



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0444/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Betezy.com.au</b>
<b>3</b>	<b>Product</b>	<b>Gaming</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Print</b>
<b>5</b>	<b>Date of Determination</b>	<b>12/12/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language inappropriate language

### DESCRIPTION OF THE ADVERTISEMENT

A personally addressed envelope to existing Betezy clients containing a two sided colour flyer promoting two new services: lay betting and mobile betting. One side included the text “Get Laid! Back or Lay betting Find a Loser & Win!” and included an image of a woman pulling down the top of her white top over her shoulder. The other side included the text “Get Mobile! The best betting app”

### THE COMPLAINT

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

*As a female, I am offended by the ad. I don't believe a woman pulling down her top asking such a question has anything to do with betting. The flyer came addressed to my home, I have two children who I don't want to be exposed to such advertising, I am sick of sexuality being associated with everything. The play on words and the picture of the young woman suggesting she wants to 'lay' the recipient is disgusting and unnecessary. I don't have sexual pictures and words of such a nature in my home and I don't want it coming into my home in the form of advertising.*

### THE ADVERTISER'S RESPONSE

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

*The advertisement in question was a 2 sided colour flyer that was promoting our two new services lay betting and mobile betting.*

*One side included the text “Get Laid! Back or Lay betting Find a Loser & Win!”*

*The other side included the text “Get Mobile! The best betting app”*

*The flyer was included in a personally addressed envelope with a personal letter to existing clients, all of whom are male and over the age of 18 (as our clients are all required to be).*

*The letter talked about the Betezy being bigger and better and the new products being offered including “Lay betting”.*

*Should the man over the age of 18 who the letter was addressed to believe it not suitable for his children he could have simply disposed of the letter and/or flyer.*

*The words “Get Laid” are a play on words as we enable clients to get laid by placing a lay bet type.*

*There was no question being asked and the word “lay” or “laid” is a common betting term used by Bookmakers.*

*The woman on the advertisement is in a seductive pose but shows no nudity.*

*I have attached the flyer and letter.*

*This is the first time Betezy has received a complaint in regards to our advertising and I can assure you that our advertising will be monitored carefully to ensure we do not receive any further complaints.*

*Please contact me should you require any additional information.*

*Thanking you for your consideration and assistance.*

## **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 sexualised images of a woman that is inappropriate and unsuitable for viewing by children.

The Board viewed 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 should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted that the advertisement is a printed flyer promoting new services ie: lay betting and mobile betting and includes the image of a woman pulling her t-shirt down over her shoulder with the picture of money behind her and the words Betezy.com across her bust.

The Board noted that the young woman is fully dressed and that there is no nudity within the image. However, the Board considered that the sultry appearance on the woman’s face in conjunction with the writing on her shirt and the money behind her was suggestive of ‘paid sexual services’. The Board considered that although the term ‘lay betting’ is a legitimate wagering strategy however, in association with the image of the woman it has strong sexual connotations. The Board noted also that the image of a woman is not relevant in any way to

the product other than in a sexually suggestive association with the reference to lay betting. The Board considered that the use of the sexualised pose of the woman, the wording that appears next to her and the vision of money behind her did amount to an image that uses sexual appeal in a manner which is degrading and exploitative.

Based on the above the Board considered that the advertisement employs sexual appeal in a manner which is exploitative and degrading and that it breaches Section 2.2 of the Code. The Board then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted that the image of the woman is not revealing and that there is no nudity in the advertisement. The Board noted that some members of the community would not be comfortable with seeing a woman portrayed in this way but noted that the advertisement is distributed to existing Betezy clients in personally addressed mail and that therefore the relevant audience is limited. The Board considered that although sexually suggestive the advertisement does treat sex, sexuality and nudity with sensitivity to the relevant audience. On this basis the Board determined that the advertisement did not breach Section 2.4 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided”.

The Board noted that as the use of the term ‘lay betting’ is a legitimate form of betting it has direct relevance to the product being promoted and although members of the community understand the sexual innuendo that the term ‘lay’ or ‘get laid’ suggests, it was not inappropriate to use the term in this scenario.

The Board considered that the language used was not strong or obscene and the advertisement did not breach section 2.5 of the Code.

Finding that the advertisement breached Section 2.2 of the Code the Board upheld the complaint.

## **ADVERTISER RESPONSE TO DETERMINATION**

Please note that we understand that the complaint has been upheld and can assure you the advertisement will not be used again.

A memo has been distributed to the marketing team and all personal understand the reasons for the decision.

Our Compliance Manager, will be responsible for checking all future advertising to ensure it meets the standards of the Advertising Standards Bureau.

I can ensure you that no future sexist or sensitive material is used again in Betezy advertising.