



Case Report

1	Case Number	0324/14
2	Advertiser	Tabcorp
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	27/08/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.3 - Violence Cruelty to animals
- 2.6 - Health and Safety Depiction of smoking/drinking/gambling

DESCRIPTION OF THE ADVERTISEMENT

A female is talking to her male friend about the medical needs of her cat during which time the male becomes distracted by AFL vision displayed on his phone and he holds the phone up so it blocks his vision of the woman.

THE COMPLAINT

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

I find the TAB phone app TVC offensive for the following reason:

The voiceover says: "There's NOTHING BETTER than having a bet riding on the game". Or words to that effect.

In my opinion, the message that THERE'S NOTHING BETTER THAN GAMBLING ON THE GAME YOU'RE WATCHING is unacceptable as it promotes a SUPERIOR, ENHANCED FEELING a gambler can achieve when watching sport.

This is an inappropriate message in general and in particular in this timeslot as it tells kids that GAMBLING MAKES WATCHING SPORT BETTER.

In my opinion, this TVC does not satisfy the guidelines and should be amended.

The wording "nothing's more important when you've got a bet riding on the game". There are plenty of more important things. Betting should not be advertised as the most important thing. It's not. That might have been his own cat!! So I could extend this complaint to mention cruelty to animals!! It's an awful precedent to set, that betting is so important. (As an aside, I have put personal details onto this site but the site is not privacy protected. This should be fixed.)

The last line of this ad said something like, It's never more important than when you have a bet on it. The implication of this suggests that sport is really only compete when you gamble on it, and that sport without gambling is a less valued product. This was broadcast during the World Cup Final between Argentina and Germany, which is arguably the single most important sporting event in existence. I was watching with my 15 and 13 year old sons and do not want this message to be in their brains. I look forward to your response.

Given the recognised social harm done by irresponsible gambling this message is surely inappropriate promotion.

The advertisement is objectionable because:

The protagonist covers the face of the woman talking to them and "drowns out" her voice with the noise of the football commentary.

- The behaviour displayed by the protagonist is outrageously denigrating to the woman in the ad.

- The voiceover is voiced in a tone suggesting that the type of behaviour (prioritising betting over family) might be lighthearted fun. When in fact society has massive family problems related to gambling.

- It connotes that this type of behaviour is acceptable. It sets an extremely poor standard for anyone impressionable or dimwitted enough to think this is how one should behave towards another person.

- It puts the viewer in the POV of the protagonist, thereby imputing the character of a viewer unfortunate enough to watch the advertisement.

The cat that is being held by the woman is in clear distress and does not want to be held. It is very distressing to watch this ad and I question the ethics of the advertiser and how the advertisement was conducted. The use of the cat does not add any value to the subject of the product being sold and is highly unnecessary.

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 07 August 2014 addressed to me.

The letter sets out various complaints that have been made about a Tabcorp advertisement regarding AFL Vision being integrated into the TAB wagering application.

There have been 6 complainants in relation to this television advertisement that allege that

the advertisement may breach the following sections of the AANA Code of Ethics: Section 2.1, Section 2.3, and Section 2.6.

We have set out the details of each complaint and Tabcorp's response to each complaint in the Annexure to this letter. These responses also address each of the sections of the AANA Code of Ethics set out above.

In addition, we submit that:

- It is clear that the advertisement does not breach sections 2.2, 2.4 or 2.5, the advertisement does not contain any elements of sexual appeal, sex, sexuality, nudity or strong language; and*

- The other codes listed in your letter are not applicable to the advertisement. Tabcorp's Marketing approval process*

By way of background, all Tabcorp advertisements are reviewed and authorised by Tabcorp's internal Legal Department. In addition, as it was broadcasted on free to air TV, FreeTV's Commercials Advice team approved this advertisement prior to it being broadcast on channel 7 and SBS.

Placement of the advertisement

Tabcorp takes care to advertise its products at appropriate times and during relevant programs. This ensures that the appropriate audience is exposed to the advertisement.

We have responded to the complaints in the order they were provided to us in your letter of 7 August 2014.

Complaint No. 1 - Received 15 July 2014

Complaint:

AD DESCRIPTION: TAB Gambling App that features a cat.

REASON FOR CONCERN: I find the TAB phone app TVC offensive for the following reason: The voiceover says: "There's NOTHING BETTER than having a bet riding on the game". Or words to that effect. In my opinion, the message that THERE'S NOTHING BETTER THAN GAMBLING ON THE GAME YOU'RE WATCHING is unacceptable as it promotes a SUPERIOR, ENHANCED FEELING a gambler can achieve when watching sport. This is an inappropriate message in general and in particular in this timeslot as it tells kids that GAMBLING MAKES WATCHING SPORT BETTER. In my opinion, this TVC does not satisfy the guidelines and should be amended.

Response:

For the sake of clarification, the voiceover actually states: "Nothing is more important when you've got a bet riding on the game ..."

This is a reference to 'nothing being more important' than being able to watch the game when you have a bet riding on the game. It does not state "There's nothing better than having a bet riding on the game", as alleged in the complaint.

Tabcorp denies that this advertisement "promotes a superior, enhanced feeling a gambler can achieve when watching sport".

Tabcorp is advertising that you can watch the AFL Vision through its mobile betting application.

Tabcorp is not advertising that gambling is the most important thing but rather when an individual has a bet on a sporting event, it is important to the individual to be able to view that event.

This complaint does not appear to state which section of the AANA Code of Ethics is the basis of the complaint. We assume it is a reference to section 2.6.

Tabcorp is of the opinion that this advertisement complies with the AANA Code of Ethics and that it does not depict material contrary to prevailing community standards on health and safety regarding gambling.

Complaint No. 2 - Received 19 July 2014

Complaint:

AD DESCRIPTION: Woman and her cat explaining to a man that the cat needs tablets three times a day. The man lifts his phone to block out the woman and watch the game.

REASON FOR CONCERN: The wording "nothing's more important when you've got a bet riding on the game". There are plenty of more important things. Betting should not be advertised as the most important thing. It's not. That might have been his own cat!! So I could extend this complaint to mention cruelty to animals!! It's an awful precedent to set, that betting is so important.

Response

For the sake of clarification, the voiceover actually states:

"Nothing is more important when you've got a bet riding on the game ..."

This is a reference to 'nothing being more important' than being able to watch the game when you have a bet riding on the game.

Tabcorp is advertising that you can watch the AFL Vision through its mobile betting application. Tabcorp is not advertising that gambling is the most important thing but rather when an individual has a bet on a sporting event, it is important to the individual to be able to view that event.

Tabcorp concedes that the cat wriggles slightly towards the end of the ad, however that shot was one of the rare occasions where the cat started to move.

The cat depicted in this advertisement was not injured in any way during the making of this advertisement and the manner in which the woman was holding the cat during the ad did not constitute violence or cruelty and the handling of the cat was justifiable in the context of the ad and the product being advertised.

We can confirm that there was a cat handler present through the entire shoot and the cat was well behaved during the time it was on set. There were a number of breaks during the shoot to ensure that the cat was handled appropriately.

The sounds that appear to originate with the cat are sound effects and were inserted for dramatic effect.

Tabcorp is of the opinion that although the cat may have briefly appeared as if it desired to be released, this did not constitute violence towards or cruelty towards the animal.

This complaint does not appear to state which section of the AANA Code of Ethics is the basis of the complaint. We assume it is a reference to sections 2.3 and 2.6.

Tabcorp is of the opinion that this advertisement complies with the AANA Code of Ethics and that:

- (a) it does not depict any violence towards or cruelty to animals; and*
- (b) it does not depict material contrary to prevailing community standards on health and safety regarding gambling.*

Complaint No. 3 - Received 16 July 2014

Complaint:

AD DESCRIPTION: An advertisement showing men getting interested in a sporting event. The last line of this ad said something like, "It's never more important than when you have a bet on it".

REASON FOR CONCERN: The last line of this ad said something like, It's never more important than when you have a bet on it. The implication of this suggests that sport is really only compete when you gamble on it, and that sport without gambling is a less valued product. This was broadcast during the World Cup Final between Argentina and Germany, which is arguably the single most important sporting event in existence. I was watching with my 15 and 13 year old sons and do not want this message to be in their brains. I look forward to your response.

Response

For the sake of clarification, the voiceover actually states:

"Nothing is more important when you've got a bet riding on the game ..."

This is a reference to 'nothing being more important' than being able to watch the game when you have a bet riding on the game. It does not state that "It's never more important than when you have a bet on it" or suggest that "sport is really only compete when you gamble on it, and that sport without gambling is a less valued product" as alleged in the complaint.

Tabcorp is advertising that you can watch the AFL Vision through its mobile betting application.

Tabcorp is not advertising that gambling is the most important thing but rather when an individual has a bet on a sporting event, it is important to the individual to be able to view that event.

This complaint does not appear to state which section of the AANA Code of Ethics is the basis of the complaint. We assume it is a reference to section 2.6.

Tabcorp is of the opinion that this advertisement complies with the AANA Code of Ethics and that it does not depict material contrary to prevailing community standards on health and safety regarding gambling.

Complaint No. 4 - Received 14 July 2014

Complaint:

AD DESCRIPTION: A woman holding a ginger cat is speaking to an unidentified person who then lifts a smart phone in front of the screen, which then blocks the view of the woman holding the cat. The ad then describes the product/features in regards to gambling.

REASON FOR CONCERN: The cat that is being held by the woman is in clear distress and does not want to be held. It is very distressing to watch this ad and I question the ethics of the advertiser and how the advertisement was conducted. The use of the cat does not add any value to the subject of the product being sold and is highly unnecessary.

Response

Tabcorp concedes that the cat wriggles slightly towards the end of the ad, however that shot was one of the rare occasions where the cat started to move.

The cat depicted in this advertisement was not injured in any way during the making of this advertisement and the manner in which the woman was holding the cat during the ad did not constitute violence or cruelty and the handling of the cat was justifiable in the context of the ad and the product being advertised.

We can confirm that there was a cat handler present through the entire shoot and the cat was well behaved during the time it was on set. There were a number of breaks during the shoot to ensure that the cat was handled appropriately.

The sounds that appear to originate with the cat are sound effects and were inserted for dramatic effect.

Tabcorp is of the opinion that although the cat may have briefly appeared as if it desired to be released, this did not constitute violence towards or cruelty towards the animal.

Complaint No. 5 - Received 15 July 2014

Complaint:

AD DESCRIPTION: The advertisement depicted someone providing detailed instructions for the healthcare of a pet being blocked out by a mobile phone betting app. The voiceover said words to the effect that "Nothing is more important than when you've got a bet on at the footy".

REASON FOR CONCERN: Given the recognised social harm done by irresponsible gambling this message is surely inappropriate promotion.

Response

Firstly, this complaint fails to specify the exact nature of the complaint.

Tabcorp acknowledges that "irresponsible gambling" may give rise to harm and it is that reason that Tabcorp takes responsible gambling so seriously.

Tabcorp is recognised as a world leader in responsible gambling. We have been rated as the overall global gambling industry leader in the annual assessment for the Dow Jones

Sustainability Index in seven out of the past eight years.

Tabcorp also received a 100 per cent rating in the 'Promoting Responsible Gambling' category, a rating we have received for six successive years. 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.

Tabcorp is not advertising that gambling is the most important thing but rather when an individual has a bet on a sporting event, it is important to the individual to be able to view that event.

Tabcorp does not believe that an advertisement that suggests watching an event that you have bet on is inappropriate on the grounds of the dangers of irresponsible gambling.

Complaint No. 6 - Received 15 July 2014

Complaint:

AD DESCRIPTION: "Every Game Live" TAB phone app A woman with a cat is sitting opposite the camera talking into it "to you" ("Point Of View" POV shot) as the protagonist of the ad. The woman is giving care instructions for the cat. The hand of the protagonist holding a smart phone is raised in view of the camera. An AFL game is playing on the phone. As the phone rises higher the volume of the match drowns out the woman's voice and she is completely blocked from view by the phone in the foreground. A voiceover says "Nothing is more important when you've got a bet riding on the game". "The TAB app is the only betting app where you can watch it live".

REASON FOR CONCERN: The advertisement is objectionable because: The protagonist covers the face of the woman talking to them and "drowns out" her voice with the noise of the football commentary.

- The behaviour displayed by the protagonist is outrageously denigrating to the woman in the ad.

- The voiceover is voiced in a tone suggesting that the type of behaviour (prioritising betting over family) might be lighthearted fun. When in fact society has massive family problems related to gambling.

- It connotes that this type of behaviour is acceptable. It sets an extremely poor standard for anyone impressionable or dimwitted enough to think this is how one should behave towards another person.

- It puts the viewer in the POV of the protagonist, thereby imputing the character of a viewer unfortunate enough to watch the advertisement.

Response

The voiceover states: "Nothing is more important when you've got a bet riding on the game ...".

This is a reference to 'nothing being more important' than being able to watch the game when you a bet riding on the game.

Tabcorp is not advertising that gambling is the most important thing but rather when an individual has a bet on a sporting event, it is important to the individual to be able to view that event.

The advertisement is one of two advertisements which depict the game of AFL being more important to the person holding the phone than what is being said to them by the other party. In this advertisement, the person holding the phone is prioritising the game of AFL over the instructions about how to care for a friend's cat. The focus is on the fact the person is receiving instructions on how to care for a cat, not the fact that it is a female talking to the person. The ad is not suggesting that the person is ignoring the directions because they are

*coming from a female and is not discriminatory against females.
This complaint does not appear to state which section of the AANA Code of Ethics is the basis of the complaint. We assume it is a reference to section 2.1.*

Tabcorp is of the opinion that this advertisement complies with the AANA Code of Ethics and that it does not depict any discrimination or vilification of the female gender.

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 includes an inappropriate message about the enhanced feeling a gambler can achieve when watching sport.

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

The Board 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 Board noted the advertisement features a woman holding and talking about her cat and how to care for the animal. A male hand is seen lifting his phone up in front of him to block the woman from his site and so that he can continue to watch a game of AFL. The voice over states: “nothing is more important when you’ve got a bet riding on the game...”

The Board noted the complainant’s concern that the action of the woman being ignored while she is giving instructions about the cat is denigrating to women.

The Board considered that the response of the man to block the woman from his vision in order to continue to watch the game is not a reflection on the woman but is intended to show the level of interest in the game is of more importance. The Board considered that while this is a rude or anti-social type of response it does not amount to a depiction that discriminates or vilifies a person on account of gender and did not breach Section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: “Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised”.

The Board noted the complainant’s concerns that the cat in the advertisement is upset and is being mis-treated.

The Board noted the advertiser’s response that there was an animal handler and expert on hand during the filming of the advertisement and that the cat was not harmed in any way. The Board noted that the woman is not seen being cruel to the cat and she is trying to hold the cat still while she talks about the importance of the care of the animal (presumably while she is away).

The Board considered that the attention the woman is giving the cat and the fact that she is concerned about the cat’s welfare while she is not there is an indication of her affection for

the cat and the advertisement does not present or portray violence toward the animal in any way.

Based on the above the Board determined that the advertisement did not breach Section 2.3 of the Code.

The Board then 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 the advertisement uses the term “nothing is more important when you’ve got a bet riding on the game...” and noted the complainants concerns that this is encouraging gambling and the idea that gambling is more important than anything else. The Board also noted that they had previously considered an advertisement for Sportsbet promoting a mobile phone application that also used the term “every race, every day” (case number 0476/12). The majority of the Board agreed that in that advertisement “the convenience of being able to bet from your phone in conjunction with the catch phrase was encouraging of frequent and continued betting.”

The Board considered that in the current advertisement however, the advertisement does not focus on the facility to bet frequently, and the catch phrase is focusing on wanting to watch a particular game and not be distracted because you have a bet on THAT game rather than on EVERY game.

The Board considered gambling can be a problem for people and that there is concern that gambling becomes more important than anything else to problem gamblers. The Board expressed need for advertisers to take care but in this advertisement showing a game on which you have a bet a being more interesting than a cat is intended to be humorous and is not suggesting that gambling is more important than issues of real concern.

The Board noted that gambling is a product which is allowed to be advertised and considered that the advertisement does not encourage excessive gambling or otherwise promote behaviour which would be considered to be against prevailing community standards surrounding gambling.

The Board noted the advertisement had been given a B rating by CAD and noted that the advertisement is aired in the appropriate times for the rating given.

The Board considered that the advertisement did not depict material contrary to prevailing community standards about gambling and 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 complaints.