money. It's not clear whether this was live or a recording.

Because the purpose of betting organisations is to make money from the public, not to altruistically give away money. The statement by Billy Brownless was basically a lie. I have seen him make the same statement before.

THE ADVERTISER'S RESPONSE



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

Advertiser did not provide a response.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Wagering Advertising and Marketing Communication Code (the Wagering Code).

The Panel noted the complainant's concern that the advertisement is misleading as it implies that PointsBet was giving away money.

The Panel reviewed the advertisement and noted the advertiser had not provided a response.

The Panel noted that as the advertiser is a company licensed in a State or Territory of Australia to provide wagering products or services to customers in Australia and that the product advertised is a wagering product or service, the provisions of the Wagering Code apply.

In particular the Panel considered Section 2.5 of the Wagering Code which provides: "Advertising or Marketing Communication for a Wagering Product or Service must not state or imply a promise of winning."

The Panel noted the statements, "Lead at half time, guess what, you win. It's on every Thursday, Friday and Saturday nights all season long" and "During the festival of footy it went off over 33% of the time". The Panel considered that these statements clearly outlined the conditions of winning, and that only one third of people who had made a bet under these conditions had won money.

The Panel noted the statement, "They've gone mad. They're just giving away cash". The Panel considered that this was a colloquial statement and would be unlikely to be taken seriously or literally by members of the community. The Panel considered that an average member of the community would understand that money wouldn't be given away, and that gambling comes with an inherent possibility of loss.

The Panel considered that the advertisement did not state or imply a promise of winning and determined that the advertisement did not breach Section 2.5 of the Wagering Code.

Finding that the advertisement did not breach the Wagering Code on other grounds, the Panel dismissed the complaint.