



CASE REPORT

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| 1. Complaint reference number | 387/09 |
| 2. Advertiser | Bet 24/7 |
| 3. Product | Gaming |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Gender - section 2.1
Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 28 October 2009 |
| 7. DETERMINATION | Upheld – discontinued or modified |

DESCRIPTION OF THE ADVERTISEMENT

Series of advertisements:

Betting Sandles (30 seconds): Scene opens on television character Mark Wary who is seated at a desk in a simulated interview "I wish to apologise for the match fixing betting sandles, I was recently caught in. I apologise to my fiancée 'Cath - sorry Sharon and my manager Gerry has had a stroke. On a brighter note I am pleased to introduce my new sponsor Bet 24/7". At that time, another man enters the interview, holding betting tickets and asks Mark 'do you want me to tear this out then'. Mark says no and grabs ticket. Turns to woman who has just entered the room and sits on his knee, stares at her breasts then looks at her face.

Sponsorship package: Scene opens on television character Mark Wary who is seated at a desk in a simulated interview. Mark says, "it pleases me to introduce to you my new Bet 24/7 this is Casey part of my new sponsorship package. He then turns to her and says "brand please darling". The woman wearing a white tee shirt and shorts with the Bet 24/7 logo then stands there and presents herself and then turns around so that the writing across her bottom can be viewed. Mark then says: "a complete package". He then says: "you can bet your asking price (as the camera focuses on her bottom) ... he then holds Casey's hand and says actually, we might go lay a bet now eh." Casey smiles and appears oblivious. He then is seen to have a private conversation with Casey and says "how many times are we able to use the whip".

Spring racing carnival: Scene opens on television character Mark Wary who is seated at a desk in a simulated interview. Mark says "it is with pleasure that I announce that my life ban on the Spring Racing Carnival has been lifted. Casey!, he summons a woman over to him and puts her arm around her. He then says, you can back one to win, try the quinella or my personal favourite, the trifecta. Bet 24/7 the best of winning ...".

THE COMPLAINT

A sample of comments which the complainant/s made regarding these advertisements included the following:

The whole ad on viewing is verging on sexist. Sexual innuendos are made. In one ad the presenter after delivering his bit is off to place a bet or is that jump in the cot. When the models show of the betting logo they wiggle the body and cameras are focused down on the pelvic regions then the buttocks (the model seductively turns to show of the logo on the but). Does not leave much to the imagination. These ads were shown intermittently between the wonderful coverage of the Spring racing coverage. They were sexist and irritating and really cheapened what was otherwise a high quality coverage of horse racing. I am not a prudish person, consider myself to be broad minded and this is the first time I have ever complained about an ad. But this set of ads by I think Way2Bet? were offensive and cheap.

The use of sportsmen promoting betting degrades the regulation of sportsbetting in Australia. And also it portrays punters as stupid and use no thought in their betting patterns.

The male character asks how many times he can use his whip. The implication being that he intends to whip the scantily clad woman. I cannot believe that we still allow ads on TV that perpetuate the belief that it is OK to hit women.

Whilst trying to enjoy a telecast of the Randwick races on Channel 9 on 3/10/09 I was deeply offended by the ad for "Bet 24/7" this was repeatedly shown during the afternoon of racing. Despite it advertising abetting system the contents seems unrelated with scantily clad girls sexual innuendo with references to whips. I find it difficult to understand how your (as the advertising standards bureau) saw fit to approve it for free to air viewing on a Saturday afternoon.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding these advertisements included the following:

Bet 247's view is that the advertisements do not breach the AANA Advertiser Code of Ethics (the Code).

*The substance of the complaints regarding the advertisements can be summarised as follows:
The advertisements contain sexual innuendo;
The advertisements are "overtly sexual" and "sleazy";*

Our client does not consider the advertisements indecent or overtly sexual.

In relation to Section 2 of the Code, the only provisions of the Code that may possibly be relevant, and our comments in relation to those provisions, are set out below:

Section 2.3

The advertisements do treat sex and sexuality with sensitivity to the relevant audience. The advertised services are for online wagering which can only be accessed by persons over 18 years of age.

The advertisements need to be viewed in context. The male actor in the advertisements, Jason Gann, is playing his-well known character of Mark Wary from the Network 10 television shows "The Wedge" and "Mark Loves Sharon". The character of Mark Wary is a parody of some Australian sports celebrities, constantly apologising for engaging in inappropriate conduct. Mark Wary constantly has trouble in mispronouncing word or phrases, sometimes resulting in unintended meanings.

The advertisements are not sleazy and any sexual innuendo is mild and unlikely to affect or offend viewers.

For these reasons, we trust that Board will determine that the complaints should be dismissed.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether these advertisements breach Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainants concerns that the advertisements are sexually suggestive, sexist, depicts women as sex objects, are suggestive of violence towards women in the use of references to whipping and that the use of sportsmen to promote betting is inappropriate.

The Board noted that the advertisements are intended to be humorous and that they use a television character Mark Wary who is a parody of an Australian sport celebrity. The Board considered that viewers would be aware that this depiction is a parody. The Board also noted a significant level of community concern about the treatment of women and attitudes towards women exhibited by a number of sportsmen in Australia. The Board considered that, although the parody would be clear to most members of the audience, this type of depiction makes light of a serious community issue in a manner that is likely to perpetuate such behaviour rather than provide positive outcomes.

The Board considered the three advertisements. The Board noted references in the 'Spring Carnival' advertisement to the character doing what he likes best - 'backing to win', 'the quinella' or 'the personal favourite the trifecta' and to '[getting] lucky' and that the character looks at the women as he says these things with the clear intention that the audience will interpret his comments as sexually suggestive. The Board also noted references in the 'Sponsorship Package' advertisement to 'Casey - part of his new sponsorship package', references to 'how many times are we allowed to use the whip going into the home stretch.' and the focus on the woman's bottom to display the sponsor name. The Board considered that these references were intended to also be sexually suggestive and suggestive that the woman, Casey, is available for his use as part of his package. The Board considered that the 'Betting Sandles' advertisement was milder in impact and suggestion and that it was not demeaning to women.

The Board considered that the Spring Carnival and Sponsorship Package advertisements depict women in a sexist and demeaning manner - through sexually suggestive references, the character leering at the women's breasts and bottoms, and the depiction of the women as passive objects there for the character's enjoyment. The Board considered that the advertisements depict material that is contrary to prevailing community standards about the depiction of women and that they do discriminate against women by treating them in a demeaning manner. The Board determined that the advertisements breached section 2.1 of the Code.

The Board also considered whether the advertisements treated sex, sexuality and nudity with sensitivity to the relevant audience. The Board considered that the advertisements, although sexually suggestive in some parts, treated sex with appropriate sensitivity to the relevant viewing audience.

The Board considered that the references to whipping in the 'Sponsorship Package' advertisement were suggestive of sexual activity and that there was no suggestion that such activity would be non-consensual. The Board considered that the reference to whipping was not a suggestion or endorsement of violence against women.

The Board noted concerns about the use of sporting personalities in advertising betting products. The Board noted that the character is not an actual sporting star and that this use did not breach the Code in any respect.

Finding that the advertisements breached the Code, the Board upheld the complaints against the 'Spring Carnival' and 'Sponsorship Package' advertisements.

ADVERTISER'S RESPONSE TO DETERMINATION

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

I can confirm that, for the two advertisement where the Board has upheld the complaints, the advertisements will be discontinued.