



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0272-21
2. Advertiser :	Entain Group Pty Ltd
3. Product :	Gambling
4. Type of Advertisement/Media :	TV - Pay
5. Date of Determination	13-Oct-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Wagering Code\2.9 Pressure to gamble

DESCRIPTION OF ADVERTISEMENT

This Pay TV advertisement depicts three men at a table looking at a glowing phone. Suddenly, an NFL player crashes through a wall. Various other sports players are seen in the venue including football, basketball, tennis and table tennis. The scene changes back to the three men and one emphatically tells the man holding the phone to "pick a sport". He then chooses and places his bet. The Ad concludes with the "Neds" logo on screen.

THE COMPLAINT

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

The advert promotes irresponsible gambling. The bet appears to be rushed and only placed under the influence of his friends, rushing him to 'pick a sport'. The advert appears to promote a 'lucky dip' attitude towards gambling, common with problem gamblers and addicts.

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 24 September 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 the “Neds” brand and specifically the Same Game Multi product (“Ad”).

In your letter of 24 September 2021, the Ad is described by the community member as: 3 men are in a pub. The man is in the process of placing a bet online. His friends appear to be rushing his decision. It suggests that bets should be placed under stress and through peer pressure. They are not betting responsibly.

*The specific reason for concern outlined by the community member in your letter dated 24 September 2021 of the Ad is:
The advert promotes irresponsible gambling. The bet appears to be rushed and only placed under the influence of his friends, rushing him to ‘pick a sport’. The advert appears to promote a ‘lucky dip’ attitude towards gambling, common with problem gamblers and addicts.*

The specific issues raised are in relation to clause 2.9 of the AANA Wagering Code – Pressure to gamble – encourage peer pressure. Our response to these complaints is set out below.

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

“His friends appear to be rushing his decision”

Response

At no stage during the Ad are the friends trying to rush his decision. The Ad shows that there is a large number of sports and options on which to include in “same game multi” bets. The male with the phone has already chosen to place a bet and is in the process of doing so.

Incorrect assertion

“It suggests that bets should be placed under stress and through peer pressure”

Response

The Ad at no stage expressly states or impliedly suggests that bets should be placed under stress and through peer pressure. The Ad shows that there is a large number of sports and options on which to include in “same game multi” bets. The male with the phone has already chosen to place a bet and is in the process of doing so.

Incorrect assertion



“They are not betting responsibly” / “The advert promotes irresponsible gambling”

Response

There is absolutely nothing in the Ad that suggests that they are not betting responsibly, or that the Ad promotes irresponsible gambling. The Ad shows a male placing one bet while engaging with his mates. Entain recognizes its responsibility as a wagering operator to contribute to the overall better understanding and prevention of problem gambling. We take our position in regard to responsible gambling very seriously. Entain have continuously exceeded what is required in terms of regulatory obligations and become the market leader in Australia in responsible gambling practices.

Incorrect assertion

“The bet appears to be rushed and only placed under the influence of his friends, rushing him to ‘pick a sport’”

Response

The Ad at no stage suggests that the bet is being rushed and only placed under the influence of his friends. The Ad shows that there is a large number of sports and options on which to include in “same game multi” bets. The first male has already chosen to place a bet and is in the process of doing so. He is clearly contemplating what to select and there is no indication at all that he is rushing. The final script for the Ad also indicates that the male with the phone “confidently makes the final selections”.

Incorrect assertion

“The advert appears to promote a ‘lucky dip’ attitude towards gambling, common with problem gamblers and addicts.”

Response

At no stage does the Ad promote a ‘lucky dip’ attitude towards gambling. The Ad shows that there is a large number of sports and options on which to include in “same game multi” bets. The first male has already chosen to place a bet and is in the process of doing so. There is no indication at all that the male does not know what he is doing, or that he is simply taking a guess or a ‘lucky dip’. The final script for the Ad also indicates that the male with the phone “confidently makes the final selections”.

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 2.9 of the Wagering Code states that “Advertising or Marketing Communication for a Wagering Product or Service must neither portray, condone or encourage peer pressure to wager nor disparage abstention from wagering activities”. The Ad clearly shows that the male in the centre is in the process of placing a bet. The Ad suggests that he has already made the decision to download the Neds App (or visit the Neds website), he has already made the decision to place a bet, and he is just in the process of the final steps of completing the bet when various sportspeople burst into the pub. The final script for the Ad also indicates that the male with the phone “confidently makes the final selections”.

The premise behind that Ad was to show that the Neds same game multi had so many available sports to pick from by showing so many sportspeople that have burst into the Pub causing all sorts of chaos and disrupting the Pub atmosphere.

There is a clear difference between the above purpose and meaning of the Ad and to an advertisement that is portraying, condoning or encouraging peer pressure to wager. At no stage during this Ad is there any peer pressure to actually wager.



Further, as the Ad is clearly set in a fantastical world, any comments are not a reflection on reality. As there are a number of events and scenes that are not real, it flows that there is no real peer pressure in any event.

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.

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

The Panel noted the complainant's concern that the advertisement promotes irresponsible gambling by depicting a man being rushed and only placing a bet due to the influence of his friends.

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

The Panel noted that 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 and therefore the provisions of the Wagering Code apply.

Section 2.9 - Advertising or Marketing Communication for a Wagering Product or Service must neither portray, condone or encourage peer pressure to wager nor disparage abstention from wagering activities

The Panel noted the practice note for Section 2.9 which states "Advertising or marketing communication must not portray, condone or encourage criticism or ridicule for not engaging in wagering activities or disparage abstention from wagering, for example by mocking non-participants".

The Panel considered that while one of the men does encourage another to "pick a sport", this is in the context of the man picking a sport so that all the sports players around them will disappear. The Panel noted this is reinforced by the lack of sports players around the men after he has picked a sport and they sigh in relief, and he comments "that was crazy for a sec there wasn't it?"

The Panel noted that all gambling has a deadline by which a user must place their wager and considered that while there was a sense of urgency in the advertisement, the advertisement did not portray, condone or encourage peer pressure to wager.

Section 2.9 conclusion

Finding that the advertisement does not contain any messaging which portrays, condones or encourages peer pressure to wager nor disparage abstention from wagering activities, The Panel determined that the advertisement did not breach Section 2.9 of the Wagering Code.

Conclusion



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