



Case Report

1	Case Number	0404/11
2	Advertiser	Sportsbet
3	Product	Professional services
4	Type of Advertisement / media	TV
5	Date of Determination	26/10/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.2 - Violence Other

DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens with a man poking a bikini-clad woman's thigh with his finger as though he is tapping the screen of a phone. We then see a man tapping his finger in a cold freezer and his finger falls off, then we see a man tapping a voodoo doll and the man the doll represents is seen in the background falling in a fish tank.

THE COMPLAINT

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

When I was eating my dinner I did not appreciate observing a person's finger falling off which looked very life like. I really dislike this ad and do not wish to see this ad repeatedly. It's about betting so I fail to see the correlation of the product advertisement with the company. I am not a prude. Whilst I disliked the TED's ad with the tongue I did not actually complain but on this occasion I am now lodging an official complaint.

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 does not allege any breach of the AANA Code of Ethics but takes objection to what the viewer apparently regards as a life-like portrayal of cryogenics and a person being sucked through an aeroplane window. Sportsbet rejects the proposition that either event is realistically portrayed. They are clearly fantastical dramatisations intended for humour.

It is also noteworthy that the advertisement was deemed suitable for a PG rating by the classification board – CAD number PUPJDLGA and therefore air in suitable time slots.

We appreciate that the advertisement may not be to everyone’s likings but we do not think a personal distaste for an advertisement should result in an ad being taken off air.

Sportsbet believes that the Complaint should be dismissed in its entirety by the Advertising Standards Board.

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 concern that the advertisement features a man’s finger falling off.

The Board reviewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised."

The Board noted that one scene in the advertisement shows a man’s finger falling off after he repeatedly pokes objects in a cryogenic freezer and in another scene a man pokes a voodoo doll and we see a man in the background falling in to a fish tank and then smashing his head against a hanging picture as though the voodoo doll is affecting him. The Board noted that these depictions were clearly presented as far-fetched and considered that most members of the community would find the advertisement humorous and not violent.

The Board noted the complainant’s concern that a finger falling off has nothing to do with betting, however the Board considered that in the context of mobile phone betting, the use of the finger to repeatedly tap something is relevant and whilst some members of the community

may consider the situations chosen by the advertiser to highlight using your finger to bet in poor or questionable taste this is not an issue which falls under the provisions of the Code.

The Board noted that the advertisement had been rated PG by CAD and considered that the content of the advertisement was acceptable within this classification timezone.

The Board determined that the advertisement did not breach of Section 2.2 of the Code.

The Board also 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 the hip/thigh of a bikini clad woman stood next to him.

The Board 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 next to swimming pool 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 it is clear that the man is "texting" with his finger and this is not in any way of concern to the woman.

The Board noted the over the top, unrealistic and humorous nature of the advertisement 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.

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