



Case Report

1	Case Number	0427/15
2	Advertiser	William Hill
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	28/10/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.6 - Health and Safety Bullying (non violent)

DESCRIPTION OF THE ADVERTISEMENT

A presenter appears on screen and starts to talk about a betting "special offer". A male then walks into the frame and queries whether the "special offer" is as special as a money back offer. The male then taps his mobile phone and the background changes to the "William Hill world" with screens showing racing and sports events.

THE COMPLAINT

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

I didn't really hear everything that was said in this advertisement , but even without that information I find this advertisement extremely sexist. Apart from the man modelling extremely bad manners, butting in on someone, it makes women look unimportant and insignificant. The ad promotes and encourages bullying behaviour. It particularly models a man treating a woman as unimportant and even 'deleting' her! Domestic violence against women is at an all time high and you are allowing an ad like this to be aired on TV? This ad needs to be removed immediately. As a secondary English teacher, one of the skills I teach my students is how to analyse advertisements and discover the subliminal messages they are sending - there is nothing subliminal about this message - it is blatant sexism and openly denigrates women. For your information, this is the first time I have ever complained about an advertisement - that's how strongly I feel about this.

THE ADVERTISER'S RESPONSE

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

2.1 Discrimination or Vilification: Gender

ISSUE: Advertisement openly denigrates women

Based on the complaint the ASB has identified that the advertisement may have breached section 2.1 of the AANA Code of Ethics (the Code) by making women look unimportant and by openly denigrating women.

Section 2.1 of the Code provides that "Advertisements... 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."

William Hill submits that the advertisement does not breach section 2.1 of the Code, as it does not discriminate against or vilify a person or section of the community on account of their gender or other characteristics.

The advertisement does not expressly or impliedly encourage people to think less of or negatively about the female presenter in the advertisement, or women in general. In fact, the advertisement was part of a comparative advertising campaign by William Hill, with the female presenter representing a competitor presenting the competitor's products. The male character interrupts the female presenter, not to denigrate her or to suggest that men are superior to women, but to communicate to audiences the availability of William Hill's competing product.

2.6 Health and Safety Bullying (nonviolent)

ISSUE: Advertisement promotes and encourages bullying behaviour

Based on the complaint the ASB has identified that the advertisement may have breached section 2.6 of the AANA Code of Ethics (the Code) by promoting or encouraging bullying behaviour.

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.

William Hill submits that the advertisement does not breach section 2.6 of the Code, as it does not depict, encourage or condone bullying behavior or other behavior considered to be against prevailing community standards on health and safety.

William Hill is astounded the complainant can draw any connection between the advertisement and domestic violence. As noted above, the male character interrupted the female presenter, representing a competitor, merely to communicate to audiences the availability of William Hill's competing product.

We note the ASB's Case Report Number 0334/11 described that the concept of bullying "generally requires three elements: an imbalance of power, an intention to harm and repetition of a behavior or act". It is clear that the advertisement does not display bullying as it does not depict an imbalance of power between the male and female character nor any intention to harm.

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

William Hill submits that the complaint 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 complainants’ concerns that the advertisement is sexist and denigrates women.

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 that the advertisement begins with a female presenter on screen talking about a "special offer". A male then walks into the frame and queries whether the "special offer" is as special as a money back offer. The male then taps his mobile phone and the background changes to the "William Hill world" with screens showing racing and sports events. He walks past all the screens describing the ‘money back’ offer.

The Board noted the complainant’s concern that the way the man takes over the advertisement is demeaning to women making them appear unimportant.

The Board noted that the man and the woman represent different betting companies and that the basis if the advertisement is to highlight one service as being superior to the other. The Board noted that as the man enters the room he talks over the woman and does appear to take over the advertisement.

The Board noted that the woman maintains a smile on her face as she stands back from the man. The Board noted that the woman appears mildly shocked by his behaviour but she does not seem upset or angry. The Board noted that the actions of the man to interrupt the woman is rude and displays poor manners but does not amount to a depiction that is considered sexist or denigrating.

The Board considered that the advertisement is designed to highlight competitor differences and that the depiction of the man taking over is not a portrayal which vilifies a person or section of the community on account of gender and did not breach section 2.1 of the Code.

The Board then 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 that the advertisement was providing information about a gambling product and considered the advertisement was not suggesting that people gamble excessively.

The Board felt that the overall tone of the advertisement is an adult one and that the depiction of a man talking about the new “money back’ offer did not amount to a portrayal that would be of particular interest to children and did not depict material contrary to Prevailing Community standards on health and safety relating to gambling. The Board further noted that the promotion focused on refund or money back practices and was not a direct call to action to place bets. The Board considered that the advertisement did not encourage or condone excessive gambling.

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

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaints.

