



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

1. Case Number :	0364-20
2. Advertiser :	Bluebet
3. Product :	Gambling
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	16-Dec-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence
AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement features the below:

Presenter: "What is it about Australians and blue? We're girt by blue seas, blue skies..."

Presenter standing in a pool room with sporting memorabilia and Australian flag hung on the wall, then cutting to presenter standing in front of a backyard shed.

Presenter:" "...Blue arse flies..."

Cut back to our presenter catching a fly with chopsticks with one hand.

Presenter: "...Blue tongue lizards..."

Presenter holding a large Blue Tongue which flashes its blue tongue to camera.

Presenter: "Blue rinses..."

An elderly woman (with a 70's style blue rinse) drives past frame in a mobility scooter

Presenter: "And when we need a little boost...."

Space shuttle on television in take off mode

"...we just pop a cheeky little bluey."



Presenter: "We love a blue..."
Presenter shadow boxing to camera.

Presenter: "We even call our red heads BLUE..."
Nodding red head

Presenter: "and our best mate..."
Blue Heeler with the blue number 4 Greyhound colors on.
He barks to camera (subtitle: "Get on the 4 at Dapto")

Presenter: "And when we bet... we bet with Blue Bet."

THE COMPLAINT

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

Promotes drug taking.

THE ADVERTISER'S RESPONSE

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

I refer to your letter dated 1 December 2020 relating to a complaint received by Ad Standards ("AS"), reference 0364-20, pertaining to a television commercial which was broadcast on 16 December 2020. BlueBet has considered the complaints against the AANA Wagering Advertising Code and section 2 of the AANA Code of Ethics ("the Codes") and offers the following information and comments to assist AS's consideration of the complaint at the forthcoming meeting of the Community Panel.

DESCRIPTION OF THE ADVERTISEMENT

The complainant refers to a television advertisement broadcast on Channel 9 on 16 November 2020. BlueBet has recently placed television advertisements, each of similar content but different lengths, however those ceased to be broadcast on 14 November 2020. Consequently, we cannot be sure what version of the advertisement the complainant is referencing.

Notwithstanding the above, the advertisements all have a similar theme. They contain a paid actor making several references to the use of the word "Blue" in the Australian vernacular. This plays to the name of BlueBet obviously, as well as its market positioning as a fully Australian owned business, in contrast to most of its competitors.



The full script of the 30 second version of the advertisement (most likely the subject of the complaint) is provided:

DETAILS OF THE COMPLAINT

The complainant states:

- *The narrative says quote- "that you can even pop a sneaky little bluey" end quote. That is a drug reference. Encouraging drug taking. REASON FOR CONCERN: Promotes drug taking.*

ADVERTISER'S RESPONSE TO THE COMPLAINT

The complainant suggests that BlueBet uses a drug reference in its advertisement and by doing so is promoting drug use.

BlueBet acknowledges that the line "and when we need a little boost, we just pop a little bluey" is a reference to the taking of medication assisting those with erectile dysfunction. In our submission, this is how this line is interpreted by the overwhelming majority of viewers. This is also consistent with the feedback BlueBet received during the process of receiving CAD approval. At this time BlueBet was advised not to mention the brand name Viagra or display any image of a pill, thus confirming that the common interpretation of the line is that it relates to sexual dysfunction medication rather than any illegal or recreational drug. Viagra, and other comparable medications, are legal products which are only available if prescribed by a medical professional.

While the advertisement clearly makes reference to this medication, there can be no suggestion that it is promoting its use, any more than the line "Blue rinses" promotes the use of blue hair dye. All of the lines referencing 'blue' are merely lighthearted references to products or actions containing the word "blue" and commonly used in Australian slang. In any case, even if the advertisement did encourage the viewer to use Viagra or other similar products (which is denied), no adverse inference should be made against Bluebet as it is a totally legal and highly regulated product only available through prescription. Its use is entirely within the prevailing community standards on health and safety.

Our response as it pertains to each of the different Codes is below.

AANA Code of Ethics

Section 2.1: Portrayal of People

The advertisement does 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 complaint does not allege that it does.



Section 2.2: Objectification

The advertisement does not employ sexual appeal:

- (a) where images of Minors, or people who appear to be Minors, are used; or*
- (b) in a manner which is exploitative or degrading of any individual or group of people.*

The complaint does not allege that it does.

Section 2.3 Violence

The advertisement makes brief mention to the word “blue” as is colloquially used in Australia to describe a scuffle or fight. The reference is made in a lighthearted way consistent with the rest of the advertisement and in no way encourages the viewer to participate in violent behaviour. The complaint does not allege that it does.

Section 2.4 Sex, sexuality or nudity

The advertisement treats sex, sexuality and nudity with sensitivity to the relevant audience. The complaint does not allege otherwise.

Section 2.5 Language

The advertisement uses language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language is avoided.

Section 2.6 Health and Safety

The advertisement does not depict material contrary to Prevailing Community Standards on health and safety. As discussed above, the advertisement makes reference to the Australian slang for the taking of sexual dysfunction medication. Such medication is entirely legal and restricted in its use by being only available by prescription from a medical professional. Given the use of such medication can only be used in these circumstances, it is entirely within the prevailing community standards on health and safety. Reference to such a medicinal product is, for the current purposes, no different than references to products such as pain relief or heartburn medication.

Section 2.7 The advertisement is clearly distinguishable as such to the relevant audience.

AANA Wagering Advertising Code

Section 2.1 - The advertisement is not directed primarily to Minors. The complaint does not allege that it is.



Section 2.2 - The advertisement does not depict a person who is a minor. The complaint does not allege that it does.

Section 2.3 – the advertisement does not depict a person aged 18-24 years old engaged in wagering activities. The complaint does not allege that it does.

Section 2.4 – the advertisement does not portray, condone or encourage wagering in combination with the consumption of alcohol. The complaint does not allege that it does.

Section 2.5 – the advertisement does not state or imply a promise of winning. There is no suggestion in the advertisement that winning will be a definite outcome of participating in BlueBet’s offering, or in wagering generally. The complaint does not allege that it does.

Section 2.6 – the advertisement does not portray, condone or encourage participation in wagering activities as a means of relieving a person’s financial or personal difficulties. There is no reference to salary or debts or anything playing on a consumer’s fears of financial pressures. The advertisement does not present wagering as a viable alternative to employment. There are no expressions of any financial difficulty that winning would relieve. The complaint does not allege that the advertisement portrays, condones or encourages participation in BlueBet’s service offering as a means of relieving a person’s financial or personal difficulties.

Section 2.7 – the advertisement does not state or imply a link between wagering and sexual success or enhanced attractiveness. The complaint does not allege that it does.

Section 2.8 – the advertisement does not portray, condone or encourage excessive participation in wagering activities. There is nothing in the advertisement that depicts a participant wagering beyond their means. There is nothing in the advertisement that depicts wagering taking priority in a participant’s life. There is nothing in the advertisement that depicts prolonged and frequent wagering to improve a participant’s skill in wagering. There is nothing in the advertisement which shows individuals placing further bets, and there is no indication that further bets will lead to winning; and the complaint does not allege that the Advertisement does any of these things.

Section 2.9 – the advertisement does not portray, condone or encourage peer pressure to wager nor disparage abstention from wagering activities. There is nothing in the advertisement that encourages criticism or ridicule for not engaging in wagering activities, or mocks non-participants. The complaint does not allege that it does

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether the advertisement breaches Section 2 of the AANA Code of Ethics (the Code).



The Panel noted the complainant's concerns that the advertisement promotes drug taking.

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

Section 2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The Panel noted the suggestion that Australian's "love a blue", i.e. a fight and the depiction of the man wearing boxing gloves and shadow boxing.

Does the advertisement contain violence?

The Panel considered the implication that Australian's "love a blue" and the tone in which the line was delivered. The Panel considered whether the man's tone implied that a fight was a positive thing and was therefore encouraging of violence.

The Panel noted that while the man in the advertisement is depicted wearing boxing gloves, he is shown to shadow box alone. The Panel considered that the inclusion of boxing gloves suggested that the reference was related to organised, professional fights rather than bar fights or similar.

The Panel considered that the advertisement did not portray violence, nor did it encourage violence.

Section 2.3 conclusion

In the Panel's view the advertisement did not portray violence and did not breach Section 2.3 of the Code.

Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel noted that the advertisement was in the context of stereotypical Australian things, and that the man states "when we need a little boost, we just pop a cheeky little bluey".

The Panel noted that the reference to a "cheeky little bluey" would be interpreted by most members of the community to refer to Viagra which is typically a small blue pill, however noted that some may consider it to refer to any drug taking.

The Panel noted that Viagra is a prescription medication, and is not something readily obtainable by the general public. The Panel considered that the advertisement refers to a scenario of when Australians need a "little boost", i.e. in the bedroom, that they take Viagra.



The Panel considered that such commentary on an Australian stereotype is not itself encouraging or promoting drug taking, either in a prescription manner or otherwise. The Panel considered that this phrase would not be considered by most members of the community to be contrary to Prevailing Community Standards on health and safety.

Section 2.6 conclusion

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

Conclusion

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