



Case Report

1	Case Number	0318/12
2	Advertiser	Sportsbet
3	Product	Gambling
4	Type of Advertisement / media	Pay TV
5	Date of Determination	08/08/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.4 - Sex/sexuality/nudity S/S/N - nudity

DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows various scenes of people repeatedly tapping or poking something to simulate the use of a mobile phone for 'mobile betting'. In one scene a man taps the pump of a bottle of sun screen so that the cream spurts on the stomach of a bikini clad woman, in another scene spectators poke the helmet of a cricketer and in the final scene a man taps the window of a plane until it breaks and he is sucked out.

THE COMPLAINT

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

The segment to which I strongly object is the image of a man pumping sunscreen onto the stomach of a supine woman next to a pool which she then half-rubs into her stomach. It clearly apes pornographic scenarios and I find it offensive that it has been insidiously inserted into an ad shown during prime-time viewing. I think it is pretty clear to anyone viewing it what the segment is supposed to represent. I have no issues with the other portions of the sportsbet.com.au ads.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

- *The complaint alleges the advertisement breaches sections 2.2 and 2.4 of the AANA Code of Ethics.*
- *Sportsbet rejects the allegation that this advertisement discriminates against women and/or treats sex/sexuality or nudity in an insensitive way.*
- *Sportsbet also rejects the allegation that this advertisement treats sex, sexuality and nudity in an insensitive way.*
- *The person most disparaged by the advertisement is the man in each case stupidly (but humorously) trying to tap or poke an invention not designed for betting.*
- *Sportsbet rejects the notion that the scene in question portraying a male applying too much sun cream to his girlfriend who is sunbaking is an insensitive portrayal of sexuality for the time-slot in which it is aired or at all.*
- *The fact the man is trying to bet on a pump pack – facetiously referred to as one of the greatest inventions - is not realistic and the effects of his actions are dramatized for humour.*
- *Any nudity or implied sexual overtones is well within acceptable community standards.*
- *The complaint also refers to a scene in the advertisement whereby a flight attendant asks a passenger to refrain from tapping on the aircraft window. He continues in a ridiculous attempt to place a bet and as a result the window cracks and the passenger is sucked through. The flight attendant screams in response. The complaint asserts that the scene discriminates against women by depicting a flight attendant screaming at the sight of a passenger being sucked through a broken aircraft window. Aside from the scenario being entirely comedic, we don't believe this is an unnatural response from a flight attendant, in such circumstances.*
- *Sportsbet believes that the Complaint should be dismissed in its entirety by the Advertising Standards Board.*

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 features sexual material which is offensive and is inappropriate for viewing by children.

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

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted that the advertisement shows various scenes of people repeatedly tapping or poking something to simulate the use of a mobile phone for 'mobile betting'. In one scene a

man taps the pump of a bottle of sun screen so that the cream spurts on the stomach of a bikini clad woman.

The Board noted that the woman lying by the pool was well covered by the bikini she was wearing and that there is a clear relevance to having a woman in a bikini by a pool. The Board considered that the level of exposure in the advertisement was very mild and in keeping with the context of the situation portrayed. The Board considered that there were no sexual references in the advertisement and that most people would not consider the image of the man squirting sunscreen on the woman to be sexualised or sexually suggestive.

Based on the above the Board considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Board noted that they had previously considered the same advertisement on television (case reference 378/11) and dismissed the complaint.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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