

## Case Report

1. Case Number :	0282-22
2. Advertiser :	Sportsbet
3. Product :	Gambling
4. Type of Advertisement/Media :	App
5. Date of Determination	7-Dec-2022
6. DETERMINATION :	Dismissed

### ISSUES RAISED

AANA Wagering Code\2.8 Excess participation

### DESCRIPTION OF ADVERTISEMENT

This Spotify advertisement features two men lost in a desert.

Man 1 says, "Mate, I reckon we've taken a wrong turn here."

Man 2 says, "Nah, Qatar Stadium should be just ahead."

Man 1 says, "We've been walking miles. Face it. We're lost in the desert."

Man 2 says, "Oh hang on. I've got a signal."

Man 1 says, "Can you call somebody?"

Man 2 says, "One sec, just gonna put a multi on. Benzema anytime goal scorer?"

Man 1 says, "Are you kidding me? Surely Mbappe."

A voice over says, "Nice one lads. Say yeah, nah Qatar, and yes to Sportsbet - the easiest place to bet on the World Cup. Gamble responsibly."

### THE COMPLAINT

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

*Gambling addiction means that you would give away logical thought to fuel the addiction. They are in a desert, could die but the man has to get his fix before saving them. Gambling addiction.*

## 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 letter dated 28 November 2022 regarding a complaint (Complaint) received by Ad Standards concerning Sportsbet's World Cup 'Desert' dynamic audio advertisement (Advertisement), enclosed.*

### *Summary of response*

*Ad Standards has identified the Complaint as potentially raising issues with section 2.8 of the AANA Wagering Advertising Code (Code) which requires that wagering advertising 'must not portray, condone or encourage excessive participation in wagering activities'.*

*Sportsbet strongly rejects any suggestion that the Advertisement breaches section 2.8 of the Code (or any other section) for the reasons explained below.*

### *What does section 2.8 of the Code prohibit?*

*The AANA's Practice Note in respect of section 2.8 of the Code (Practice Note) relevantly provides that the mere depiction of regular wagering (eg, as a routine weekend pursuit during a sporting seasons or other social event) does not equate to portraying excessive participation and that the frequency of participation depicted in the advertisement is only one factor relevant in assessing whether advertising breaches this section.*

### *The Advertisement*

*The Advertisement was a 30 second dynamic audio promoting betting markets on the 2022 FIFA World Cup Soccer tournament currently being held in Qatar on Spotify. The Advertisement depicts two individuals in a fanciful and unrealistic setting intended to create the impression they are walking through the desert looking for Qatar stadium. The scene is a plainly exaggerated and fictitious scenario. One of the characters says, "we've been walking miles...face it, we're lost in the desert" before the other character says, "hang on, I've got a signal". The first character then suggests calling somebody before the second says, "one sec I'm just going to put a multi on". The two then begin to discuss which player they should select for their multi, before the advertisement cuts to a voiceover who states, "say yeah nah Qatar and yes to Sportsbet".*

### *No depiction or encouragement of excessive wagering*

*The Advertisement contains no reference to or element of repeated or excessive wagering whatsoever. Whilst the premise of the Complaint may be based on the scenario as being one that could potentially occur, the Advertisement clearly depicts*

*an entirely fanciful setting which is intended as a humorous and lighthearted way to promote Sportsbet's 2022 FIFA World Cup markets.*

*There are several recent cases in which the Community Panel has (rightly) dismissed similar complaints under section 2.8 of the Code including one in which the Community Panel stated: "the unrealistic nature of the scenarios meant that most members of the community would not interpret the advertisement as a realistic depiction of people prioritizing wagering over life events and that overall, the advertisement does not convey the message that wagering is taking priority in the men's lives".<sup>1</sup>*

*This Advertisement does not in any way depict wagering as being indispensable, causing 'significant' disruption to individual's lives or impairing logical judgment. The Advertisement does not suggest in any way that the characters are in danger or need medical assistance; rather it creates a humorous setting in which two characters are lost on their way to watch the soccer at the Qatar stadium. The Advertisement does not depict gambling taking priority over any overtly dangerous situation. As such, any reasonable member of the community would not interpret the scenario as portraying, condoning or encouraging excessive wagering.*

#### *Conclusion*

*For the reasons outlined above, Sportsbet strongly rejects any assertion that the Advertisement breaches section 2.8 or any other section of the Code and submits that the Community Panel should dismiss the Complaint.*

### **THE DETERMINATION**

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

The Panel noted the complainant's concern that the advertisement depicts wagering at a level that is concerning.

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.

**Wagering Code Section 2.8 - Advertising or Marketing Communication for a Wagering Product or Service must not portray, condone or encourage excessive participation in wagering activities.**

The Panel considered whether the advertisement portrayed 'excessive' participation in wagering activities.

The Panel noted the Practice Note to Section 2.8 of the Wagering Code which provides:

*"Simply depicting regular wagering, for example as a routine weekend pursuit during a sporting season, does not equate to portraying excessive participation. An advertisement or marketing communication would portray, condone or encourage excessive participation in wagering activities where it depicts:*

- *participants wagering beyond their means;*
- *wagering taking priority in a participant's life;*
- *prolonged and frequent wagering to improve a participant's skill in wagering."*

The Panel noted the complainant's concern that the advertisement depicts a gambling addiction by showing a person lost in the desert whose main concern is placing a bet, at the expense of calling for help.

The Panel noted it had previously upheld complaints about excessive participation in wagering activities in cases 0447/16, 0459/17 and 0492/17 where wagering appeared to take priority in a participant's life or participants went beyond ordinary or proper limits.

In contrast, in the current case, the Panel noted that the advertisement depicts a highly exaggerated scenario of men lost in the desert. The Panel considered that the ad is quite fast paced with a lot of speaking, and the lack of visuals make the overall scenario less impactful.

The Panel noted that the second man does not appear concerned that the first is making a wager rather than calling for help, only surprise at the wager the man has placed (as opposed to him making it at all).

The Panel considered that the unrealistic nature of the scenario meant that most members of the community would not interpret the advertisement as a realistic depiction of people prioritizing wagering over an emergency situation and that overall the advertisement does not convey the message that wagering is taking priority in the people's lives.

The Panel considered that the advertisement was not condoning or encouraging excessive participation and in the Panel's view the message taken from the promotion is not a portrayal of or encouragement for, excessive participation in wagering activities.

### **Wagering Code Section 2.8 Conclusion**

The Panel determined that the advertisement does not portray, condone or encourage excessive participation in wagering activities and does not breach Section 2.8 of the Wagering Code.

### **Conclusion**

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