



## Case Report

1	Case Number	0360/14
2	Advertiser	Sportsbet
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	24/09/2014
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.1 - Discrimination or Vilification Gender

### DESCRIPTION OF THE ADVERTISEMENT

The Advertisement promotes and demonstrates the speed of Sportsbet's new mobile phone application (New App). The Advertisement shows a man having sufficient time to place a bet via its New App, despite having only 1% battery power left on his mobile phone. After placing his bet, the man's mobile phone runs out of battery and dies before he can answer a call from his wife.

### THE COMPLAINT

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

*This advertisement implies that this man places a far greater importance on spending time with his friends, their girlfriends, placing irresponsible, panicked and impulsive bets than he does spending time with his own wife. Every message in this commercial is wrong and does not spend a good message about the world of gambling. While I am not a fan of betting advertising to begin with, I tolerate it. This ad however, is simply inappropriate and crosses the line.*

*It's sexist & insulting to my intelligence. This is'nt the first time the TAB have made stupid commercials like this that are demeaning towards women.*

*Shortly after in the ad the man is relieved to have avoided a call from his wife due to his phone dying. Making his wife appear as someone he would happily avoid while online*

*gambling. I really don't think it's appropriate to encourage behavior that belittles someone and insults them. Particularly advertising acts that are degrading women in a television show that would have a relatively male based audience, i just don't think it's appropriate to encourage and advertise this type of behavior.*

*Lack of respect for partner relationships compared to priority for gambling. Emphasised by a limited phone battery life resource, which acts as an external blame focus for the priority events occur in, conveniently taking away from the fact that there is a conscience choice not to follow up on partners phonecall.*

*After betting using the app, he doesn't try borrowing someone else's phone to see what his wife needs, he chooses to do nothing. In the theme of this desperation to bet, I'm sure he would have been driven to do anything to get to use someone's phone and app to do so if the timing of the phone functions was reversed and it went flat before he got his bet on.*

*Conveniently he has still managed to get his sports bet on, obviously his highest priority. Then purposely showing little respect for the needs of a partner after betting needs have been met, is that necessary to help sell this app?*

*Derogatory to women. implies women are not important they come second to gambling.*

*In a society where family relationship breakdowns cause all sorts of flow on problems I'm disgusted that this advertisement is glorifying a complete disregard and disrespect for one's spouse. Putting gambling as a priority over speaking to your partner is sending the wrong message to generations of people, not just young people.*

## **THE ADVERTISER'S RESPONSE**

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

*While not all of the Complaints specify which version of the Advertisement they relate to, as the underlying themes are virtually the same, the 15 second and 30 second version of the Advertisement will be treated as one and the same in this letter.*

*The Complaints*

*In summary, the Complaints state the Advertisement:*

- (a) shows "a lack of respect for partner relationships compared to priority for gambling"*
- (b) is "glorifying a complete disregard and disrespect for one's spouse; and*
- (c) is "demeaning to women", suggests that a woman "wouldn't know was needed to power a modern mobile" and conveys that a wife is less important than gambling; and*
- (d) is "derogatory to women" and "implies women are not important they come second to gambling".*

*We note that the ASB has identified section 2.1 of the AANA Code of Ethics (Code) as the section which may have been breached based on the Complaints. The Code states:*

*2.1: Advertising or Marketing Communications 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.*

*Sportsbet's response to the Complaints*

*Sportsbet has considered the Complaints and does not seek to shy away from the importance of advertising its services in a responsible manner. Sportsbet rejects that the Advertisement in any way breaches section 2.1 or any other section of the Code. In our view, the Advertisement plainly does not “discriminate against” nor “vilify” any person or section of the community on account of their gender (or any other aspect or trait cited in section 2.1). The Advertisement, in a light hearted and jovial manner, explains and promotes the benefits, specifically the speed, of Sportsbet’s new mobile phone application, while making humorous reference to a man’s interactions with his wife and other guests at the party.*

*What is it to “discriminate against” or “vilify”?*

*The Oxford and Collins Dictionaries support our contention that the Advertisement does not breach section 2.1 by either discriminating against or vilifying any person or section of the community on account of their gender.*

*According to the Oxford Dictionary \_ to “discriminate against” is to “make an unjust or prejudicial distinction in the treatment of different categories of people.”*

*Similarly, the Collins Dictionary - states that to “discriminate against” is to “single out a particular person, group, etc., for special...disfavour, often because of a characteristic...”*

*With respect to vilification, the Oxford Dictionary states that to “vilify” is to “speak or write about in an abusively disparaging manner.” And according to the Collins Dictionary to “vilify” is to “revile with abusive or defamatory language; malign.”*

*Having regard to the above definitions, we submit that it is clear that the Advertisement does not discriminate against or vilify women on account of their gender. The footage and the voiceover are collectively and separately very light-hearted and jovial, and we submit that the Advertisement certainly does not:*

*(a) “make an unjust or prejudicial distinction” or “single out for particular disfavour” (i.e. discriminate against); nor*

*(b) “abuse”, “malign” or “disparage” (i.e. vilify), women on account of their gender.*

*Other matters raised in the Complaints*

*The complainants assert that the Advertisement is “demeaning” and “derogatory” to women. In response, we submit that the Advertisement certainly does not slander or defame women, concepts associated with what the complainant’s have alleged. The Advertisement, in a humorous and light-hearted manner, shows a woman holding up what looks to be a flux capacitor as an alternative to a mobile phone charger, which in no way slanders or defames her based on her gender.*

*The complainants also assert that the Advertisement shows “a lack of respect for partner relationships” and glorifies “a complete disregard and disrespect for one’s spouse”. These particular complaints go beyond the scope of section 2.1 and the Code generally but, even so, we also firmly reject them. In our view, the Advertisement merely makes a cheeky reference to the man not being able to answer his wife’s call and must be considered in light of the Advertisement’s jovial nature.*

*Conclusion*

*Sportsbet regrets if the jovial nature of the Advertisement was either misconstrued or may have offended the complainants, but we firmly reiterate our view that the Advertisement does not breach the Code. For the reasons mentioned above, Sportsbet believes that the*

*Complaints lack foundation and should be dismissed.*

## **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 complainants’ concerns that the advertisement is demeaning to women in its suggestion that a woman wouldn’t know how to charge a mobile phone and in its use of the term, “wifey”.

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 there are two versions of this advertisement (30 sec and 15 sec) and the extended version features a man seeking a battery charger for his phone that is about to run out of battery life when a woman offers him two inappropriately large battery chargers. Both versions show the man managing to quickly place a bet on his mobile phone despite the fact it only has one per cent battery charge left.

The Board noted the complainants’ concern that when the man is seeking a charger for his mobile phone the solution offered to him by a woman suggests that she would not understand how to charge a mobile phone and that this suggestion is demeaning.

The Board noted that we do not see or hear the man ask the woman if she has a charger for his mobile and considered that it is not clear if the woman actually thinks she is holding a mobile phone charger in her hands or if she is just joking with the man because they are friends. The Board noted that this depiction of the woman offering an unrealistic power solution is intended to be humorous and considered that whilst it could be interpreted as showing this particular woman as being unable to recognise a mobile phone charger in the Board’s view the advertisement does not suggest that all women would be unable to recognise a power charger for a mobile phone.

The Board noted the complainants’ concern over the use of the word “wifey”.

The Board noted that the words, “Wifey. Home” appear on the screen of the man’s mobile phone just before it runs out of power. The Board noted that the term “wifey” is a term used by some members of the community in place of “wife” and considered that in the context of the name assigned to a man’s wife in his mobile phone contacts list it could be considered affectionate or the preferred term of the man’s partner. The Board noted that married men are often described as “hubbies” and considered that the word “wifey” as used in the advertisement is being used in its colloquial manner and is not of itself demeaning to women. The Board noted that the man does not seem bothered that his wife is trying to contact him and that after the phone switches off he puts it away and remains with his friends.

The Board noted it had recently dismissed an advertisement featuring a similar scene of a man ignoring a phone call from his girlfriend in case 0080/14 where:

“The Board noted the complainants concerns that the advertisement is disrespectful toward women as a man ignores his girlfriend’s phone call when she is in need of assistance because her car is on fire. The Board determined that the type of behaviour portrayed is not ideal, and

is not suggesting that all men would respond in this way and that it is intended to be light hearted and not likely to be mimicked.”

Consistent with its previous determination the Board noted in this instance that whilst the man’s behaviour could be considered disrespectful to his wife it is intended to be light-hearted.

Based on the above the Board considered that the advertisement does not discriminate against or vilify a person or section of the community on account of gender.

The Board determined that the advertisement did not breach Section 2.1 of the Code. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.