



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0356/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Lotteries NSW</b>
<b>3</b>	<b>Product</b>	<b>Other</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>12/09/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement called "Mr Fast Car", depicts a well-dressed male in a suit leaning on a Rolls Royce car in an opulent setting, he has one hand on the car and one on his hip. The camera pans around the man and after a short time the hand on his hip reaches down towards his groin area implying that he is going to scratch it, however prior to scratching the groin area the screen cuts to a product shot of a \$15 Royal Edition ticket. The voice over cuts in saying "Why not enjoy a premium scratch, you could win a million dollars instantly. Instant Scratch Its Royal Edition".

### THE COMPLAINT

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

*I found this ad crude and in bad taste. They are also presenting men in classy situations which would appeal to the yuppie generation. Perhaps they have just not made the version of the working man in shorts with crack showing that goes for the "good scratch".*

### THE ADVERTISER'S RESPONSE

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

*The complaint made in relation to NSW Lotteries “Mr Fast Car” advertisement was that the complainant took offence to the vision of the man about to scratch. NSW Lotteries does not believe it has breached Section 2 of the AANA Code of Ethics (Code) in any way. In particular the advertisement does not breach Section 2.4 of the Code: • Advertising or marketing communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience The advertisement was designed to create awareness of and encourage customers to trial our latest premium product within the Instant Scratch-Its range, hence the wording “why not enjoy a premium scratch.” The advertisement depicts an alternative to what may have been inferred to as a ‘premium scratch’. This was done in a way that was sensitive to the relevant audience. The advertisements were shown in programs with the target audience of People 25-39 with a male skew. This demographic was applied to the TV buy for the campaign and programming was specifically selected to target this audience. NSW Lotteries sincerely apologises to the complainant if they took offence to the advertisement in question as this was certainly not the intention. It is important to note that this was a two week advertising campaign ONLY that ran from Sunday 29 July to Sunday 12 August 2011. The campaign has now ceased and there is no intention at this stage to re-air this advertisement. We also make reference to a previous NSW Lotteries ASB complaint reference number: 0349/11 which was in regards to the “Mr Knowledge” commercial, another advertisement in this series of commercials, with the product focus at the time being the \$15 Black Edition ticket. The Case Report states that the Board dismissed the complaint.*

## **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 contains crude material and is in bad taste.

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 the advertisement features a man leaning against a Rolls Royce car and as his hand reaches towards his groin area a voiceover says, “why not enjoy a premium scratch...” and we see a screen shot of a lottery scratch card.

The Board noted it had considered a similar advertisement in case reference 0349/11. Consistent with its previous determination, the Board considered that in this instance whilst there is a degree of assumption in the advertisement the audience never actually sees the man scratch his groin.

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

The Board noted that the advertisement had been rated W by CAD and considered that the advertisement was not inappropriate for the relevant audience.

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

The Board noted the complainant's concerns regarding the advertisement being in bad taste and considered that the issue of taste does not fall under the provisions of the Code therefore the Board cannot consider this.

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