



**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>0294-21</b>
<b>2. Advertiser :</b>	<b>Entain Group Pty Ltd</b>
<b>3. Product :</b>	<b>Gambling</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Pay</b>
<b>5. Date of Determination</b>	<b>27-Oct-2021</b>
<b>6. DETERMINATION :</b>	<b>Upheld - Pending Response</b>

### ISSUES RAISED

AANA Code of Ethics\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

This Pay TV advertisement features three men in a kitchen. One of the men is juggling apples and says he has three going at once. Another man shows his phone and states he has four. A voice-over gives details on a same race multi promotion. Another man is then shown near a window, bouncing a ball off the window. He says, "I'm not going to lie. You ladbroke it. You ladbroke it good". He throws one of the balls and hit hits the juggling man in the face.

### THE COMPLAINT

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

*This is degrading to the employee and to people generally. there is no humor associated with the act only one person mike iceberg is made to look important. the ad series is distasteful and degrading they should all be stopped.*

### 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 letters dated 14 October 2021 and for bringing these complaints 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 Ladbrokes television commercial promoting our “Ladbrokes” brand and specifically our Same Race Multi product (“Ad”).*

*In your letters of 14 October 2021, the Ad is described by the community members as: “Mark Wahlberg advertises Ladbrokes gambling. Conversation between actors in a boardroom about betting with that service. At the end, actor pivots from window and deliberately and forcefully throws a ball at the other actor to belittle them. Mike Iceberg is seen playing with a ball which he then throws at an employee and hits him in the face.”*

*The specific reasons for concern outlined by the community members in your letters of 14 October 2021 of the Ad is:*

- Mark Wahlberg in this particular advert throws a ball deliberately into the face of one of the other players in the advert. It is an unnecessary violent act at a time when young children could still be watching TV. Advertising gambling apps should be banned like cigarettes and alcohol but this particular advert just goes too far!!*
- The normalising of violence in this way undermines community efforts to reduce domestic violence and that is prevalent alongside pub culture. It is outrageous that it trivialises the act and suggests the behaviour it is socially acceptable! The wrong message to send young people.*
- This is degrading to the employee and to people generally. There is no humor associated with the act only one person Mike Iceberg is made to look important. The ad series is distasteful and degrading they should all be stopped.*

*The specific issues raised are in relation to clause 2.3 of the AANA Code of Ethics – Violence, and clause 2.6 of the AANA Code of Ethics – Health and Safety – Bullying (non violent).*

*Our response to this complaint is set out below.*

#### *A description of the advertisement*

*The Ad is a 15 second advertisement that contains fictional characters and scenes. The Ad is set in a fantastical world. It follows the character “Mike Iceberg” (introduced in earlier commercials) who has been hired by Ladbrokes as the new “Chief Entertainment Officer”. He is able to do things that are extraordinary / out of the ordinary to make racing even more entertaining. In the earlier commercials, he coins the phrase “Ladbroke It” which is used to illustrate everyday things becoming more exciting and entertaining.*

*The Ad depicts “Mike Iceberg” in a room with three other friends/acquaintances. The three other people are discussing Ladbrokes’ Same Race Multi product and how it works, including placing a Same Race Multi bet. Mike Iceberg then turns and complements them for “Ladbroking It”. The phrase is a reference to how they’ve made*



*the situation more exciting/entertaining. Mike Iceberg then throws a small soft rubber ball in the direction of one of the people, hitting him in the head. Mike Iceberg then states “I’m not going to lie. You Ladbroked it. You Ladbroked it good”. He then follows this up by giving a thumbs up sign.*

*The Ad concludes with the “Ladbrokes” logo on screen.*

*In accordance with regulations and as part of our commitment towards responsible gambling, “Is gambling a problem for you? Call Gambling Help on 1800 858 858 or visit [gamblinghelponline.org.au](http://gamblinghelponline.org.au)” appears on screen during the Ad. The national version of the Ad broadcast on pay TV also includes the specific South Australian responsible gambling message end frame at the conclusion of the Ad.*

*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*

*“throws a ball deliberately into the face of one of the other players in the advert”*

*Response*

*Although he throws the ball in the direction of the person’s head, there is no intent to hurt or harm him. Further, at no stage was any injury caused and there is completely no risk of injury given that it is a small soft rubber ball.*

*Incorrect assertion*

*“It is an unnecessary violent act”*

*Response*

*The throwing of the small soft rubber ball is not itself a violent act. In the context of the Ad, the throwing of the small soft rubber ball is not a violent act*

*Incorrect assertion*

*“The normalising of violence in this way undermines community efforts to reduce domestic violence and that is prevalent alongside pub culture. It is outrageous that it trivialises the act and suggests the behaviour it is socially acceptable!”*

*Response*

*The throwing of the small soft rubber ball is not itself an act of violence. In the context of the Ad, it is also not an act of violence or an act of “domestic violence”.*

*The Ad is set with fictional characters, with one person making a decision about Ladbrokes Same Race Multi product. The response is a positive response from the Mike Iceberg character as seen by what he says – “You Ladbroked it good” congratulating the person, and by giving a thumbs up.*



*Further, playfully throwing a small soft rubber ball at and between friends, including where the ball hits someone is a common activity amongst friends.*

*Incorrect assertion*

*“this is degrading to the employee and to people generally”*

*Response*

*At no stage does the Ad depict any degrading of anyone. The Ad is set with fictional characters, with one person making a decision about Ladbrokes Same Race Multi product. The response is a positive response from the Mike Iceberg character as seen by what he says – “You Ladbroked it good” congratulating the person, and by giving a thumbs up.*

*Incorrect assertion*

*“the ad series is distasteful and degrading they should all be stopped”*

*Response*

*At no stage does the Ad depict any degrading of anyone. Further, the Ad is in no way distasteful. The Ad is set with fictional characters, with one person making a decision about Ladbrokes Same Race Multi product. The response is a positive response from the Mike Iceberg character as seen by what he says – “You Ladbroked it good” congratulating the person, and by giving a thumbs up.*

*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 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.*

*The throwing of a small soft rubber ball at a friend/acquaintance is not violent and does not portray violence. The act of playfully throwing a small soft rubber ball at and between friends is a common activity played with friends. It is particularly common amongst “sporty” type friends. Just because the ball hits the person on the head in no way indicates that that act is violent, and in no way portrays violence.*

*The context of the Ad confirms this by the surrounding circumstances. The character, Mike Iceberg commends/congratulations the person saying “You Ladbroke it!” and follows this up with a complimentary statement, “You Ladbroke it good!”. He also gives a thumbs up sign. This all clearly shows the surrounding positive (and not violent) nature of the Mike Iceberg character’s behaviour and actions.*

*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.*

*The throwing of a small soft rubber ball at a friend/acquaintance is not contrary to prevailing community standards on health and safety. The act of playfully throwing a small soft rubber ball at and between friends is a common activity played with friends. It is particularly common amongst “sporty” type friends. Just because the ball hits the person on the head is not contrary to prevailing community standards on health and safety.*

*The context of the Ad is that the character, Mike Iceberg commends/congratulations the person saying “You Ladbroke it!” and follows this up with a complimentary statement, “You Ladbroke it good!”. He also gives a thumbs up sign. This all clearly shows the surrounding positive (and not violent) nature of the Mike Iceberg character’s behaviour and actions.*

*Further, at no stage was the person that was hit with the ball injured in any way, or even likely to get injured. There was no risk of injury given that the ball used was a small soft rubber ball.*

#### *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 (the 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 depicts distasteful and degrading behaviour.

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

**Section 2.3: Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised**

The Panel noted that the Practice Note to the Code states:

*"Although the depiction of violence in an advertisement may be relevant to the story being told in the advertisement, any violence must also be justifiable in the context of the product being advertised, or else will be in breach of this section of the Code."*

**Does the advertisement contain violence?**

The Panel noted that the advertisement appeared to depict one character deliberately throwing a soft ball at the head of another character, in a work-place environment.

The Panel noted that it had considered a similar issue in case 0325-20, in which:

*"The Panel noted that the ball is thrown at the man eating a sandwich and hits him in the head, causing him to fall backwards. The Panel noted that the man throwing the football, Wally Lewis, is a former rugby league player and his use of a ball is relevant to his persona. The Panel considered that the man eating the sandwich may have been able to catch the ball if he had been paying attention, and that there was not necessarily an intent to cause him harm. However, the Panel considered the man is seen to be hit by the ball and, whether this is intentional or not, this would constitute violence".*

A minority of the Panel considered that unlike the previous case, in the current advertisement the ball that was thrown was soft and not likely to cause harm. A minority of the Panel considered that the man was not shown to be physically harmed, and as such this would not constitute violence.

Consistent with the previous determination, the majority of the Panel considered that in the current advertisement the depiction of one person hitting another person in the head with a ball did constitute violence.

**Is the violence justifiable in the context of the product or service advertised?**

The Panel noted that it had considered a similar issue in case 0325-20, in which:

*"The Panel noted that Wally Lewis is dressed in a king costume and that the man eating did not react to the presence of others in his home. The Panel*



*considered that the reaction of the man falling off the chair was exaggerated and not a realistic reaction to the low amount of force the ball was thrown with. The Panel noted that the man was not shown to be injured or in pain after being hit with the ball. The Panel considered that the violence depicted was slapstick and unrealistic. In the Panel's view the low level of violence portrayed in the advertisement was justifiable in the context of the product advertised, and did not breach Section 2.3 of the Code."*

A minority of the Panel considered that consistent with the determination in case 0325-20, the violence shown in the current advertisement was slapstick and exaggerated and the man who was hit with the ball was not shown to be injured or in pain.

The majority of the Panel considered that unlike case 0325-20, the current advertisement was set in an every-day environment. The Panel considered that although the 'Mike Iceberg' character was seen to be acting erratically, the setting was realistic and not fantastical.

The Panel noted that it had also considered a similar issue in case 0004-20, in which:

*"The Panel noted the advertiser features former cricketer Andrew Symonds who is known for shoulder charging a stalker during a cricket game in 2008, and that this advertisement is referencing this incident in a humorous manner. The Panel considered that the interaction between Symonds and the production assistant appeared sudden and unexpected. The Panel considered that the production assistant is not seen to get back up and there is a suggestion that he is injured and may need chiropractic help. The Panel considered that this did constitute a depiction of violence. A minority of the Panel considered that the violence in the advertisement was a lighthearted and slapstick reference to a well-known event and that this low-level of violence was justifiable in the context of humorous advertising of a potential need for health insurance services. The majority of the Panel considered that the violence in the advertisement was not mild, and that the casual violence shown was inappropriate in the circumstances. The majority of the Panel considered that the humour in the advertisement was dependent on the viewer's recognition and knowledge of the previous incident, and that many viewers would not be aware of this. The majority of the Panel considered that Symonds shows no remorse for the situation, and that the production assistant is not shown to get back up. The majority of the Panel considered that the depiction does not show a resolution to the situation and that the viewer is therefore left with an impression of harm. The majority of the Panel considered that the depiction of purposefully and unapologetically injuring someone was not justifiable in the context of advertising flexible health insurance cover"*

Consistent with the determination in case 0004-20, the Panel considered that the Mike Iceberg character was not seen to show remorse, and purposefully throwing



something at someone is not justifiable in the context of advertising a wagering product.

The Panel noted that although the ball appeared to be soft and not to cause harm to the man who was hit by the ball, he appeared unhappy to have had a ball hit him in the face. The Panel considered that the action was in the nature of bullying. The Panel considered that throwing something at someone's head, even a soft ball, was violent and was not an appropriate action.

### **Section 2.3 Conclusion**

The Panel determined that the advertisement did present or portray violence which was not justifiable in the context of the product or service advertised and did breach Section 2.3 of the Code.

### **Conclusion**

Finding that the advertisement did breach Section 2.3 of the Code, the Panel upheld the complaint.

### **THE ADVERTISER'S RESPONSE TO DETERMINATION**

Thank you for your initial letter dated 14 October 2021 regarding our Ladbrokes advertisement and for the opportunity to provide a statement in response to the Community Panel's determination.

As set out in our letter dated 21 October 2021, Entain strongly denies that the advertisement contravenes any section of the AANA Code of Ethics (**Code**). Nevertheless, Entain has (without any admission) discontinued the advertisement.

We look forward to receiving further correspondence from your office providing Entain with the option to request an independent review of the Community Panel's determination. Entain takes its obligations under the Code very seriously, and is concerned by the Community Panel's determination. Accordingly, Entain intends to request that an independent review of the Community Panel's determination be conducted.