



CASE REPORT

1. Complaint reference number	341/05
2. Advertiser	Unitab Ltd (Thinking Man's Recreation)
3. Product	Gaming
4. Type of advertisement	Outdoor
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Tuesday, 13 December 2005
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement features the famous “Thinking Man” statue holding a small radio to his ear with large text that reads: “*The thinking man’s recreation*”. Smaller text appears to the right of the image and includes the following words: “*If you’re looking for a pastime that allows you to push your mind rather than a button, think about the TAB. Unlike ‘games of chance’, you can improve your chances at the TAB by using a bit of grey matter. The more knowledge you apply and more skill you acquire, the more satisfaction you gain if you pick the winner*” and: “*Back your judgement.*”

THE COMPLAINT

Comments which the complainant made regarding this advertisement included the following:

“No one’s ‘luck’ in gambling increases the more they do it. I think it is wrong to advertise something that is addictive and attach misleading claims such as that to gambling... This statement is telling gamblers that what they are doing is intelligent, when gambling is often an addiction which is not beneficial... aimed at people who think they can ‘beat the system’.”

THE ADVERTISER’S RESPONSE

“...The Thinking Man was part of a long running campaign which appeared ten years ago without complaint.”

“In regard to the claim that the advertising is aimed at people who think they can ‘beat the system’, the complainant seems to have missed the point. Surely ‘the system’ would be more relevant to a pre-determined game of chance rather than to a live event where numerous factors can influence the outcome. It is those influencing factors such as form, handicaps, riders, barrier draws, track conditions, injuries and home ground advantage that we are encouraging our customers to consider so as to make an informed betting decision.”

THE DETERMINATION

The Advertising Standards Board (‘the Board’) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the Code).

The Board recognised gambling as capable of being addictive and accepted that a gambling addiction could be classified as an “illness”. As such, the Board was of the view that an advertisement that promoted gambling is potentially an issue that could affect health and safety.

The Board was of the opinion that the advertisement did not suggest that “a gambler’s luck increases the more they gamble”. The Board considered that the advertiser attempted to explain to readers that there was more satisfaction in gaining knowledge and acquiring skill in gambling on, for example, a

horse race, than being a participant in a game based more heavily on chance, such as a lottery or card game.

The Board noted the advertiser's submission that: "*... it is those influencing factors such as form, handicaps, riders, barrier draws, track conditions, injuries and home ground advantage that we are encouraging our customers to consider so as to make an informed betting decision.*"

The Board was of the opinion that this intention was sufficiently explained in the advertisement. Accordingly, the Board found that this advertisement did not breach the provisions of the Code relating to health and safety.

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