



**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>0347-20</b>
<b>2. Advertiser :</b>	<b>Lotterywest</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>25-Nov-2020</b>
<b>6. DETERMINATION :</b>	<b>Upheld – Modified or Discontinued</b>

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

### DESCRIPTION OF ADVERTISEMENT

This television advertisement is set in a living room. A female character is shown watching the television and jumping up and down with excitement. She starts to look dizzy, then she faints and falls onto the safety of her couch. The voiceover refers to her having vertigo and then reveals that she's just won OZ Lotto and fainted from excitement. The end graphics promoting OZ Lotto fade onto the screen.

### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*As a vertigo sufferer I take offence at the mocking of a serious disease. Lotterieswest is suppose to promote funding for diseases not mocking.  
In very BAD TASTE.*

### THE ADVERTISER'S RESPONSE

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



*The advertisement in question OZ Lotto “Faint” (Key Number LWOP000126Y CAD number G8LXHLGA) has been running on air from Thursday 5 November 2020 until Tuesday 10 November 2020.*

*This is a revision of LWOP000193L (CAD Number G8CSYLGA) which has been running intermittently from Sunday September 13 until Tuesday November 16. In this revision we only made changes to the end frame. The vision and voice over remained the same.*

*This ad is one of seven within the OZ Lotto ‘Get Amongst It’ TVC brand suite. This suite celebrates ‘winning moments’ with a variety of unique situations where the characters discover they’ve won OZ Lotto. The advertisements use humour to bring these “winning lotto moments” to life by exploring the many possible reactions to finding out you’re a millionaire. Each scene is narrated by local WA comedian Ozzy Man, and he speculates about what has occurred in a humorous sports commentary style. The ad makes light of these winning lotto moments in an entertaining way and does not discriminate or vilify any person(s) in the community.*

*‘Faint’ was created based on the insight that people might genuinely ‘pass out’ with shock if they received the news that they had just won millions of dollars playing OZ Lotto.*

*The complaint in question is raised against Section 2.1 of the AANA Code of Ethics guideline that ensures advertising does not portray people or depict material which discriminates or vilifies based on account of disability and mental illness.*

*The OZ Lotto “Faint” advertisement describes potential explanations for what is happening in the story. One possible explanation for her fainting to be a result of vertigo, however the narrator does not, by either implication or direct expression, discriminate against or vilify the character based on this assumption, or portray this as being a negative condition.*

*The commentary portrays concern that the character “Phoebe” does not hurt herself as she falls. It is later explained in the advertisement that she has fainted as a result of the shock of winning OZ Lotto, and her fall is unrelated to vertigo.*

*The OZ Lotto “Faint” ad is not in breach of any of the following guidelines as part of the AANA Code of Ethics under Section 2.*

- It does not employ sexual appeal of minors or anyone in a way that is exploitative or degrading.*
- It does not portray violence in any way.*
- It does not breach sensitivity in the treatment of sex, sexuality or nudity.*
- It does not use inappropriate language.*
- It does not depict material contrary to Prevailing Community Standards on health and safety.*
- The ad is clearly distinguishable as advertising.*



## 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 is mocking a serious condition.

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

**Section 2.1: Advertising or Marketing Communication shall not portray people 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."*

**Does the advertisement portray material in a way which discriminates against or vilifies a person on account of disability?**

The Panel noted that the definition of disability in the Practice Note is *"a current, past or potential physical, intellectual, psychiatric, or sensory illness, disease, disorder, malfunction, malformation, disfigurement or impairment, including mental illness"*.

The Panel noted that while it may not be a disability itself, vertigo is often debilitating and a symptom of other potentially serious medical conditions and the Panel considered that most members of the community would find it to be an impairment and that therefore Section 2.1 of the Code applies.

The Panel noted that abnormal eye movements is a symptom of vertigo and noted that the woman in the advertisement does display such symptoms. The Panel considered that the woman in the advertisement is shown to have a medical event which presents very similarly to vertigo and that the voiceover does suggest that it is vertigo.

The Panel considered that the voiceover is initially concerned about the woman, using language such as "Ohhh no, she's got vertigo, it's happening. She's gonna fall down. Phoebe, no, you're gonna hurt yourself, nooooo".

The Panel considered that the voiceover then becomes much less concerned, stating "The couch has got her. Yeah she fainted. Cos she won the jackpot". The Panel considered that the change in tone implied that as the woman had fainted and fallen onto the couch instead of a hard surface, there was no need for concern and no need to bother checking on her.



The Panel considered that in most circumstances, members of the community would show concern for someone who had fallen unconscious suddenly. The Panel considered that the impression of the advertisement is that vertigo is trivial and that sufferers are not deserving of a significant level of concern as this is a frequent occurrence for them, and the Panel considered that such a suggestion treated vertigo sufferers less favourably.

### **Section 2.1 conclusion**

The Panel considered that the advertisement did depict material in a way which discriminates against or vilifies a person or section of the community on account of disability and determined that the advertisement did breach Section 2.1 of the Code.

### **Conclusion**

Finding that the advertisement did breach Section 2.1 of the Code the Panel upheld the complaint.

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

As soon as a complaint was received about this television commercial it was removed from being on air. Lotterywest will not show it again.