



**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

|   |                                 |
|---|---------------------------------|
| <b>1. Case Number :</b>                 | <b>0288-19</b>                  |
| <b>2. Advertiser :</b>                  | <b>Tabcorp Holdings Limited</b> |
| <b>3. Product :</b>                     | <b>Gambling</b>                 |
| <b>4. Type of Advertisement/Media :</b> | <b>TV - Free to Air</b>         |
| <b>5. Date of Determination</b>         | <b>11-Sep-2019</b>              |
| <b>6. DETERMINATION :</b>               | <b>Dismissed</b>                |

### ISSUES RAISED

AANA Wagering Code\2.9 Pressure to gamble

### DESCRIPTION OF ADVERTISEMENT

This television advertisement features a man comes to stand between two friends who are excited about a horse race, the man looks disappointed. One of the other men ruffles his hair. The voice over states, "a good tip is no good if you forget to back it. That's life." The words 'Long may we play' are superimposed on the screen with the TAB logo.

### THE COMPLAINT

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

*This is prime viewing time and you are trying to make someone who is struggling with gambling feel bad because they haven't gamble! This is very wrong*

*My partner and I were shocked and disgusted that this sent a horrible message and preyed on those who may regret not having made a bet.*

*Terrible message to promote.*

*As above disgusting advertising*

*The ad shows a male becoming more and more disappointed, while the others around him become ecstatic from a "win" on a race/game. The voiceover on the*



*advertisement is along the lines of “there’s nothing worse than making a good tip but not backing it”*

*It really pushes that gut feeling that a lot of young people would get in thinking they’ve got a sure bet. It shows or says nothing about what it’s like make a poor (much more likely bet) and lose to the game.*

*I’m not usually PC and this is great marketing, it will probably work. That doesn’t mean that it’s right. It’s targeting the vulnerable.*

## **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 2 September 2019 in relation to three complaints received by Ad Standards on 25 August 2019 in relation to a television advertisement (CAD Reference No. 2843550, CAD Rating “B”) (the Advertisement) that aired on various Free to Air television programs (the Complaints).*

### *Description of the advertisement*

*The Advertisement is part of the “Long May We Play” campaign which aims to highlight the role that racing and sport plays in Australians’ lives and their ability to bring us together.*

*The Advertisement shows a person who has forgotten to place a bet in circumstances where the bet would have been successful, if placed. A voice over then plays and says “a good tip is no good, if you forget to back it. That’s life”. The final part of the Advertisement shows a second person ruffling the hair of the person who forgot to place the bet.*

### *Consideration of Section 2 of the Code of Ethics*

*Our responses to each part of Section 2 of the AANA Advertiser Code of Ethics (the Code of Ethics) are outlined below:*

- 1. Discrimination or vilification – The Advertisement does not contain any matter that could be considered discriminatory or that vilifies any members of the community, including women.*
- 2. Exploitative or degrading – The Advertisement does not employ sexual appeal in a manner that is exploitative or degrading of any individual or group of people.*
- 3. Violence – The Advertisement does not present or portray any form of violence.*
- 4. Sex, sexuality and nudity – The Advertisement does not refer to any matters of sex or nudity.*



5. *Language – The Advertisement does not contain any strong or obscene language and is therefore appropriate in the circumstances.*
6. *Health and Safety – The Advertisement does not depict images contrary to public health and safety with regards to the use of motor vehicles.*
7. *Distinguishable as advertising – The Advertisement is clearly distinguishable as advertising, including because there is a call to action for TAB at the conclusion of the Advertisement.*

#### *Consideration of Section 2 of the Wagering Code*

*We have reviewed Section 2 of the AANA Wagering Advertising and Marketing Communications Code (the Wagering Code) and note as follows:*

1. *Directed to Minors – The Advertisement is not directed primarily towards minors.*
2. *Depiction of Minors – The Advertisement does not depict a minor.*
3. *Depiction of a person aged 18-24 years – The Advertisement does not depict a person aged between 18 – 24 years old engaging in wagering activities.*
4. *Alcohol – The Advertisement does not portray, condone or encourage wagering in combination with the consumption of alcohol.*
5. *Promise of winning – The Advertisement does not state or imply a promise of winning.*
6. *Relief of financial or personal difficulties – The Advertisement does not portray, condone or encourage participation in wagering activities as a means of relieving a person’s financial or personal difficulties.*
7. *Sexual success – The Advertisement does not state or imply a link between wagering and sexual success or enhanced attractiveness.*
8. *Excessive participation in wagering – The Advertisement does not portray, condone or encourage excessive participation in wagering.*
9. *Peer pressure to wager – The Advertisement does not portray, condone or encourage peer pressure to wager.*

*We understand that the complaints refer to the part of the Advertisement where the secondary character ruffles the hair of main character in a joyful manner. Consistent with the underlying theme of the “Long May We Play” campaign of racing’s ability to bring people together, this action is intended to demonstrate the secondary character’s appreciation for the tip he received from the main character.*



*The Advertisement does not disparage abstention from wagering activities. It is not possible for the secondary character's ruffling of the hair to constitute disparagement of the main character's abstaining from betting. This is because at no point during the Advertisement does the main character actively abstain from wagering, nor does the Advertisement suggest or convey the idea that this is the case.*

*Rather, the Advertisement shows a main character who forgot to place a bet in circumstances where the relevant bet would have been successful if placed. The voice over during the Advertisement makes this clear as there is an express reference to "forgetting" to place the relevant bet - "a good tip is no good, if you forget to back it".*

*The Advertisement does not depict or suggest that the secondary character knew that the main character had forgotten to place a bet. Therefore, the Advertisement does not demonstrate any disparagement of the main character for not placing a bet.*

*If required, we would welcome the opportunity to discuss this matter further with you.*

*Thank you again for the opportunity to comment on this matter. If you have any further questions, please do not hesitate to contact me.*

## **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 complainants' concerns that the advertisement:

- Attempts to make someone who is struggling with gambling feel bad because they haven't gambled
- Preys on those who regret not making a bet
- Is targeting the vulnerable and suggests that you should gamble if you've got a 'sure bet', and doesn't depict what it is like to make a bad bet

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.

As per the AANA Wagering Advertising and Marketing Communication Code Practice Note:

"The Code applies to advertising and marketing communication for wagering products and services provided by licensed operators in Australia..



In particular the Panel considered Section 2.9 of the Wagering Code which provides: '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 complainants' concern that the advertisement attempts to make someone who is struggling with gambling feel bad because they haven't gambled and the advertisement preys on those who regret not making a bet.

The Panel noted the advertiser's response that the advertisement makes an express reference to 'forgetting' to place a bet and the advertisement does not show the main character abstaining from wagering.

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 the main character in the advertisement is not depicted as deliberately abstaining from betting, rather he is depicted as having forgotten to place a bet that he meant to place.

The Panel considered the overall impression of the advertisement was that the man was disappointed not to have made a bet where he could have won money, and was not struggling with trying to abstain from wagering.

The Panel considered that the friend who ruffles the main character's hair is doing so in an enthusiastic way, as he has won his bet, and not in a way which suggests he is criticising or ridiculing the man for failing to place a bet.

The Panel considered that the overall impression of the advertisement is light-hearted and humorous, and does not contain any language or messaging which portrays, condones or encourages criticism or ridicule for not engaging in wagering activities.

The Panel considered the complainants' concern that the advertisement suggests that you should gamble if you've got a 'sure bet', and doesn't depict what it is like to make a bad bet.

The Panel considered that the advertisement suggesting that the main character would have won money if he had placed a bet was not a depiction which encouraged peer pressure to wager. The Panel considered that the reference to a 'good tip' in itself does not constitute peer pressure or discourage abstention from wagering. The Panel considered that there is no requirement in the wagering code for advertisers to show people losing money through wagering.



The Panel considered that a depiction of friends watching a horse race together was not a depiction which condoned peer pressure to wager, rather it was a depiction of a social setting.

The Panel considered that the advertisement does not disparage abstention from wagering activities nor depict peer pressure to wager. The Panel determined that the advertisement did not breach Section 2.9 of the Wagering Code.

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