



Case Report

1	Case Number	0475/16
2	Advertiser	UNIBET
3	Product	Gaming
4	Type of Advertisement / media	TV - Pay
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 3 men discussing whether a footballer will score based on his height vs a defender who uses a hair gel that will get in their eyes and make it hard for them to defend. The text, "Luck is no coincidence" appears on screen in large white letters against a green background.

THE COMPLAINT

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

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.

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 that by learning about a sport you can correctly predict a result.

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 this television advertisement features 3 men discussing the chances of a footballer scoring a goal based on their knowledge of his height versus a defender using a new hair gel which will run in his eyes if it rains.

The Board noted it had previously dismissed a similar complaint in case 0474/16 where:

“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.”

Consistent with this previous determination, the Board considered that the current advertisement does not state that you will always win if you do your research but rather that if you do your research you can increase your luck.

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.