



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
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Case Report

1	Case Number	0438/18
2	Advertiser	Sportsbet
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	10/10/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Directed to minors directed primarily to minors
- 2.2 - Depicting minors not shown in incidental role
- 2.9 - Pressure to gamble Disparage abstention

DESCRIPTION OF THE ADVERTISEMENT

The television advertisement features a young man leaning on the bonnet of a yellow car. A voice over gives details of a betting promotion and asks 'what's better than that?' The young man states 'my sweet ride' and gestures to the car, as a woman (his mum)) is seen getting into the passenger seat. The voice over states 'that your mum paid for' and his mum gestures for him to hurry up and get in the car.

THE COMPLAINT

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

The ad offends in two ways. First that a wide range of normal activities are, by implication, less satisfying, less rewarding and less valuable than the Sportsbet Multi. Second, that the later ads in the series directly denigrate the activities or persons being compared. For example, that driving a car is trivial because 'your mother bought it'.



The ads offend because they condone and extoll rude behaviour, denigrate worthwhile activities and strongly imply that no matter how you use your spare time, nothing you do is as important or rewarding than betting.

Advertising on-line gambling is one thing. But targetting those in their late teens or early twenties is appalling.

THE ADVERTISER'S RESPONSE

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

We refer to your letter dated 24 September 2018 and the Complaint mentioned above regarding Sportsbet's Car Dude advertisement (Advertisement), a digital file of which is attached.

The Complaint

The Complaint asserts that the Advertisement offends because:

(a) it suggests that 'a wide range of normal activities are, by implication, less satisfying, less rewarding and less valuable than the Sportsbet Multi. Second, that the later ads in the series directly denigrate the activities or persons being compared. The ads offend because they condone and extoll rude behaviour, denigrate worthwhile activities and strongly imply that... nothing you do is as important or rewarding than betting.'; and

(b) it targets young people in their late teens.

Ad Standards has identified sections 2.1, 2.2 and 2.9 of the AANA Code of Ethics (Code) as the section which may have been breached based on the Complaint. The Code states:

2.1: Advertising or Marketing Communication for a Wagering Product or Service must not, having regard to the theme, visuals and language used, be directed primarily to Minors.

2.2: Advertising or Marketing Communication for a Wagering Product or Service must not depict a person who is a Minor unless the person is shown in an incidental role in a natural situation and where there is no implication they will engage in wagering activities.

2.9: Advertising or Marketing Communication for a Wagering Product or Service must neither portray, condone or encourage peer pressure to wager nor disparage



abstention from wagering activities.

Sportsbet's response to the Complaint

Sportsbet rejects that the Advertisement breaches sections 2.1, 2.2 and 2.9 or any other section of the Code for the reasons outlined below.

2.1 – Directed to minors

Notably, the character in the Advertisement is not depicted as a minor (i.e. under 18 years of age). The actor used in the Advertisement is 28 years old. His mum gets in the passenger seat of a car without L-plates or P-plates, the obvious conclusion being that the male driver is at least 18 years old. The theme, visuals and language used in the Advertisement are all aspects directed towards an adult audience, in particular the use of satire and the absence of cartoon or similar imagery that would generally appeal to minors.

2.2 – Depicting minors not shown in incidental role

The Advertisement does not depict a minor engaged in wagering activities. The setting is a driveway and there is no physical link or other form of engagement between the app illustrated on the screen and the activities of the individual sitting on the bonnet of the car. On the contrary, the man indicates a preference for his “sweet ride” over the Sportsbet Multi.

2.9 – Pressure to gamble / Disparage abstention

The Advertisement does not disparage abstention from wagering; the focus of any satire is the false assertion that the man in fact owns the car. The broader context is the depiction of an overconfident male adult, humbled by having his financial independence questioned. Further, the claim that the car Advertisement “condones rude behaviour” and therefore denigrates non-wagering activities, lacks substance. The reference to his mother having purchased the vehicle simply reinforces the use of humour as a light-hearted attempt to engage with a younger adult audience.

Conclusion

Sportsbet regrets if the nature of the Advertisement was misconstrued or may have offended the complainant, but we firmly reiterate our view that the Advertisement does not breach the Code.

Sportsbet submits that the Complaint lacks foundation and should be dismissed.



THE DETERMINATION

The Ad Standards Community Panel (“Panel”) considered whether this advertisement breaches the AANA Wagering Advertising and Marketing Communication Code (Wagering Code).

The Panel noted the complainant’s concern that the advertisement implies that no activity is more important than gambling and dismisses the actor’s activity, in this instance driving with his mother, as less valuable.

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

The Panel noted that this television advertisement features a young man leaning on the bonnet of a yellow car as a voice over gives details of a betting promotion and asks 'what's better than that?'.

The Panel noted that the advertiser is a company licensed in a State or Territory of Australia to provide wagering products or services to customers in Australia and that the product advertised is a wagering product or service and therefore the provisions of the Wagering Code apply.

As per the AANA Wagering Advertising and Marketing Communication Code Practice Note:

“The Code applies to advertising and marketing communication for wagering products and services provided by licensed operators in Australia..

The Panel considered Section 2.1 of the Wagering Code which provides: ‘Advertising or Marketing Communication for a Wagering Product or Service must not, having regard to theme, visuals and language used, be directed primarily to Minors’.

The Panel noted that Minors are defined in the Code as persons under the age of 18 years.

The Panel noted the complainants’ concern that the advertisement is targeting minors.

The Panel noted the advice provided in the Practice Note to Section 2.1: “Whether an advertisement or marketing communication is “directed primarily to minors” is an objective test based on a range a factors. It is a combination of visual techniques and age of characters and actors which will mean the marketing communication is directed primarily to minors.”

The Panel noted that “directed primarily” means aimed in the first instance.



The Panel considered that the advertisement has no theme, visuals or language that would be attractive to or directed to minors and considered that the advertisement was not targeting children and was not directed primarily to minors. The Panel noted that while a car was depicted in the advertisement, this would not hold primary appeal to children. The Panel considered that the advertisement was clearly directed at an adult audience.

The Panel noted the advice provided in the Practice Note to Section 2.1: "This provision does not apply to advertising and marketing communication which is directly primarily to adults; nor does it apply to advertising or marketing communication that may be seen by minors, but is not directed primarily to them."

The Panel considered that while some aspects of the advertisement may appeal to those aged under 18, the advertisement wasn't directly primarily to them.

The Panel determined that the advertisement did not breach Section 2.1 of the Wagering Code.

The Panel considered Section 2.2 of the Wagering Code which provides: 'Advertising or Marketing Communication for a Wagering Product or Service must not depict a person who is a Minor unless the person is shown in an incidental role in a natural situation and where there is no implication they will engage in wagering activities'.

The Panel noted that Minors are defined in the Code as persons under the age of 18 years.

The Panel noted the complainants' concern that the advertisement features a young man that may be under 18.

The Panel noted the advertiser's response that the actor depicted in the advertisement was 28 years old. The Panel considered that the vehicle shown does not have L or P plates, and he is shown to be the driver as his mother gets into the passenger seat.

The Panel considered that the advertisement is a reasonable satirical reflection of adult children still living in their family home with their parents.

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

The Panel considered Section 2.9 of the Wagering Code which provides: 'Advertising or Marketing Communication for a Wagering Product or Service must neither portray, condone or encourage peer pressure to wager nor disparage abstention from



wagering activities’.

The Panel noted the complainants’ concern that the advertisement denigrates the abstention of wagering.

The Panel noted the advertiser’s response that the premise of the advertisement is the satire that the young man owns the car that was paid for by his mother.

The Panel considered that the advertisement contains no reference that driving a car is trivial or less rewarding than wagering nor does it imply that wagering is a more important activity in the main actor’s life.

The Panel considered that the advertisement does not disparage abstention from wagering activities, and does not depict peer pressure.

The Panel determined that the advertisement did not breach Section 2.9 of the Wagering Code.

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

