



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0501/18</b>
2	<b>Advertiser</b>	<b>Sportsbet</b>
3	<b>Product</b>	<b>Gaming</b>
4	<b>Type of Advertisement / media</b>	<b>TV - Pay</b>
5	<b>Date of Determination</b>	<b>28/11/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.5 - Language Inappropriate language
- 2.6 - Health and Safety Within prevailing Community Standards
- 2.9 - Pressure to gamble Disparage abstention

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement has three versions containing the tagline “BS Responsibly”.

1. Breath Test – This advertisement shows a security guard at the races administering “BS Tests” on racegoers.
2. Line Up – This advertisement depicts a lineup of racegoers and them providing a statement to determine who was spreading “BS”.
3. Form – This advertisement contains an offer about cash back, and a security guard commenting on male racegoers shoes.

## THE COMPLAINT

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

*I am offended by the frequency of the ads, and the fact that the matter of "gamble responsibly" is stated at the end of the ad. It seems irresponsible to me to advertise a*





*product and then warn people to be responsible. I also object to the BS in the ad indicating the unsavory term.*

## **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 12 November 2018 and the Complaint mentioned above regarding Sportsbet's "BS Responsibly" advertisements on Pay TV (Advertisements).*

### *The Complaint*

*The Complaint asserts that the Advertisements are "too frequent", "irresponsible" and the reference to BS is "unsavory".*

*Ad Standards has identified sections 2.5, 2.6 of the AANA Code of Ethics (Code), and section 2.9 of the AANA Wagering Advertising Code (Wagering Code) as those which may have been breached based on the Complaint. The Code states:*

*2.5 Advertising or Marketing Communication shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.*

*2.6 Advertising or Marketing Communication shall not depict material contrary to Prevailing Community Standards on health and safety.*

*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 Advertisements breach sections 2.5, 2.6 and 2.9 or any other section of the Code for the reasons outlined below.*

#### *2.5 – Inappropriate language*

*In keeping with the AANA's comments, words and acronyms that play on expletives are considered acceptable (AANA Practice Note, July 2018).*

*The Advertisements do not at any stage, use words or phrases which are inappropriate or strong or constitute obscene language. "BS" is an innocuous play on the "SB" acronym which is used colloquially with gentle humour in reference to those who hold*



*themselves out as racing experts come Spring Carnival time. As recognised by the AANA, when viewed in this context in abbreviation, rather than spoken words, such use is considered wholly appropriate and falls within prevailing community standards.*

#### *2.6 – Health and safety*

*The Advertisements do not reference or depict any unsafe practices which the Code seeks to safeguard. The overarching theme of the Advertisements is a play on the fact that people enjoy giving tipping advice during Racing Carnival but no one wants to be caught in a lie.*

*Overall, the Advertisements create an impression of the celebratory and jovial nature of Spring Racing Carnival. Importantly, the Advertisements reflect activities which sit within public health and safety standards, in a manner which is consistent with the Code.*

#### *2.9 – Pressure to gamble / disparage abstention*

*The Advertisements do not contain any peer pressure to wager; nor disparage abstention from wagering activities. Depicting social interaction between individuals offering advice at the Spring Racing Carnival is a wholly appropriate recreational activity. There is no reference or comparison to a preference between non-wagering activities in the Advertisements and accordingly this limb of the complaint lacks substance.*

#### *Conclusion*

*Sportsbet regrets if the nature of the Advertisements were misconstrued or may have offended the complainants, but we firmly reiterate our view that the Advertisements do not breach the Code.*

*Sportsbet submits that the Complaint is without foundation and should be dismissed.*

### **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement contains swearing and is mocking of a gamble responsibly message.

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



The Panel noted that this Pay TV advertisement has three versions which all contain the same phrase that is the subject of the complaints – BS Responsibly.

The Panel 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 (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Panel noted the complainant’s concerns that the language was an abbreviation for an obscene term and is inappropriate for an audience which would include children.

The Panel noted the Practice Note for Section 2.5 which states: “Words and acronyms that play on the ‘f’ word, e.g. WTF and LMFAO, but do not use the actual word are normally considered acceptable if used in a light hearted and humorous way, are in subtitle rather than spoken word and are appropriate to the situation”.

The Panel noted that in the context of the advertisement, “BS” is an acronym for “bullshit”. The Panel considered that it is also a reversal of the advertiser’s initials.

The Panel considered that, although implied, swearing is not used in the advertisement and that most members of the community would consider that the abbreviation is not inappropriate for a broad audience.

Finding that the advertisement did not use strong or obscene language and that the language was not inappropriate, the Panel determined that the advertisement did not breach Section 2.5 of the Code.

The Panel considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Panel noted the complainant’s concerns that the phrase “BS Responsibly” diminishes and mocks the “Gamble Responsibly” message.

The Panel considered that a play on words of the traditional slogan of “gamble responsibly” is not of itself a depiction of unsafe or irresponsible behaviour.

The Panel noted the advertiser’s response that the overarching theme of the advertisement is to depict law enforcement activities through protective officers seeking to ensure safe and responsible behaviour at the racing Carnival.

In the Panel’s view most members of the community would be unlikely to view this



advertisement as promoting unsafe or irresponsible behaviour.

The Panel noted that some members of the community may consider that a play on words of a responsible gambling message by a wagering business to be tasteless or crass, but considered that the advertisement does not depict any material contrary to Prevailing Community Standards on health and safety regarding health and safety. The Panel determined that the advertisement did not breach Section 2.6 of the Code.

The Panel also considered this complaint under Section 2.8 and 2.9 of the AANA Wagering Advertising Code (the Wagering Code).

The Panel noted that the advertiser is a licensed operator of a registered wagering service and therefore the Wagering Code applies.

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

Section 2.9 of the Wagering Code states: “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 complainant’s concern that “BS Responsibly” undermines the “gamble responsibly” message.

In the Panel’s view the advertisement did not undermine the “gamble responsibly” message, however the Panel considered that even if it was seen to undermine that message, it did not amount to excess participation under Section 2.8, or encouraging peer pressure or disparaging abstention under Section 2.9.

The Panel determined that the advertisement did not breach Section 2.8 or 2.9 of the Wagering Code. Finding that the advertisement did not breach the Code or the Wagering Code on other grounds, the Panel dismissed the complaint.

