



Case Report

1	Case Number	0288/16
2	Advertiser	Tabcorp
3	Product	Gaming
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	13/07/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens with a voiceover: "This week's MVP is 'Bretty' Dolan. Who's the in form player amongst his mates and on a real hot streak right now. Let's go to our reporter who's at the team bus...Jules?"

We then see a female interviewer talking to a man who has just stepped of a bus:

"Brett...Bretty...convincing wins recently. You must be pretty confident today?" Brett replies that they will just go out and do their best and the interviewer tells him that his mates are already inside the pub.

On screen super: AMAZING EVERYDAY VALUE FROM THE TAB

VO: Amazing everyday value there from the TAB. TAB. More than just winning.

End frame: TAB MORE THAN JUST WINNING

THE COMPLAINT

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

The message is not the right message to be giving about responsible gambling.

1. Everyday value implies that there is a gain from gambling when we all know you lose more than you win and there is no guarantee that there will be VALUE every time - in fact what is the value??

2. It implies that gambling should happen 'everyday' something that people with a gambling problem struggle to avoid.

the two words everyday value give a totally unrealistic and irresponsible expectation of gambling and attempt to bring gambling into mainstream as a normal everyday behaviour. There was not one mention of gambling responsibly.

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 regarding a complaint (reference number 0288/16) received by the Advertising Standards Bureau (ASB) in relation to a Tabcorp advertisement.

The complainant describes the relevant advertisement as follows:

The advertisement was about placing bets at your local TAB. It talked about accessibility, made it sound like it was a normal part of the day to place a bet - and used the phrase "everyday value" which I think was highly inappropriate given the addictive nature of gambling. It is giving the impression that there is value from gambling and that it is something you should do every day - totally irresponsible messages.

While the complainant has not provided the date or time that the relevant advertisement was broadcast, we understand that the complainant may be referring to Tabcorp's advertisement named "Autumn Brand TV Bus" with key number 'NEWTAB160011' (the Advertisement).

The complainant's reasons for concern regarding the Advertisement are:

Issues Raised To Date:

2.6 - Health and Safety Within prevailing Community Standards

REASON FOR CONCERN: The message is not the right message to be giving about responsible gambling.

1. Everyday value implies that there is a gain from gambling when we all know you lose more than you win and there is no guarantee that there will be VALUE every time - in fact what is the value?

2. It implies that gambling should happen "everyday" something that people with a gambling problem struggle to avoid. The two words everyday value gives a totally unrealistic and irresponsible expectation of gambling and attempt to bring gambling into mainstream as a normal everyday behaviour. There was not one mention of gambling responsibly.

TABCORP'S RESPONSE

The complainant has alleged that the Advertisement may breach Section 2.6 of the AANA Code of Ethics (the Code) which states that:

'Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.'

The concept of 'Prevailing Community Standards' is considered in the Practice Note to the Code which states that the Board 'will have regard to community standards at the time the marcomms was published'. The Advertisement is not contrary to "prevailing community standards" for the following reasons:

1. Gambling is legal in Australia and a form of entertainment. TAB is licenced and permitted to provide gambling services in Australia. Around 70 per cent of Australians will gamble each year. Gambling is a form of entertainment and in Australia is highly regulated by state and federal laws in order to protect certain segments of society.

2. Gambling advertising is legal. Section 2.6 of the Code does not ban advertising that depicts gambling; nor does any other part of the Code. Gambling advertising is legal in all Australian States and Territories. The Advertisement is a general brand advertisement for TAB.

3. "Everyday Value" has formed part of Tabcorp's brand proposition since September 2015 and has aired more than 2700 times. This is the first complaint regarding this wording. Tabcorp has been using the term "Everyday Value" in its advertising since September 2015 and the use of the phrase in the context of Tabcorp delivering daily value specials is reflected in the TAB Promotions section of the TAB website under the heading "Everyday Special" (<https://www.tab.com.au/offer>). This Advertisement in particular has also been broadcast, across both free-to-air and subscription television, more than 900 times. TAB has a number of advertisements featuring the "Everyday Value" brand, which have been broadcast more than 2700 times since the concept was first aired in September 2015. These advertisements are also available for viewing on Youtube. Despite the large number of times that the Advertisement (and similar versions of the Advertisement) has been broadcast, Tabcorp is not aware of any other complaints.

4. The Advertisement does not suggest that a person is "guaranteed" to win more than they lose, make a gain or that a person should gamble every day. The Advertisement does not suggest in any way that, by the act of gambling, a person is "guaranteed" to (a) win more than they lose, or (b) earn "value", in the sense of a gain, "every time". The Advertisement is a mere marketing tool to distinguish our products from our competitors" based on price. AANA noted in its 2015 Discussion Paper of the AANA Wagering Advertising & Marketing Communication Code, that:

"[Advertising] drives consumer choice in the commercial and non-commercial sectors and promotes competition. As a result, it helps consumers and the wider society to be better informed, to achieve insights and understandings and to secure value for money." (Emphasis added).

Tabcorp agrees with the AANA that customers should be able to make an informed decision as to which gambling provider they choose, and one of those deciding factors is often the price of current or "everyday" odds.

5. The Advertisement contains the nationally approved responsible gambling message. Tabcorp does not agree with Complainant that there is "not one mention of gambling responsibly". The following responsible gambling message appears and remains on the screen for 15 out of 30 seconds of the Advertisement:

Think! About your choices. Call Gambler's Help or Gambling Help 1800 858 858 or visit www.gamblinghelp.nsw.gov.au or www.gamblinghelponline.org.au. Stay in control. Leave before you lose it. Gamble Responsibly.

Tabcorp's approval process

All Tabcorp advertisements are reviewed and authorised by Tabcorp's internal Legal Department and produced in line with AANA Code of Ethics. In addition, FreeTV's Commercials Advice team approved this Advertisement prior to it being broadcast on free-to-air television.

Tabcorp's commitment to responsible gambling

Tabcorp takes its responsible gambling obligations seriously. We have been rated as the overall global gambling industry leader in the annual assessment for the Dow Jones Sustainability Index in 10 out of the past 11 years.

In the most recent assessment, Tabcorp once again received a 100% rating in the 'Promoting Responsible Gambling' category. Tabcorp's global leadership ranking in the Responsible Gambling category recognises our commitment to the responsible delivery of gambling products. Responsible gambling is an important part of our operating philosophy and company values.

We thank you for providing us with the opportunity to respond.

THE DETERMINATION

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

The Board noted the complainant's concerns that the advertisement implies that you should gamble every day and that there is a gain to be had from gambling, and that there is no mention of gambling responsibly.

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

The Board considered 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 that this television advertisement features a male voice over talking about the betting form of a member of The Glenview Hotel Team, Bretty Dolan. We see Bretty being interviewed on his way in to the pub to meet up with his friends and the voice over says, "Amazing everyday value there from the TAB...more than just winning".

The Board noted the complainant's concern that the advertisement implies you should gamble every day. The Board noted it had previously upheld a similar complaint in case 0476/12 where:

"The Board noted this advertisement features a 'mobile banner ad' which is shown in two separate alternating static frames... The predominant text on the page reads "Bet on every race, every day, from your mobile..."

...The majority of the Board agreed that the availability of a mobile phone app for the purposes of gambling is not of itself encouraging excessive gambling. However the majority of the Board considered that the use of the phrase "Bet on every race, every day, from your mobile" is suggesting that once you have the app you can bet on all races. The majority of the Board considered that the convenience of being able to bet from your phone in conjunction with the catch phrase is encouraging of frequent and continued betting. The Board considered that in this instance the advertisement suggests excessive gambling and is a depiction which is contrary to Prevailing Community Standards on health and safety."

In the current advertisement the Board noted that the voice over and the on-screen text says, "Amazing everyday value" and considered that the most likely interpretation is that whichever day you use TAB you will get value rather than you should use TAB every day. The Board noted the advertisement focuses on a man who is part of a group and considered that it is not unusual for workplaces or groups of mates to join tipping competitions or punters' clubs and that this depiction in the advertisement does not encourage excessive gambling.

The Board noted the complainant's concern that the advertisement suggests there is a gain to be had from gambling with TAB. The Board noted the voice over and text says, "Everyday value" and "More than just winning" and considered that this was not a suggestion that you would always win but rather that the service offered is good value for the consumer when compared against similar gambling organisations and that the experience is not just about the winning or that you will always win. The Board noted that Bretty's previous form is shown at the start of the advertisement and considered that while he is shown to have won 5 times he has also lost twice and had one draw. Overall the Board considered that the advertisement did not suggest that you would always win if you placed a bet with TAB.

The Board noted the complainant's concern that there was no message to gamble responsibly in the advertisement. The Board noted the advertiser's response that the advertisement does contain the nationally approved responsible gambling message and considered that this message is on screen from the 12 second mark to the 23 second mark of the advertisement.

Overall the Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on responsible gambling.

The Board determined that the advertisement 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.

