



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0361/14</b>
<b>2</b>	<b>Advertiser</b>	<b>Sportsbet</b>
<b>3</b>	<b>Product</b>	<b>Gaming</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Pay</b>
<b>5</b>	<b>Date of Determination</b>	<b>24/09/2014</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.1 - Discrimination or Vilification Gender

## DESCRIPTION OF THE ADVERTISEMENT

The Advertisement promotes and demonstrates the ease of Sportsbet's new mobile phone application (New App) by showing a man having the ability to place a bet with Sportsbet on the New App, one handed, while holding his partner's hand with the other.

## THE COMPLAINT

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

*I was offended by the perception that the man was considered less manly? No longer part of some group because he was holding hands with a woman, another man comments /judges this. It implies that holding hands with his girlfriend is an impediment.  
That somehow holding hands is but a mere challenge to betting.*

## THE ADVERTISER'S RESPONSE

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

*While the Complaint does not specify which version of the Advertisement it relates to, as the underlying themes are virtually the same, the 15 second and the 30 second version of the Advertisement will be treated as one and the same in this response.*

### *The Complaint*

*In summary, the Complaint states:*

*“I was offended by the perception that the man was considered less manly? No longer part of some group because he was holding hands with a woman, another man comments/judges this. It implies holding hands with his girlfriend is an impediment. That somehow holding hands is a mere challenge to betting.”*

*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 Complaint*

*Sportsbet has considered the Complaint 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). According to the Oxford Dictionary to “discriminate against” is to “make an unjust or prejudicial distinction in the treatment of different categories of people.” With respect to vilification, the Oxford Dictionary states that to “vilify” is to “speak or write about in an abusively disparaging manner.” Having regard to these definitions, we submit that it is clear that the Advertisement does not discriminate or vilify a person on account of their gender.*

*In addition, while the complainant has expressed that they were offended by the Advertisement, which is unfortunate, the concerns the complainant raises in their Complaint are by and large outside the ambit of section 2.1 and the Code generally, thereby lacking any foundation under the Code. Even so, the Advertisement, in a light hearted and jovial manner, merely explains and promotes the benefits, specifically the ease, of Sportsbet’s New App, while making a cheeky and humorous reference to a man holding his partner’s hand.*

### *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 complainant’s concerns that the advertisement is offensive to men in its suggestion that if a man holds hands with his partner he is less manly.

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 the advertisement features a man whose new girlfriend is described as a "hand-holder" and in every situation they are depicted in they are holding hands: at a restaurant whilst eating, at social gatherings etc.

The Board noted the complainant's concern that the man is depicted as "less manly" and that his friends are seen to judge him for his behaviour.

The Board noted that one of the man's friend's comments that he has "changed, mate" and considered that this statement is an observation on the man's different behaviour. The Board noted that this statement could be interpreted as judging the man for holding hands with his girlfriend but considered that it is not a negative comment and there is no suggestion that the man is less of a man or that he needs to change his behaviour. The Board noted that the man's friends still include him in social gatherings despite his different behaviour and considered that overall the focus of the advertisement is on the ability to use a mobile phone to place a bet with one hand.

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.