



Case Report

1	Case Number	0426/14
2	Advertiser	Tom Waterhouse
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	22/10/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Depiction of smoking/drinking/gambling

DESCRIPTION OF THE ADVERTISEMENT

The advertisement commences with horses preparing for their training runs at pre-dawn, while describing how everyone is pushing themselves for better. The advertisement shows a man running in gym gear before then walking through a crowd at the races. The advertisement shows scenes of the crowd watching a horse race and then celebrating a race win. The advertisement revolves around the theme of striving for better - to dress better, play better, love better, punt better.

THE COMPLAINT

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

This advert was all about making life better, it was about getting ahead, working hard. It was the ANTITHESIS of what betting is about and utterly obnoxious in drawing a link between the 2. Had an alcohol advertisement run with the same line it would have been torn down in seconds. This ad is aimed at young people and telling them to make their life better by gambling.

THE ADVERTISER'S RESPONSE

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

The complaint raises issues under Sections 2.6 the AANA Code of Ethics (Code).

The complaint alleges that the advertisement may breach Section 2.6 of the AANA Code of Ethics (the Code) as “...this ad is aimed at young people and telling them to make their life better by gambling”.

Section 2.6 of the Code provides that advertising or marketing communications shall not depict material contrary to prevailing community standards on health and safety.

Tomwaterhouse.com submits that the advertisement does not breach section 2.6 of the Code, as it does not depict, encourage or condone excessive or irresponsible gambling, nor does it depict gambling involving people under the legal age. The advertisement does not otherwise promote behavior considered to be against prevailing community standards on gambling.

Tomwaterhouse.com is a licensed sports bookmaker. Gambling is a legal activity in Australia and gambling products are legally able to be advertised in Australia.

The advertisement does not suggest that one’s life will be made better by gambling. Tomwaterhouse.com submits that the overall message of the advertisement is that the betting options, products and channels available to clients of tomwaterhouse.com will allow clients to enjoy an enhanced betting experience. The voiceover stating “at tomwaterhouse.com we live to make punting better” directly reflects the intended message of the advertisement.

The advertisement clearly states the required warning message in relation to responsible gambling, including text directing customers to appropriate gambling help services. This warning message complies with the legislative requirements for all states and territories in Australia.

Tomwaterhouse.com is committed to responsible gambling, including promoting its services in a responsible manner.

As a wagering company, tomwaterhouse.com does not offer products or services to persons under the age of 18, hence tomwaterhouse.com does not target its advertising to persons under the age of 18.

Tomwaterhouse.com notes that CAD provided the advertisement with a “B” classification and was aired in the appropriate times for the rating given.

On the basis of the above, tomwaterhouse.com submits that the Advertisement does not breach section 2.6 of the Code.

We have reviewed the advertisement in light of the remaining provisions of section 2 of the Code and note that the remaining sections of the Code clearly do not apply to the advertisement.

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’ concern that the advertisement promotes gambling to young people in a manner which suggest it will make their lives better.

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

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted the advertisement features a racing event and the voiceover says, “We’re all pushing ourselves because we want better” before saying that at TomWaterhouse.com they live to make punting better.

The Board noted that some members of the community would prefer that gambling not be advertised on television. The Board noted that gambling is permitted to be advertised and that the Board is not able to comment on whether it should be or not but only on the content of the advertisement.

The Board noted the complainant’s concern that the advertisement is promoting gambling to young people. The Board noted the theme and visuals of the advertisement and considered that the content is not directed at people under the minimum age allowed to gamble.

A minority of the Board considered that the overall tone and theme of being ‘better’ in the advertisement amounts to a depiction which is suggestive of a link between gambling and success in life which is contrary to community standards on responsible gambling.

Following considerable discussion however the majority of the Board considered that whilst the advertisement does focus on making your life better in the Board’s view the gambling aspect is around an App that allows you to place a bet in a more simple way rather than gambling itself making your life better. The Board acknowledged that the advertisement does portray the theme of gambling in a manner which makes it seem glamorous but considered that this in itself is not a breach of Section 2.6 and in the Board’s view the advertisement does not depict material contrary to community standards on responsible gambling.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

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

