



CASE REPORT

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| 1. Complaint reference number | 330/09 |
| 2. Advertiser | Golden Casket Lottery (Tattersall's) Sweeps P/L |
| 3. Product | Gaming |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Gender - section 2.1
Health and safety – section 2.6 |
| 6. Date of determination | Wednesday, 22 July 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This TVC commences with the vision of a man walking into a Tatts outlet pushing in front of a woman. The scene cuts to the man walking out of the outlet with his ticket followed by the woman with a ticket in her hand.

Voice over “A man pushed in front of a woman to get a Tattslotto Quickpick. She won First Division.”

Superimposed image “You could be the next millionaire. True.”

Superimposed image “Tatts. Your ticket to dream.”

THE COMPLAINT

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

I'd like to complain about the Tattslotto ad which shows a man rudely pushing in front of a woman to buy a lottery ticket. Of course, the woman wins the lottery jackpot as a result. This idea is stolen from a real life incident which was reported recently on television (SBS, I believe). In reality, a man in a shop about to purchase a lottery ticket politely allowed a little old lady to be served before him, and the little old lady won the lottery. That is how it happened in real life. Naturally, on television the man has to be portrayed as rude. I assume this is to prevent anyone who is watching accidentally getting the silly notion that men are ever able to act commendably, in any way, ever. An ad of this nature could easily show a woman pushing in front of another woman, or a woman pushing in front of a man. But the unwritten, ignorant and sexist TV rule prevails that:

***ONLY MEN MUST BE PORTRAYED NEGATIVELY
ONLY WOMEN MUST BE PORTRAYED POSITIVELY***

There is no reasonable, good or sane reason for this, yet it is all around us. We've seen so much of it for so long we accept it as normal. Can it stop, please? Were women portrayed in such negative lights in such a consistent fashion, there would have been a public outcry long ago and the ads would have been taken off. In fact, no one would dream of showing a female in such a poor light, so why is this constant, bigoted chauvenism against men deemed to be somehow okay? We are all human, with the same sensibilities and insecurities; honestly, you cannot insult one gender thus without insulting us all.

Ask the wise guy or girl who invented this ignorant ad why he or she could not have used the event as it happened in real life. Is it because, had they done this, silly, unthinking women in their lounge rooms across Australia would not get their perverse chance crow over men, with their peculiar media-fed brand of ugly one-upmanship?

Such uncreative rubbish does none of us any good, and men resignedly swivel their eyes to heaven when they see this familiar recipe. Yet another invented television situation that totally demeans

us, they think.

The poverty of spirit that saturates this stuff is lamentable. Please inform the ignorant and very uncreative makers of this ad that we're all just a bit sick of it, actually. Just a bit.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

*I refer to your email in relation to a complaint received by the Advertising Standards Bureau ("ASB") about one of Tattersall's Sweeps Pty Ltd ("**Tattersall's**") television advertisements which was broadcast on commercial television in Victoria and Tasmania for a six month period commencing Tuesday 20 January 2009 and finishing June 2009. Tattersall's comments and response to the complaint are set out below*

1. Summary of the Details of the Complaint

*The complaint made to the ASB is that a Tattersall's television advertisement which depicts the story of a man who pushes in front of a woman to buy a Tattslotto entry, is a breach of Sections 2.1 and 2.6 of the Australian Association of National Advertisers' Code of Ethics ("**Code of Ethics**") which states:*

'2.1 Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief'

'2.6 Advertisements shall not depict material contrary to Prevailing Community Standards on health or safety.'

The reason for concern given by the complainant is that the Tattersall's advertisement unfairly depicts a man negatively and a woman positively. The complainant states that he or she recently saw a similar story reported on television (possibly SBS) in which a man courteously allows an older woman to purchase her ticket before him and she subsequently wins the lottery. The complainant believes that Tattersall's has purposely tried to portray a man negatively in the advertisement despite, as the complainant believes is the case, the advertisement being based on a true story to the contrary. We understand this is the ground on which Section 2.1 of the Code of Ethics has been raised.

We understand Section 2.6 of the Code of Ethics has been raised based on the complainant's reference to a man "pushing" in front of a woman.

*Tattersall's is firmly of the view, for the reasons set out below, that the advertisement both on its own and as part of a broader marketing campaign for Tattersall's, does not breach the Australian Association of National Advertisers' Code of Ethics ("**Code of Ethics**").*

2. Background information about the Advertisement I Marketing Campaign

The advertisement that is the subject of this complaint forms part of a broader campaign launched by Tattersall's in the Victorian and Tasmanian jurisdictions in September 2008 entitled "Winners - True Stories". Through a number of different advertisements, the campaign portrays multiple real life stories of individuals who have won first division prizes in Tattersall's lottery games. The overall tone of the campaign is intended to be inspirational and reinforce the possibility of winning lotto by telling the true stories of real life lottery winners.

The advertisements produced as part of the campaign were based on stories from chapter 29 "Giving out the good news" of the Tattersall's book entitled "The Luck of the Draw" which was published for the third time in 2006. The book details the history of Tattersall's and its founder George Adams.

The stories were selected on the basis that they were unique and interesting accounts of how ordinary people became Tattersall's winners. For example, another story from the campaign depicts a group of Abbotsford workmates who won first division after choosing their syndicate numbers by noting down the first six numbers a money spider walked across on a Tattslotto coupon. Below is the excerpt found on page 268 of "The Luck of the Draw" which the advertisement in question was based upon:

"In Hobart, a man pushed in front of a woman in a queue to buy Tattslotto tickets. They bought exactly the same type of Quick Pick entry, for which the Tattersall's computer randomly selects the numbers. She won \$480,000."

The advertisement was produced in September 2008 and, as stated above, was aired for a six month period commencing Tuesday 20 January 2009 and finishing in June 2009. There is no further intention to air the advertisement as the next story within the campaign launched on Sunday 12 July 2009.

3. Tattersall's response to the complaint

The following information is provided in support of Tattersall's response that the advertisement does not, and is in no way intended to, discriminate against or vilify a person or section of the community and does not depict material contrary to Prevailing Community Standards on health or safety:

- 1. The advertisement is based on a true account of a Tattslotto winner's story as published in the 2006 edition of "The Luck of the Draw", and in particular the stated facts of that story that "a man pushed in front of a woman".*
- 2. The advertisement was produced in September 2008 with no prior knowledge of the story referred to by the complainant in the television report which they recently watched which is assumed to have aired in 2009. Tattersall's has been unable to find out any further information about this segment or obtain a copy of it.*
- 3. The overall spirit of the marketing campaign of which the advertisement forms part is to depict the real life stories of ordinary people who have won a major prize in a Tattersall's Lottery. The stories in the campaign, including the one depicted in the advertisement, were chosen on the basis that they were interesting and quirky accounts of real life winner's stories.*
- 4. The terminology used within the advertisement referring only to the gender of the characters was used in order to protect the privacy of the people depicted in the advertisement, but remain an accurate depiction of the story as published in "The Luck of the Draw".*
- 5. The male character in the advertisement is depicted as pushing in front of the female character by abruptly walking in front of her through the entrance to a newsagency. There is no physical contact between the characters in the advertisement and therefore the advertisement does not depict any physical violence or behaviour of a nature that is contrary to prevailing community standards on health or safety.*

This is the first complaint that has been received to date from a member of the public in relation to the advertisement. Tattersall's regrets that the complainant has been offended by the advertisement.

However, Tattersall's believes that the view and interpretation held by the complainant is not representative of the average Australian and, for the reasons set out above, Tattersall's is firmly of the view that the advertisement does not breach the Code of Ethics.

4. Conclusion

In summary Tattersall's submits that the advertisement does not breach Section 2.1 or 2.6 of the Code of Ethics for the following reasons:

- the advertisement is a depiction of a true account of a Tattslotto winner and does not discriminate against or vilify a person or section of the community on account of sex;*

- *the advertisement was produced with no prior knowledge of the story in the television report possibly SBS) referred to by the Complainant; and*
- *the advertisement does not portray any physical violence or behaviour which is contrary to prevailing community standards on health or safety.*

Please feel free to contact me if you have any questions or require any further information in this matter.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Sections 2.1 and 2.2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concern that the advertisement stereotypes and demeans men, by suggesting that men always behave in a rude manner.

The Board considered that the depiction of the man in the advertisement, portrayed a person who was rushing to purchase a lottery ticket and was oblivious to others.

Members of the Board agreed that even though the voice-over refers to ‘pushing-in’, most members of the community would not consider that the advertisement suggested that all men are incapable of positive and courteous behavior.

In addition, the Board observed that there was no explicit depiction of pushing or intended harm being caused to the woman and determined that the advertisement breach section 2.2 of the Code.

The Board determined that this advertisement did not discriminate against or vilify men and that it did not breach section 2.1 of the Code.

The Board dismissed the complaint.