



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0349/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Lotteries NSW</b>
<b>3</b>	<b>Product</b>	<b>Gaming</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>14/09/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.3 - Sex/sexuality/nudity      Treat with sensitivity to relevant audience

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement called "Mr Knowledge", depicts a well-dressed male in a suit standing by a desk in an opulent setting, he has one hand on the desk and one on his hip. The camera moves closer to the man and after a short time the hand on his hip reaches down towards the lower half implying he is going to scratch it, however prior to reaching that area the screen cuts to a product shot of a \$15 Black Edition ticket. The voice over cuts in saying "Why not enjoy a premium scratch, you could win a million dollars instantly. Instant Scratchies. Black Edition."

### THE COMPLAINT

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

*This ad is offensive because it employs base school-yard humour about grabbing our genitalia to sell the product. It is crude and vulgar. The ad plumbs the depths of moral respectability.*

### THE ADVERTISER'S RESPONSE

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

*The complaint made by the complainant in relation to NSW Lotteries "Mr Knowledge" advertisement promoting the new \$15 Black Edition, took offence to a phrase that they believed was in the ad something to the effect of "give it a flick". As you can see by the script and ad attached this was not the wording used. The exact wording used was:*

*"Why not enjoy a premium scratch. You could win a million dollars instantly. Instant Scratchies. Black Edition."*

*NSW Lotteries does not believe it has breached Section 1 or 2 of the AANA Code of Ethics in any way. In particular in relation to Section 2, the advertisement does not:*

- Discriminate against a person or community group*
- Portray violence*
- Use sex, sexuality or nudity*
- Communicate to children*
- Use strong or obscene language*
- Contravene prevailing community standards on health or safety*
- Relate to motor vehicle*
- Relate to food or beverage*

*NSW Lotteries sincerely apologises to the complainant if they took offence to the advertisement in question. This was not the intention, the ad was designed to create awareness of and encourage customers to trial a new premium product, "premium" because of the positioning within the Instant Scratchies range and "scratch" to tie it back to the Instant Scratchies game, hence the wording "why not enjoy a premium scratch." The ad depicts an alternative to what may have been perceived as a 'premium scratch'.*

*In addition, this was a two week advertising campaign ONLY that ran from Sunday 31 July to Saturday 13 August 2011. The campaign has now ceased and there is no intention at this stage to re-air this advertisement. The product has since sold out.*

## **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 is crude and vulgar and inappropriate for television.

The Board reviewed the advertisement and noted the advertiser's response.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone".

The Board noted that at the start of the advertisement we see a well-dressed male in a suit standing by a desk in a formal setting, he has one hand on the desk and one on his hip. The

camera then zooms in closer to the man as he reaches towards his groin, implying he is going to scratch it.

The Board noted that the voiceover provided together with the visuals makes a clear and direct link to the product being promoted and the relevance of a “premium scratch”.

The Board noted that whilst there is a degree of assumption in the advertisement, the audience never actually sees what the man does. The Board considered that the level of innuendo is very mild. The Board noted the advertisement had been rated W by CAD and considered that the advertisement was not inappropriate for the relevant audience or time zone.

The Board considered that the advertisement did not depict any material which was offensive and that the innuendo contained in the advertisement was humorous, was not sexualised and would be unlikely to be understood by young children.

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

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