



Case Report

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| 1 | Case Number | 0378/11 |
| 2 | Advertiser | Sportsbet |
| 3 | Product | Gaming |
| 4 | Type of Advertisement / media | TV |
| 5 | Date of Determination | 12/10/2011 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

- 2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience
- 2.1 - Discrimination or Vilification Sex

DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows various scenes of people repeatedly tapping or poking something to simulate the use of a mobile phone for 'mobile betting'. In one scene a man taps the pump of a bottle of sun screen so that the cream spurts on the stomach of a bikini clad woman, in another scene spectators poke the helmet of a cricketer and in the final scene a man taps the window of a plane until it breaks and he is sucked out.

THE COMPLAINT

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

- 1) First depiction blatantly stereotypical and extremely offensive, plainly mimicking porn movies. Completely inappropriate for general viewing. Demeaning to women and absolutely disgusting.*
- 2) Stupid portrayal of unrealistic event in an aircraft and VERY sexist portrayal of female reaction - and completely unprofessional. Just the most awful stereotype of a female flight attendant that does not belong on Australian TV in 2011. Worse than anything even the Benny Hill Show used to vomit up week after week.*

THE ADVERTISER'S RESPONSE

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

The advertisement promotes mobile betting from sportsbet.com.au.

The advertisement is intended as a humorous reference to the invention of mobile betting positioning it as "the greatest invention since betting". It compares a series of great inventions to the invention of mobile betting implying that they're not as great as mobile betting because you can't place a bet on them.

In each scene of the advertisement a man attempts to place a bet using an invention not designed for betting. A man in each scene pokes or prods the invention, mimicking the action required to use a mobile phone that has an interactive screen. In each case there is a far-fetched consequence of the action that is intended to be ridiculous and therefore humorous.

The complaint alleges the advertisement breaches sections 2.1 and 2.3 of the AANA Code of Ethics. Sportsbet rejects the allegation that this advertisement discriminates against women and/or treats sex/sexuality or nudity in an insensitive way. The person most disparaged by the advertisement is the man in each case stupidly (but humorously) trying to tap or poke an invention not designed for betting. The complainant specifically alleges the first scene of the advertisement breaches section 2.3 of the AANA Code of Ethics. Sportsbet rejects the notion that the scene in question portraying a male applying too much sun cream to his girlfriend who is sunbaking is an insensitive portrayal of sexuality for the time-slot in which it is aired or at all. The fact the man is trying to bet on a pump pack – facetiously referred to as one of the greatest inventions - is not realistic and the effects of his actions are dramatized for humour. Any nudity or implied sexual overtones is well within acceptable community standards.

The complaint also refers to a scene in the advertisement whereby a flight attendant asks a passenger to refrain from tapping on the aircraft window. He continues in a ridiculous attempt to place a bet and as a result the window cracks and the passenger is sucked through. The flight attendant screams in response. The complaint asserts that the scene discriminates against women by depicting a flight attendant screaming at the sight of a passenger being sucked through a broken aircraft window. Aside from the scenario being entirely comedic, we don't believe this is an unnatural response from a flight attendant, in such circumstances. Sportsbet believes that the Complaint should be dismissed in its entirety by the Advertising Standards Board.

THE DETERMINATION

The Advertising Standard Board ('the Board') considered whether the advertisement complied with the AANA Code of Ethics ('the Code').

The Board noted the complainant's concern that this advertisement is demeaning to women in its mimicking of porn and in its portrayal of a female flight attendant.

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

The Board first 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, sex, age, sexual preference, religion, disability or political belief.'

The Board noted that the advertisement features a scene where a man is tapping a pump bottle of sun screen so that the cream lands on the stomach of a bikini-clad woman lying next to him, and that in another scene a man taps the window of an airplane until it breaks and he is sucked out of the airplane whilst the air hostess screams.

The Board noted the sun screen scene featured a woman in a bikini and considered that the portrayal of a woman in a bikini does not, of itself, amount to a portrayal which vilifies or discriminates against women. The Board noted that the woman is sunbathing and considered that it was reasonable to expect her to be wearing a bikini in such a situation and that her pose was not sexualised or inappropriate.

The Board noted the complainant's concern that the female flight attendant is portrayed in a sexist and stereotypical manner and considered that her reaction to the passenger being sucked out of the window was a reaction which would be expected of anyone: a scream. The Board noted the over the top, unrealistic and humorous nature of the advertisement, and of this scene in particular, and considered that the advertisement does not depict material which would discriminate against or vilify any person or section of society.

The Board determined that the advertisement did not breach section 2.1 of the Code.

The Board then considered whether the advertisement complied with Section 2.3 of the Code. Section 2.3 states: '...shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone'.

The Board noted that as well as depicting a woman in a bikini, another scene shows a man's clothing being sucked off him before he is sucked out of the window of an airplane. The Board noted that the advertisement had been rated PG by CAD and considered that the level of nudity in the advertisement was very mild and in keeping with the context of the situations portrayed. The Board considered that there were no sexual references in the advertisement and that most people would not consider the image of the man squirting sunscreen on the woman to be sexualised or sexually suggestive.

The Board determined that the advertisement treated sex, sexuality and nudity with sensitivity to the relevant audience and that it 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.

