



## Case Report

1	Case Number	0542/17
2	Advertiser	Sportsbet
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	06/12/2017
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.4 - Alcohol consumption Depicting with placement of wager

### DESCRIPTION OF THE ADVERTISEMENT

Television advertisement promoting horse racing and depicting alcohol consumption.

### THE COMPLAINT

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

*I understand that it is illegal for betting adds to show or depict alcohol consumption but they are flouting the intent of this restriction by ending the add with the words "you better hurry up, the bar is closing in 2 mins"*

### THE ADVERTISER'S RESPONSE

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

*The Complaint asserts that:*

*'I understand that it is illegal for betting adds to show or depict alcohol consumption but they are flouting the intent of this restriction by ending the add with the words "you better hurry up, the bar is closing in 2 mins"'*

*The ASB has identified section 2.4 of the AANA Wagering Advertising & Marketing Code of*

*Conduct (Wagering Code) as the section which may have been breached based on the Complaint. The Wagering Code states:*

*2.4 Advertising or Marketing Communication for a Wagering Product or Service must not portray, condone or encourage wagering in combination with the consumption of alcohol.*

*Sportsbet's response to the Complaint*

*Sportsbet has considered the Complaint and considers that the Advertisement does not breach section 2.4 or any other section of the Wagering Code of the AANA Code of Ethics for the reasons outlined below.*

*The Advertisement does not include any depiction or mention of alcohol, let alone portray, condone or encourage wagering in combination with the consumption of alcohol.*

*Instead, the Advertisement promotes a Sportsbet offer that is available for the races that upcoming weekend and at the conclusion of the Advertisement, the voiceover states 'Ah by the way the bar's closing in two minutes' as a light-hearted way to move the group of men along from the posing positions they are holding, and end the Advertisement.*

*Conclusion*

*Sportsbet believes that the Complaint lacks foundation and should be dismissed  
Response to follow as supps*

## **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 concerns that the advertisement is in breach of the Code by showing gambling and alcohol consumption.

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

The Board considered Section 2.4 of the Code. Section 2.4 states that: Advertising or Marketing Communication for a Wagering Product or Service must not portray, condone or encourage wagering in combination with the consumption of alcohol.

The Board noted the advertisement features a group of men singing while holding their mobile phones. The voiceover describes the double header Puntmas racing special. The special involves particular races on Friday and Saturday at Moonee Valley or Randwick race courses. At the end of the advertisement the men are seen sitting and standing in the horse stables and the voiceover states "by the way, the bar's closing in 2 minutes."

The Board noted the complainant's concern that it is illegal for betting advertisements to show or depict alcohol consumption.

The Board noted the practice note to section 2.4 of the Code that states that:

This provision does not prevent associating alcohol with wagering generally; it refers to the

combination of the consumption of alcohol and wagering, for example, by depicting a person drinking alcohol while placing a bet. The following examples would not, in and of themselves, breach the Code:

- advertising or marketing a joint promotion between a licensed operator and an alcoholic beverage brand;
- advertising or marketing an event where wagering could take place, or a race on which wagers could be made, where there is sponsorship by an alcoholic beverage brand;
- advertising or marketing depicting the consumption of alcohol at a venue where wagering may take place (eg an advertisement for the Melbourne Cup portraying attendees drinking champagne while watching a race).

The Board considered that the current advertisement is an advertisement for Sportsbet, an operator licenced to provide wagering products or services to customers in Australia and therefore the provisions of the Wagering Code apply.

The Board noted that the overall theme of the advertisement is along the same tone of similar advertising by the same advertiser promoting particular deals for 'Puntmas.' The Board noted that the majority of the advertisement shows a hand holding a mobile phone with screen shots of particular race events and additional text to the right of the screen. The Voiceover talks about the deal being offered.

The Board noted the group of men are seen at the beginning and the end of the advertisement and they are not seen drinking or buying drinks or standing in a venue that sells alcohol. The Board noted that in the final scene the voiceover mentions that the bar is closing and the men all move along as if to head to the bar.

The Board considered that there is no depiction of the men drinking while wagering. The Board considered that as the men are not seen drinking or actively betting or at a venue wagering and drinking together, the advertisement did not breach section 2.4 of the wagering Code.

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