



Case Report

1	Case Number	0506/16
2	Advertiser	Crownbet
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	23/11/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Directed to minors directed primarily to minors
- 2.5 - Promise of winning State or imply a promise of winning

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a horse race with a male voiceover saying, "Ignite your racing passion on the first big day of the cup carnival" We then see "Derby Day Races 1-5" written on screen against a purple background and the voiceover goes on to promote CrownBet's Derby Day special which includes winning a matched bonus bet up to \$50 if you place a certain bet on certain races and your horse comes second or third.

THE COMPLAINT

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

I've been trying to teach my child that gambling is a bad idea because I've been worried about the number of gambling ads he's been seeing and that he'd think gambling was good because some of the ads are funny. So I said to him that gambling is bad and if you gamble you will lose your money. He said I know, but if you use CrownBet you'll get your money back.

So I'm very concerned that he has interpreted the ad this way. I think that the messaging is too open to misinterpretation and is too sophisticated for children to understand. It should not play at times when impressionable children are watching and should be banned or restricted.

I believe that gambling advertising in general needs to be seriously restricted, but I know this is not the mechanism for that. So because my son so easily took in the message from the CrownBet ad, I'm asking that all CrownBet money back ads be reviewed and considered for restriction or banning or that they're do the ad to better reflect the risks associated with gambling.

THE ADVERTISER'S RESPONSE

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

Response to complaint 0506/16

I refer to your letter enclosing a copy of a complaint received by the Advertising Standards Bureau (ASB) in respect of one of CrownBet's television advertisements. CrownBet takes its compliance obligations extremely seriously and has high regard of the AANA Advertiser Code of Ethics in all of its advertising. For the reasons set out below CrownBet considers that the television commercials subject of the complaint are compliant with the Code.

Complaint

The complaint received by the ASB is both broad and specific. On one hand, the complaint is made against a single advertisement that the complainant claims says "if your horse doesn't win you get your money back" seen during a broadcast of The Block on Channel 9.

The complainant considers that the advertisement is directed (or is primarily directed) to minors and that it falsely promises or implies a promise of winning.

The complaint also requests the ASB reviews gambling advertising "in general" and asks "that all CrownBet money back ads be reviewed and considered for restriction or banning or that they're [sic] do the ad to better reflect the risks associated with gambling."

We deal with both aspects of the complaint below.

Advertisement specific to the complaint

CrownBet has undertaken a review of its television advertising in the week prior to the complaint and advises that it only had two advertisement spots during The Block on Channel 9 between 23 and 30 October 2016.

Both television commercials (TVCs) aired during the episode of The Block on 26 October 2016 (one at 8:08pm and one at 8:41pm local time).

Both TVCs advertised CrownBet's racing promotion for Derby Day. The messaging across both TVCs is as follows:

"Place a fixed odds win bet in races 1 – 5 at Flemington this Saturday and if your horses run second or third, you'll get a matched bonus bet up to \$50."

Directed to minors

CrownBet is a highly responsible operator. All of our racing advertisements are targeted at an existing, racing orientated adult audience. This is true of both the content of the TVCs, which maintain a level of sophistication and do not contain any material aimed at children (such as cartoon imagery or childish humour) and the adult viewing timeslots in which the TVCs go to air.

The complaint itself does not provide any examples or reasoning as to what the complainant considers is directed at minors. The mere fact that the TVCs are viewable by minors watching television does not make this the case. CrownBet does not consider that any aspect of the TVCs (at a specific or broad level) could be argued to be directed at minors.

CrownBet submits that the theme, visuals and language used in the TVCs is directed at an adult audience and rejects any claim that it is directed primarily to children.

Promise of winning

CrownBet maintains that the TVCs clearly and accurately communicate the key terms of the promotion.

The TVCs clearly identify:

- what the promotion relates to (races 1 – 5 on Derby Day);*
- what you need to do to participate in the promotion (place a fixed odds win bet);*
- what needs to happen to get a bonus bet (your horse run second or third); and*
- the responsible monetary cap for the promotion (\$50).*

Whilst CrownBet understands the complainant's concern, it strongly rejects the claim that the TVCs are ambiguous, and that it offers "money back if you lose" in such broad terms.

CrownBet submits that the TVCs provide a clear and accurate account of the promotion, do not imply any promise of winning and are in no way misleading or deceptive in nature.

Other elements of section 2 of the Code

CrownBet considers that the TVCs are fully compliant with section 2 of the Code and do not offend any of sections 2.1 – 2.6.

Broad complaint on CrownBet advertising

The complaint requests the ASB review and consider banning all CrownBet "money back ads".

CrownBet operates in a very highly regulated wagering market and is subject to strict licence conditions, State and Federal legislation and other regulatory documents such as the Code, including in respect of its advertising. CrownBet takes all of its regulatory compliance obligations very seriously and has appropriate policies and procedures in place to ensure that all of its advertising is conducted within the regulatory framework in which we operate.

This includes compliance with the Code, which CrownBet has in mind at all times when developing advertising campaigns.

CrownBet submits that a broad review of its advertising would find that it is at all times compliant with the Code.

Responsible gambling initiatives

The complaint raises concerns about gambling advertising needing to “better reflect the risks associated with gambling.”

CrownBet understands that gambling and gambling advertising isn't for everyone. We are also acutely aware of the need to offer and promote an environment in which our customers can practice responsible gambling habits. With this in mind, CrownBet recently launched a national responsible wagering campaign called The Bench. The Bench encourages CrownBet's customers to take personal responsibility and give themselves time away from the action, to help ensure they remain in control of their wagering. The campaign championed responsible gambling behaviours generally and promoted CrownBet's unrivalled suite of responsible gambling tools for our customers.

CrownBet unashamedly promotes itself as a highly responsible operator, a claim that is supported by our industry leading responsible gambling resources and by the Socially Responsible Operator Award we earned at this year's eGaming Review Awards.

Should the ASB require any further information to assist it with this matter, including in respect of any review of the TVCs or CrownBet's advertising more broadly, please don't hesitate to contact me directly.

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 suggests to children that if you gamble you will get your money back.

The Board reviewed 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 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.”

In particular the Board considered Section 2.1 of the Wagering Code which provides: ‘Advertising or Marketing Communication for a Wagering Product or Service must not, having regard to theme, visuals and language used, be directed primarily to Minors’.

The Board noted that Minors are defined in the Code as persons under the age of 18 years.

The Board noted that this television advertisement features footage of a horse race with a voice over promoting CrownBet’s Derby Day special where you can win a matched bonus bet under certain conditions.

The Board noted the complainant’s concern about the number of gambling advertisements his child is exposed to. The Board noted that the advertised product is legally allowed to be advertised and considered that while advertisers should exercise care in the placement of their advertising, the placement, and frequency, of a wagering advertisement is not an issue under the Wagering Code. The Board considered that the advertisement is clearly directed at adults with no theme, visuals or language attractive to or directed to minors and considered that the advertisement was not targeting children and was not directed primarily to minors.

The Board determined that the advertisement did not breach Section 2.1 of the Wagering Code.

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 the complainant’s concern that the advertisement implies you will get your money back even if you don’t win.

The Board noted that the advertisement says that if you place a ‘fixed odds win bet’ on particular race and your horse comes second or third then you can get a matched bonus bet up to \$50. The Board noted that the advertisement does not say you will get your money back and considered that offering a matched bonus bet is an opportunity to place another bet which you could win or lose therefore there is no guarantee that you will win. The Board noted that the advertisement does not say that a person will win and considered that the implied concept of a potential win when you make a matched bonus bet is technical and likely to only be properly understood by those familiar with wagering, but in any case would be unlikely to be interpreted as a promise that you would win but rather that you are being offered a second chance based on your initial bet.

The Board considered that the advertisement does not imply that you will win if you use their product or service, or make any other claims about 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.

