



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0326-19</b>
<b>2. Advertiser :</b>	<b>NEDS</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>9-Oct-2019</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety  
AANA Wagering Code\2.8 Excess participation  
AANA Wagering Code\2.9 Disparage abstention

### DESCRIPTION OF ADVERTISEMENT

This advertisement begins with a jockey on horseback galloping down a city street, 5 greyhounds are racing each other, a V8 supercar comes racing around a corner. The race continues as you see everyone in a wide shot when all of a sudden the jockey (in a golf buggy) pulls out in front of the V8 Supercar, the entire race following behind. We cut to the jockey pulling up in a golf buggy, who then races into a bar finishing in first place. The camera then pans to three mates at a table, the Neds Punters Toolbox (on a mobile phone) is open, with one of the mates celebrating the win. The toolbox starts to animate shut. The voiceover concludes the Ad by saying "Whatever you like to bet on, take it to the Neds level".

### THE COMPLAINT

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

*If an auto manufacturer presented such an advert with cars doing burnouts it would be banned.*



*If I did a burnout like this and posted it to the internet the police would be at my front door.*

*With the Victoria road toll at an increased level this advert is the totally wrong message.*

*Road safety - doing burnouts in a city street is unacceptable. In a faux racing car. City street are not burnout venues.*

*This sort of driving and message is exactly what police are fighting against.*

*The ad is aggressive inappropriate and if you do all this you can go out and have a bet But bet responsible!!!!*

*The only thing I object to is it shows a vehicle travelling at high speed in a burnout manner, with the carnage of our young people every week this type of ad should be banned.*

*The tagline 'take your gambling to the Neds level' encourages problem gambling.*

## **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 24 September 2019 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 believe that the advertisement in question is a Neds television commercial promoting our "Neds" brand ("Ad").*

*The reason for concern outlined by the community member in your letter of 24 September 2019 is:*

*"If an auto manufacturer presented such an advert with cars doing burnouts it would be banned. If I did a burnout like this and posted it to the internet the police would be at my front door. With the Victoria road toll at an increased level this advert is the totally wrong message. Road safety - doing burnouts in a city street is unacceptable. In a faux racing car. City street are not burnout venues. This sort of driving and message is exactly what police are fighting against."*

*The specific issues raised are in relation to clause 2.6 of the AANA Code of Ethics ("the Code").*

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

### *A description of the advertisement*

*The Ad is a 30 second advertisement. The commercial starts off in a fantastical world, where you see things you would never see in real life. A jockey on horseback gallops*



*down a city street, 5 greyhounds are racing each other, a V8 supercar comes racing around a corner. All different sports codes are racing against each other, but for what, the viewer does not know yet. The race continues as you see everyone in a wide shot when all of a sudden the jockey (in a golf buggy) pulls out in front of the V8 Supercar, the entire race following behind. We cut to the jockey pulling up in a golf buggy, who then races into a bar finishing in first place. The camera then pans to three mates at a table, the Neds Punters Toolbox (on a mobile phone) is open, with one of the mates celebrating the win. The toolbox starts to animate shut as the viewer come back to reality.*

*The premise behind the Ad is that the race was happening all within the phone and the punters have no idea what has happened in order for the jockey to win. The voiceover concludes the Ad by saying "Whatever you like to bet on, take it to the Neds level". The Neds Level logo then shows 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.*

*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:*

*Assertion:*

*"If an auto manufacturer presented such an advert with cars doing burnouts it would be banned."*

*"If I did a burnout like this and posted it to the internet the police would be at my front door."*

*"Road safety - doing burnouts in a city street is unacceptable. In a faux racing car."*

*"City street are not burnout venues."*

*Response:*

*The V8 racing car is part of the race. It does not perform a "burnout". The car is depicted as coming around a corner at a high speed as part of the race. As part of that process, smoke is emitted from the car turning the corner, just as the case would be in a V8 car race.*

*The Ad advertises the Neds brand and depicts various sports all racing against each other in a fanciful race in a fantastical world. The advertisement is clearly not a depiction of real life, as there are a number of scenes showing events that would not occur in real life.*

*A number of safety precautions were taken during the filming of the Ad. These included a number of Brisbane CBD streets being shut down to traffic and general public during the shooting of the Ad, a temporary safety office on set for the entire duration of the 3 day shoot, and the engagement of a professional stunt car driver for the driving of the V8 car.*



*Assertion:*

*"With the Victoria road toll at an increased level this advert is the totally wrong message."*

*'This sort of driving and message is exactly what police are fighting against.'*

*Response:*

*The Ad depicts a fanciful race through city streets of a fantastical world. The Ad is clearly not a real world scenario. Along with the V8 car in the race, the Ad also shows other fanciful scenes such as a boxer riding a race horse through city streets, greyhounds racing along city streets, a golf cart driving on city streets and other sportspeople running through city streets.*

*The Ad does not advocate or promote members of the general public performing "burnouts". Further, this Ad does not send the "wrong message". This Ad does not send any negative message regarding "burnouts", "speeding" or road safety in general.*

*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 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.*

*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.*

*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.*

*In summary, the Ad is a fanciful race of sportspeople in a fantastical world containing scenes/events that would not occur in the real world. This includes a boxer riding a race horse through city streets, greyhounds racing along city streets, a golf cart driving on city streets and other sportspeople running through city streets.*

*The V8 racing car is part of the fanciful race. It does not perform a “burnout”. The car is depicted as coming around a corner at a high speed as part of the fanciful race. As*



*part of that maneuver, smoke is emitted from the car turning the corner, similar to what would be seen in a V8 car race.*

*Further, a number of safety precautions were taken during the filming of the Ad. These included a number of Brisbane CBD streets being shut down to traffic and general public during the shooting of the Ad, a temporary safety office on set for the entire duration of the 3 day shoot, and the engagement of a professional stunt car driver for the driving of the V8 car.*

*The Ad does not advocate or promote members of the general public performing “burnouts”. Further, this Ad does not send the “wrong message”, or depict material contrary to community standards on health and safety. This Ad does not send any negative message regarding “burnouts”, “speeding” or road safety in general. The scenes of the V8 car in CBD streets racing/following a boxer riding a horse are clearly part of a fanciful scenario.*

*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.*

*Further to our earlier filed response, we provide the following response to the additional complaints.*

*2.3 – Violence*

*2.6 – Health and Safety*

*We believe that our Ad does not present or portray violence, or that the Ad depicts material contrary to prevailing community standards on health and safety. In summary, the Ad is a fanciful race of sportspeople in a fantastical world containing scenes/events that would not occur in the real world. This includes a boxer riding a race horse through city streets, greyhounds racing along city streets, a golf cart driving on city streets and other sportspeople running through city streets.*

*During the advertisement, there is a scene where a boxer jumps onto a horse ridden by a jockey. At no stage does the boxer push or knock the jockey off. After the boxer jumps onto the horse, the next scene shows the jockey getting up from the ground and proceeding to continue running in the fanciful race. The implication here is that the jockey jumps off the horse – but that vision is not seen by the viewer.*



*Each greyhound had their own personal trainer as well as their own handler accompany them on the set during the filming. As part of the filming (and not seen by viewers), the greyhounds chased after their respective training dog toy. This is part of their everyday greyhound racing training.*

*As was the case with the V8 car, the golf buggy was also driven by a professional stuntman.*

*It should also be noted that the various “sports” in the fanciful race were all filmed separately. In other words, all of the aspects (greyhounds, V8 car and golf buggy, horse and people running) were filmed separately. Through post filming editing, those separate films were put together to make it look like they were all part of the same race.*

*Further, a number of safety precautions were taken during the filming of the Ad. These included a number of Brisbane CBD streets being shut down to traffic and general public during the shooting of the Ad, the presence of a number of Police officers as well as a safety officer on set for the entire duration of the 3 day shoot.*

## **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 complainants’ concerns that the advertisement depicts a burnout and vehicles travelling at speed, greyhounds running unrestrained and a golf buggy pulling out in front of a car.

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

The Panel considered whether the advertisement was in breach of 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 Panel considered that the advertisement was clearly fantastical in the storyline portrayed, with various professional racing sports competing against each other on city streets. The Panel noted that a boxer is shown riding a racehorse, greyhounds are depicted running through the streets, and a jockey later rejoins the race in a golf buggy.

The Panel considered that the greyhounds running unrestrained and the golf buggy pulling out in front of a vehicle was in the context of a fantastical racing scenario, and considered that most members of the community would not consider this depiction to be promoting or encouraging such behaviour.



The Panel considered the vehicle travelling at high speed and considered that the quick moving transitions between scenes create the impression of speed, but that it is not possible to tell the actual speed of the vehicle.

The Panel considered the vehicle performing a 'burnout'. The Panel noted that advertiser's response that this was not a burnout, but rather the vehicle turning a corner at high speed with smoke coming from the tyres, similar to what happens in a V8 car race. The Panel noted that a burnout is described as "the practice of keeping a vehicle stationary and spinning its wheels, causing the tires to heat up and smoke due to friction".

The Panel noted that the vehicle is shown to be moving and the tyres are spinning. The Panel considered this was a technique known as drifting, in which "the driver intentionally oversteers, with loss of traction in only the rear wheels, while maintaining control and driving the car through the entirety of a corner". The Panel noted that this can happen in V8 racing, and that drifting is a sport in itself.

The Panel noted that there is no other traffic depicted on the streets, and noted the advertiser's response that streets were closing for the filming of the advertisement. The Panel noted that the vehicle depicted is clearly a racing vehicle evidenced by the racing style branding on the vehicle.

The Panel considered that although the scenes show the vehicle turning sharply, there is no indication that the driver has lost control of the vehicle and there is no depiction that would indicate that the driver does not possess the necessary skills to drive the vehicle as portrayed. The Panel noted that this type of driving may breach road rules if it were to take place on an ordinary road but considered that most members of the community would consider the clear fantasy nature of the advertisement and not consider the advertisement to be promoting or encouraging unsafe driving or depicting material contrary to prevailing community standards.

The Panel considered that the advertisement did not depict material contrary to prevailing community standards on road safety and did not breach Section 2.6 of the Code.

The Panel (the Panel) considered whether this advertisement breaches the AANA Wagering Advertising Code (the Wagering Code).

The Panel noted that the advertiser is a licensed operator of a registered wagering service and therefore the Wagering Code applies.

The Panel noted the complainants' concerns that the tagline "Take your gambling to the Neds level" encourages problem gambling.

Section 2.8 of the Wagering Code states: "Advertising or Marketing Communication for a Wagering Product or Service must not portray, condone or encourage excessive participation in wagering activities".





Section 2.9 of the Wagering Code states: “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 considered this reference is a call to use Neds for gambling activities and the betting features from this provider rather than another provider, rather than an implication that a person should gamble more. In the Panel’s view most members of the community would be unlikely to view this advertisement as promoting excessive participation or discouraging abstention from wagering activities.

The Panel determined that the advertisement did not breach the Wagering Code.

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