



## Case Report

1	Case Number	0446/17
2	Advertiser	Crownbet
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	11/10/2017
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.8 - Excess participation Condone or imply excess participation

### DESCRIPTION OF THE ADVERTISEMENT

The TVC involves the lead talent, Nicky Whelan, talking about the benefits associated with CrownBet Rewards whilst moving through a range of scenarios applicable to what she is discussing.

### THE COMPLAINT

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

*The woman says "if I were a betting man I'd choose Crown betting". I find this offensive, not only because it is promoting gambling but also because it is sexist. This ad says that only men can bet which is offensive.*

*The advert focuses on the benefits of the reward program. I suggest that this encourages irresponsible gambling. The more you gamble then the more of these wonderful experiences you can get. The advert focuses very little on the actual gambling activity - focuses almost exclusively on the rewards if you gamble heaps. I am not sure if this breaks any code - but it should. I find it very irresponsible and inappropriate. Reminds me of old tobacco advertising which focused on rewards you got for being a smoker.*

### THE ADVERTISER'S RESPONSE

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

#### *Response*

*CrownBet is a responsible advertiser and alive to community concerns surrounding wagering advertising. We ensure the content and placement of our advertisements are appropriate and at all times compliant with the Wagering Advertising & Marketing Communication Code and AANA Code of Ethics. For the reasons set out below CrownBet considers that the television commercial subject of the complaint is fully compliant with the Code.*

#### *The Advertisement*

*The complaint is made in respect of a recently-launched television commercial which went to air for the first time on 23 September 2017 in Brisbane (TVC). The TVC advertises the CrownBet brand and why CrownBet represents "A Better Way To Wager".*

*The TVC involves the lead talent, Nicky Whelan, talking about the benefits associated with CrownBet Rewards whilst moving through a range of scenarios applicable to what she is discussing.*

*There is also a disclaimer included within the TVC which reads:*

*T&Cs Apply. Wagering account not required to join CrownBet Rewards. Conditions apply to all redeemable items, including those imposed by supplier. Winnings from bonus bets must be turned over at odds of \$1.50+. Excludes SA & WA.*

*Live Vision available on selected sports and racing events.*

*See [www.crownbet.com.au](http://www.crownbet.com.au) for full details.*

#### *Complaint*

*The complaint received by the ASB is based on the focus on the CrownBet Rewards program. The complainant suggests that advertising a rewards program encourages irresponsible gambling. The complainant states that the TVC focuses very little on "actual gambling activity", but suggests that the more you gamble, the more "wonderful experiences you can get".*

*The ASB has stated that the issues raised in the Complaint are most relevantly relates to clause 2.8 of the Wagering Advertising & Marketing Communication Code, which states that: Advertising or Marketing Communication for a Wagering Product or Service must not portray, condone or encourage excessive participation in wagering activities.*

#### *CrownBet's response to the complaint*

*When developing the TVC, CrownBet had strong regard to the provisions of the Wagering Advertising Code, including clause 2.8. CrownBet submits that the TVC in no way portrays, condones or encourages excessive participation in wagering activities. Instead, the TVC advertises CrownBet and several products and services offered by CrownBet, including having great odds on racing, the CrownBet Rewards program and being able to watch live sport and racing on your phone. CrownBet submits that this done in a responsible manner that is at all times compliant with the code.*

*The first reference in the TVC to wagering is when Nicky Whelan states that "she could get better odds, on every race, at the touch of the button". This line is said as Nicky places a single bet whilst at the races. This merely advertises the availability of great racing odds customers can get with CrownBet (through products such as Top Tote) and highlights that customers can bet using their mobile phone. This is the core product of a wagering operator's business and nothing in the code prevents CrownBet advertising its core business in this manner.*

*The main concerns raised in the Complaint relate to CrownBet's advertisement of the types*

*of items a member can redeem through CrownBet Rewards. The Complaint itself states that the TVC “focuses very little on the actual gambling activity”.*

*CrownBet Rewards is CrownBet’s loyalty program where members can earn points a number of ways: for their activity with CrownBet, spending at Crown Resorts complexes as well as through a range of competitions and promotions run by CrownBet (e.g. tipping competitions). There is no requirement to hold a wagering account to join CrownBet Rewards and members can earn and redeem rewards points for non-wagering activity.*

*CrownBet Rewards is approved, licensed and regulated by the Northern Territory Racing Commission. It is fully compliant with all applicable laws and regulations and CrownBet is free to advertise CrownBet Rewards in every State and Territory (subject to any applicable advertising restrictions).*

*The Wagering Advertising Code is in place to ensure that wagering operators’ advertising of their products and service is conducted responsibly. It is not in place to prohibit factual, responsible advertising of those products and services that comply with all applicable gambling and advertising laws in the State or Territory in which they are broadcast. CrownBet is able to, and nothing in the Code prevents it from, responsibly advertising the existence of its rewards program, how members earn points, and the items which can be redeemed. The advertisement is fully compliant with all gambling advertising laws in Queensland and other states in which the TVC was broadcast. CrownBet notes that a different version of the TVC was broadcast in NSW due to gambling advertising laws specific to that State.*

*CrownBet’s advertising of the rewards program in the TVC is limited to highlighting that customers can earn rewards points, and the types of rewards its members can redeem, which include bonus bets, music streaming subscriptions, movie tickets and “tickets to places you don’t need to be quiet”, referring to tickets to sporting games.*

*Advertising how members earn points, and the types of items members can redeem does not “portray, condone or encourage excessive participation in wagering activities”, particularly when it is done in a strictly factual and responsible manner as is the case in this TVC and all of CrownBet’s advertising of CrownBet Rewards.*

*The TVC does not encourage consumers to wager at a level that is more than necessary, normal or out of line with community standards. Instead, it focuses on the benefits of betting with CrownBet and what we believe sets us apart from our competitors, making wagering with CrownBet “A Better Way to Wager”.*

#### *Other elements of Wagering Advertising & Marketing Communications Code*

*In responding to the Complaint, CrownBet has undertaken a review of the TVC against the other provisions of the Wagering Advertising Code. We do not consider that there are any further provisions within that code that are relevant to the complaint and submit that CrownBet is fully compliant with the code.*

#### *AANA Code of Ethics*

*Whilst the Complaint has not raised any specific concerns that the TVC may breach the AANA Code of Ethics, CrownBet confirms that it had strong regard to the AANA Code of Ethics when developing the TVC, and is confident CrownBet submits that there is no content within the TVC that:*

- discriminates against or vilifies any person or section of the community on any basis;*
- is exploitive or degrading;*
- portrays violence;*
- contains any inappropriate sex, sexuality or nudity;*

- *contains in appropriate language; or*
- *is contrary to prevailing community standards.*

### *Conclusion*

*For the reasons outlined above CrownBet submits that the Complaint should be dismissed. CrownBet is a responsible wagering operator that has high regard to all of its regulatory compliance obligations. We consider that this is reflected in the content of the TVC which is the subject of the Complaint which is respectful, appropriate and consistent with the Wagering Advertising Code and Code of Ethics. The TVC advertises the CrownBet brand, its products and its services in an accurate, responsible and compliant manner.*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches the AANA Wagering Advertising and Marketing Communication Code (Wagering Code) or Section 2 of the AANA Code of Ethics (the “Code”).

The Board noted the complainant’s concerns that the advertisement encourages excessive gambling by the promotion of a rewards program that provides additional benefits.

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

The Board 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.

The Board considered Section 2.8 of the Wagering Code which provides: “Advertising or Marketing Communication for a Wagering Product or Service must not portray, condone or encourage excessive participation in wagering activities.”

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. Wagering Product or Service relates to betting on horse races, harness races, greyhound races, or sporting events including electronic sports (competitive video gaming), as well as betting on a series of races or events. It also includes betting on an event, or a series of events, such as novelty events or other contingencies, for example royal baby names or award winners. In addition it includes betting on fantasy sport teams”.

The Board noted this television advertisement has a 30 sec and 45 sec version and in each advertisement a woman (Nicky Whelan) is seen sitting in a purple chair discussing the features of Crownbet and the app. She is shown sitting among various events such as the horse races, the movies and in a pool.

The Board considered whether this is a depiction of wagering ‘activities’ and noted that there is no definition of a wagering ‘activity.’

The Board noted however the decision of the Independent Reviewer in Tabcorp (0447/16) where it was decided that a depiction of people ‘spending their time wagering and watching

racing on their mobile devices' presumably showing the Tabcorp 'app', can reasonably be interpreted as being engaged in a wagering activity in the context of an advertisement for a wagering product. To 'wager' in the context of 'wagering activity' is '2. The act of betting' (Macquarie Concise Dictionary (5th edn, 2009) 1416). Tabcorp denied that there was any 'direct portrayal of gambling or wagering'. That is the case. Nonetheless, the depiction is implied.'

The Board considered that similarly in the current advertisement the promotion of a 'Betting app' can be reasonably interpreted as a depiction of wagering activity in the context of an advertisement for a wagering product.

The Board then considered whether this was 'excessive' participation in wagering activities. The Board noted that the advertisement discusses an overall rewards program and includes the ability to earn rewards points each time that a bet is placed.

The Board noted the Practice Note to Section 2.8 of the Wagering Code which provides: "Simply depicting regular wagering, for example as a routine weekend pursuit during a sporting season, does not equate to portraying excessive participation. An advertisement or marketing communication would portray, condone or encourage excessive participation in wagering activities where it depicts...wagering taking a priority in a participant's life..."

The Board noted that the advertisement focuses on the benefits of the reward program and very little on the actual gambling activity which encourages irresponsible gambling because the more you gamble the more experiences you can get.

The Board noted the advertisement is a Crownbet offer for the app as well as the rewards program. The Board considered that in the context of a special offer it is not inappropriate for an advertiser to show the app being used as well as the details of the reward program being advertised.

The Board noted that the advertisement shows the woman using the betting app and explaining that she can get "better odds, on every race at the touch of a button." The Board noted the woman immediately explains that she can earn rewards points and use them to redeem things like bonus bets and movie tickets.

A minority of the Board considered that the concept of a rewards program is to encourage more expenditure and in this case more betting and that this did amount to condoning or encouraging excessive participation.

The majority of the Board however, felt that the promotion of a rewards program is a commonly used marketing tool to increase membership and loyalty to a particular brand or business. The Board noted that the advertisement mentioned that there is more than one way to use rewards points and that there were options other than more betting that could be utilized.

The Board noted that the rewards points could be used to redeem bonus bets but this option was not the focus of the advertisement and was not the only option.

The Board considered that the advertisement did not contain a call to action to place multiple bets, or to continue to place bets after receiving rewards points, and considered that overall

the advertisement does not portray, condone or encourage excessive participation in wagering activities.

The Board noted that gambling is a service which is legally allowed to be advertised and considered that although some members of the community would prefer that this type of advertising not be allowed, in the Board's view the actual content of the advertisement does not depict material that was in breach of Section 2.8 of the Wagering Code.

Finding that the advertisement did not breach the Wagering Code or the Code of Ethics, the Board dismissed the complaint.