



Case Report

1	Case Number	0474/16
2	Advertiser	UNIBET
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	09/11/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Promise of winning State or imply a promise of winning

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a man commenting on a football match and predicting lots of cards before his 2 friends say they disagree before going on to explain their reasoning, noting that the soccer referee is on a 'short list' for being appointment for the final of the tournament. As a consequence, the gamblers conclude they might 'beat the odds' by predicting the decisions by the referee.

THE COMPLAINT

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

Viewers are encouraged make money by impugning referees' motivations, gambling that referees will act in their own interest rather than applying the rules of the game impartially. This runs counter to everything that we try to teach young people about the role of referees in sport. It is offensive to me that my nine year old boy is exposed to adverts like this.

THE ADVERTISER'S RESPONSE

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

The reason for concern by the complainant is that “the tagline used is luck is no coincidence. This is a breach of the AANA Wagering Advertising and Marketing Communication Code Section 2.5 "Advertising or Marketing Communication for a Wagering Product or Service must not state or imply a promise of winning" because it implies that by learning about the sport you can correctly predict the result”.

Unibet at no time states or implies a promise of winning.

The use of statistical information to increase the probability of correctly predicting a (wagering) result does not imply that any person will correctly predict the result and therefore win.

For these reasons Unibet is of the view that the complaint is unfounded.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches the AANA Wagering Advertising and Marketing Communication Code (‘Wagering Code’).

The Board noted the complainant’s concern that the advertisement implies referees will make decisions based on their own interests rather than the rules, and that it’s possible to beat the odds by predicting this behaviour.

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.

As per the Wagering 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 Section 2.5 of the Wagering Code which provides: “Advertising or Marketing Communication for a Wagering Product or Service must not state or imply a promise of winning.”

The Board noted that the advertisement features two men explaining to a third man their reasoning behind how they may place a wager, based on their knowledge of the history of one of the key players and the referee.

The Board noted the complainant’s concern that the advertisement suggests referees make

decisions based on their own interests rather than the rules, which is counter to what we teach children, and considered that this aspect of the complaint falls outside of the Wagering Code.

The Board noted the complainant's concern that the advertisement suggests you can beat the odds. The Board noted that the advertisement does not specify that you will win but rather that it suggests that if you do your research you may increase your chances. The Board considered that the application of knowledge to inform a bet is common amongst people who place a wager and in their view the advertisement's depiction of men demonstrating their knowledge is not of itself a breach of the Code. The Board noted that we don't see the men actually place a bet, although we do see one man use his phone, and we don't know if they were successful if they did, and considered that the tagline of "Luck is no coincidence" does not imply you will always win but rather that if you do your research you may be more likely to win.

The Board considered that the advertisement does not imply that research or Unibet will ensure you that you win, or make any other claims about the likelihood of winning.

The Board determined that the advertisement did not breach Section 2.5 of the Wagering Code.

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