



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0290-20
2. Advertiser :	GVC Australia Pty Ltd
3. Product :	Gambling
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	7-Oct-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement shows three men discussing their choices for an upcoming race. The Ad then cuts away to depict what the criteria the punter is thinking of. The first cut away is that of a horse with the words "Won last start" on screen with a voice over saying "Should she be rock hard fit and have won her last start?" The second cut away shot is that of a jockey holding up a trophy with the words "Top jockey" on screen with a voice over saying "Or a history of riding winners". The third cut away shot is that of a female horse trainer and other connections celebrating victory with the words "Top trainer" on screen with a voice over saying "Or is it all about the consistent strike rate?"

The Ad then cuts back to the three punters as a jockey enters the frame and explains to one of the punters that he can choose all three criteria, while the Ad then cuts to an image of a phone with an example of how to use the Filter Form, with the words "Filter Form Find Your Perfect Match" on screen.

THE COMPLAINT

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



This advertisement was very derogatory of women. It compared fillies with references to them having rock hard abs, being “ridden” by a winner: the use of an app to choose a filly was a clear reference to an app where you would choose a date. I was appalled. Neds should make advertisements without having to denigrate women: the suggestive nature of this advertisement is in poor taste and reinforces appalling sexist attitudes. It should be removed, it demonstrates very poor taste. Or in fact, none whatsoever.

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 16 September 2020 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 Neds television commercial promoting our “Filter Form” product (“Ad”).

The specific reason for concern outlined by the community member in your letter of 16 September 2020 is:

Neds should make advertisements without having to denigrate women: the suggestive nature of this advertisement is in poor taste and reinforces appalling sexist attitudes. It should be removed, it demonstrates very poor taste. Or in fact, none whatsoever.

The specific issues raised are in relation to clause 2.1 of the AANA Code of Ethics (the Code of Ethics) and in particular, 2.1 – Discrimination or Vilification (Gender).

Our comments in relation to the complaint

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

“This advertisement was very derogatory of women. It compared fillies with references to them having rock hard abs, and being “ridden” by a winner.

Response

The Ad refers to Neds’ new product “Filter Form” and the features of the product. The features of the Filter Form product allow customers to select various criteria in which to find a selection for an upcoming race. This includes horses that have won their last start, top jockey and top trainer criteria. At no stage is the Ad derogatory towards women.

No reference is ever made to rock hard “abs”. The reference in the Ad is to a horse being rock hard “fit”. This is a common reference in the racing industry used to describe a horse that is at peak fitness. For example the horse may have had a few



racers, including even won the last start and is ready to run really well. The term has been used in a number of race commentaries and race previews. See just some of these examples below:

- <https://www.facebook.com/cranbourneturfclub/posts/shes-rock-hard-fit-and-shes-had-a-really-nice-preparationwe-caught-up-with-allis/2512449595453368/>
- <https://twitter.com/Racing/status/1157899074688806913>
- https://twitter.com/racing_nsw/status/1048009814305984512
- <https://www.racenet.com.au/news/top-bets-from-cameron-happ-for-sandown-wednesday-20200623>

No reference or comparison is ever made to a filly being “ridden’ by a winner”. The reference is to a jockey (pictured) who has a history of riding winning horses, who then might be classed under the criteria of “top jockey”.

Incorrect assertion

“The use of an app to choose a filly was a clear reference to an app where you would choose a date.”

Response

Although the Ad could be viewed as drawing some parallels with modern/current phone apps (including dating apps) whereby users input criteria to find a match, the premise of the Ad is to show that customers can now filter through their race and betting selection options according to certain criteria.

Incorrect assertion

“Neds should make advertisements without having to denigrate women: the suggestive nature of this advertisement is in poor taste and reinforces appalling sexist attitudes.”

Response

At no stage at all does the Ad denigrate women. The Ad clearly shows Neds’ new Filter Form product and the possible criteria and selections that can be used in the product. The Ad also then shows how this can be used with reference to the actual product interface.

Females depicted in the Ad are not denigrated in any way. The Ad uses a woman to represent the success women have had in the racing industry, including as trainers.

See attached images showing the Filter Form interface.

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 persons under the age of 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 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.

At no point does our Ad provide or indicate unfair or less favorable treatment to any certain group of people. Further, at no point does our Ad humiliate, intimidate, incite hatred, contempt or ridicule any certain group of people. Specifically our Ad does not discriminate or vilify a person or section of the community with respect to gender.



The Ad refers to Neds' new product called Filter Form. During the Ad, there is reference to fillies (female horses) in conjunction with sections of text and a voice over. The Ad refers to a punter filtering through a number of betting options for an upcoming race/bet. In reference to the possible options, the punter asks himself and his friends the question of whether she (the horse) should be "rock hard fit". The term "rock hard fit" is a common racing term used to describe a horse that is at peak fitness and is ready to run well (see earlier examples of use in the racing industry). A horse that is "rock hard fit" is likely to be found under the "won last start" criteria.

The term "history of riding winners" is a phrase used directly in reference to the Filter Form product selection criteria "top jockey". If a jockey has a history of riding winners, then it is likely that jockey will be found under the "top jockey" criteria.

The term "consistent strike rate" is a phrase used directly in reference to the Filter Form product selection criteria "top trainer". If a trainer has a consistent strike rate at training winning horses, then it is likely that trainer will be found under the "top trainer" criteria.

See the attached images of the Filter Form interface showing various criteria titles, as well as the "trainer" criteria whereby customers can select the trainer win percentages (i.e. strike rate).

We note that the Neds brand and more generally, GVC Australia Pty Ltd employs a large number of female staff. These female employees occupy a number of diverse roles across the brand and business generally, including some very senior roles. Specifically, the script for this particular Filter Form advertisement was written by a female employee, and there were a number of other female employees involved in the design, creation and production of this (and other) Filter Form advertisements. At no stage were there any concerns raised by them regarding the content of these advertisements.

2.2 - Exploitative and degrading

We believe that our Ad does not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people.

We repeat and rely on our comments above under 2.1 – Discrimination.

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 Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement is derogatory towards women by comparing them to fillies.

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

The Panel considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Panel noted the Practice Note to Section 2.1 provides the following definitions:

"Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."

The Panel noted the complainant's concern that advertisement compares fillies by referring to rock hard abs, being ridden by a winner and scrolling through an app like a dating site, and was derogatory towards women in its references.

The Panel noted the advertiser's response that the advertisement does not refer to rock hard abs, but rather states "rock hard fit" which is a racing term referring to a horse's fitness. The Panel noted that statement is accompanied by an image of a horse and considered that it is clear that it is not related to women.



The Panel noted the advertisement does not refer to being “ridden by a winner” but rather states “have a history of riding winners” and shows an image of a jockey holding a trophy. The Panel considered that it is clear that the statement is not related to women.

The Panel noted that while the beginning of the advertisement is ambiguous about what the man is referring to when he states he will “scroll through these fillies fast” on his phone, the next scene depicts a horse and it is apparent that he is choosing which horse to bet on in a race. The Panel noted the advertiser’s response that the premise of the advertisement is to show that customers can now filter through their race and betting selections based on certain criteria.

The Panel considered that the advertisement did not depict anyone receiving unfair or less favourable treatment because of their gender, and the advertisement did not humiliate, intimidate or incite hatred, contempt or ridicule of anyone on account of their gender.

The Panel considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender and determined that the advertisement did not breach Section 2.1 of the Code

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.