



**ADVERTISING
STANDARDS
BOARD**

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Case Report

1	Case Number	0428/16
2	Advertiser	Sportsbet
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	23/11/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Social Values
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement opens with a voiceover of 'How good is it when you get free stuff chucked in on top' and then shows comical examples of a man in various situations taking advantage of the 'free stuff' available to him, such as taking the bowl of nuts at the pub, free slippers and lamp at a hotel, the bonus of looking 'cleverer' when you put on glasses you, and the benefit of 'nonna's' home cooking when you marry someone.

THE COMPLAINT

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

Disgusting behaviour.

This portrays the image that it is alright and your right to pinch hotel owned items that are not fee.

It seems to imply that it's ok to remove items not owned by the person if he is placing a bet with this organisation.

This is stealing, and stealing is an illegal activity which should not be encouraged on prime time TV, especially when young people could be watching.

THE ADVERTISER'S RESPONSE

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

Sportsbet rejects that the Advertisement in any way normalises or promotes theft. Instead, it portrays a humorous exaggeration of the circumstances in which a person can get a bit extra for 'free' to promote Sportsbet's 'Power Play' betting feature, which provides customers with additional or 'free' odds. The Advertisement depicts adults in adult situations and is clearly targeted towards adults who will understand the humorous and exaggerated nature of the Advertisement.

There is nothing in the Advertisement which indicates that people should steal anything, let alone the ridiculous example with attendant impracticalities around stealing a lamp from a hotel room. Each of the examples of 'free stuff' show a man displaying behaviour which, as portrayed through the context, content and tone of the Advertisement, is obviously far-fetched or inappropriate.

As such, the Advertisement cannot reasonably be interpreted as encouraging others to copy this behaviour, or in any way depicting material contrary to Prevailing Community Standards on health and safety.

Sportsbet believes that the Complaints lack foundation and 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 encourages people to steal items from hotels which are not meant to be taken, and this behaviour is against prevailing community standards.

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 that the television advertisement shows comical examples of a man in

various situations taking advantage of ‘free stuff’, including a scene where he packs a lamp from a hotel in his suitcase.

The Board noted the complainants’ concern that the advertisement depicts and condones theft.

The Board noted it had previously upheld complaints about an instance of theft in an advertisement in case 0139/16 where it noted:

“...the pizza is labelled as ‘stolen’ and therefore the Board considered that there was never any intention to pay for the pizza. The Board noted that although the scene of stealing the pizza is exaggerated, the act of stealing from the pizza delivery man is a realistic event and in the context of Prevailing Community Standards, the majority of people would see this particular scene in the advertisement, as breaking the law...As this particular activity - stealing from a pizza delivery person - is an actual crime, this portrayal in the advertisement may be seen to condone stealing. The Board considered that the victims of crime in such circumstances were often traumatised and such experiences were covered under the provisions of workplace health and safety obligations. The Board considered that the comedic and humorous nature of the advertisement was not sufficient to mitigate the impact of stealing the pizza. The Board considered that the advertisement did depict material contrary to Prevailing Community Standards.”

In the current advertisement the Board noted that the voiceover talks about how good it is when you get ‘free stuff’ and considered that while the bar snacks, hotel slippers and body lotion we see the main character taking are all items which are freely provided, the hotel lamp is not an item you would normally be able to take with you on departure, and hotel robes would require payment. The Board noted the overall tone of the advertisement and considered that it is intended to be humorous and while the man puts the lamp in the suitcase, there is at the conclusion only a suggestion that he might take it, not an actual theft. In addition, the depictions in the advertisement are undertaken by the man from his room and has lesser impact than in the previous case (0139/16) where a theft was committed against a person in a work place.

Overall, the Board acknowledged that normalising illegal activity such as theft should be avoided by responsible advertisers but considered that in this instance the advertisement did not depict material contrary to Prevailing Community Standards on health and safety.

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 complaints.

