



Committee Secretary
House of Representatives Standing Committee on Social Policy and Legal Affairs
PO Box 6021
Parliament House
Canberra ACT 2600

11 November 2022

Dear Committee Secretary,

Ad Standards submission: Inquiry into online gambling and its impacts on those experiencing gambling harm

Ad Standards are pleased to provide our submission to the *Inquiry into Online Gambling and its Impacts on those Experiencing Gambling Harm*.

As the central authority in Australia for receiving complaints about advertising content across all forms of media, our submission will focus on the following term of reference:

- *the effectiveness of current gambling advertising restrictions on limiting children's exposure to gambling products and services (e.g., promotion of betting odds during live sport broadcasts), including consideration of the impact of advertising through social media, sponsorship or branding from online licenced gambling operators.*

Overview

The data insights set out in our submission, support the position that the current advertising self-regulation model, administered by Ad Standards, is working well to maintain **high advertising standards** and ensure **consumer trust and protection** is met for the benefit of all the community, including in relation to the **content of gambling or wagering advertising** in Australia.

Operating at **no cost to government or consumers**, Ad Standards administers an **independent, platform neutral** and **flexible solution** to handle consumer complaints about advertising content.

We also monitor key concerns about advertising and have the flexibility to **respond to technological and societal changes**, particularly as consumers now access material across a broad range of media platforms.

Australia's advertising self-regulation system has **demonstrated its effectiveness** during the past 24 years - with a record of **nearly 100 per cent compliance** (average of 96% over the past 10 years) by industry with Ad Standards Community Panel determinations.

Advertising self-regulation

Ad Standards supports the work of the Ad Standards Community Panel ([Community Panel](#)) which is the body established to consider complaints about advertising and marketing communications against the provisions set out in the relevant advertising codes.

Industry Codes

Ad Standards administers the following [industry codes](#) of practice:

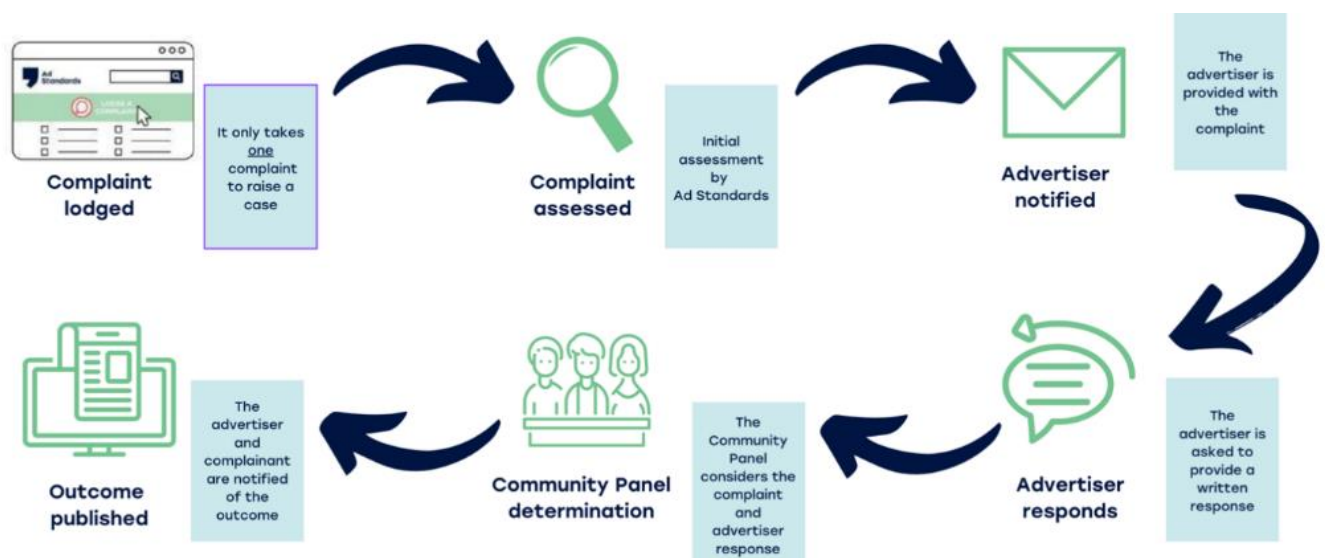
- AANA Wagering Advertising & Marketing Communications Code ([AANA Wagering Code](#));
- Australian Association of National Advertisers (AANA) Code of Ethics ([AANA Code of Ethics](#));
- AANA Food & Beverages Code;
- AANA Code for Advertising and Marketing Communications to Children;
- AANA Environmental Claims Code;
- Federal Chamber of Automotive Industries (FCAI) Voluntary Code of Practice for Motor Vehicle Advertising.

Voice for consumers

We give a voice to community concerns about advertising content and guide industry in maintaining decent and honest advertising aligning with community standards and values. Our organisation is recognised and respected by Australian State and Federal Governments, sector regulators and the advertising industry as a reliable platform for consumer protection in advertising content across all mediums.

Our complaints handling system is transparent and accessible to all, with easy-to-follow steps and support throughout the process provided by our staff.

Consumers may lodge a complaint quickly and easily via the [Ad Standards' website](#), free of charge. Below is an overview of the process. Further details are set out [here](#).





Our system is funded by advertisers through a levy based on advertising spend and operates at no cost to the consumer or to government.

When required, Ad Standards is supported in enforcing compliance by the media and media industry associations, and we engage regularly with social media platforms as part of our complaint resolution and industry education processes.

Ad Standards also has processes in place for referral of non-compliance (or serious matters warranting immediate resolution) to relevant government bodies. Ad Standards has only had to seek the support of government bodies in very rare instances.

Gambling & Wagering advertising

In Australia, gambling and wagering operators that seek to legitimately advertise their products and services are subject to a comprehensive framework of codes, regulations and legislation. These include the AANA Code of Ethics, the AANA Wagering Code, federal legislation through the *Interactive Gambling Act 2001* (Cth) or *Broadcasting Services Act 1992* (Cth), other legislation and regulations, Codes set by the licensing bodies and/or responsible gambling foundations in each State/Territory and a raft of other codes that apply to the Australian-based wagering industry.

AANA Code of Ethics

All forms of advertising are covered by the AANA Code of Ethics and Ad Standards takes complaints about any gambling advertisement, including online, in an app or on social media. Advertisers must ensure they do not breach any section of the Code, in particular section 2.6 which states that *Advertising and marketing communications shall not depict material contrary to prevailing community standards on health and safety*. This is the section which the Ad Standards Community Panel generally applies when it considers complaints about gambling advertisements.

While the Community Panel does not have jurisdiction to look at the placement or frequency of advertisements, it can look at the messages shown in the advertisement. Advertisements encouraging excessive gambling, or that may make gambling attractive to children, may raise issues under the Code of Ethics on the grounds that it goes against the prevailing community standards about what constitutes safe or responsible gambling.

AANA Wagering Advertising Code

As of 1 July 2016, the Community Panel has considered complaints specifically about wagering advertising under the AANA Wagering Advertising Code. The object of this Code is to ensure that advertisers and marketers develop and maintain a high sense of social responsibility in advertising and marketing wagering products in Australia.

It covers the content of advertising or marketing communications on any medium which is undertaken by, or on behalf of a licenced operator of wagering product or services.

This includes advertising for betting on horse races, harness races, greyhound races, sporting events, novelty events or other contingencies (or a series of races, events or contingencies); but does not include gaming, such as casino games or electronic gaming machines, keno, lotto and lottery products or trade promotions.



There are nine Sections under the AANA Wagering Code outlining restrictions on wagering advertising. These Sections cover that advertising and marketing communications for a wagering product or service:

- Must not, having regard to the theme, visuals and language used, be directed primarily to minors.
- Must not depict a person who is a minor unless the person is shown in an incidental role in a natural situation and where there is no implication, they will engage in wagering activities.
- Must not depict a person aged 18-24 years old engaged in wagering activities.
- Must not portray, condone or encourage wagering in combination with the consumption of alcohol.
- Must not state or imply a promise of winning.
- Must not portray, condone or encourage participation in wagering activities as a means of relieving a person's financial or personal difficulties.
- Must not state or imply a link between wagering and sexual success or enhanced attractiveness.
- Must not portray, condone or encourage excessive participation in wagering activities.
- Must neither portray, condone or encourage peer pressure to wager nor disparage
- abstention from wagering activities.

Complaints about gambling ads

Community concern about the content of gambling and wagering advertisements have been at relatively low levels over the past few years, and where it is an issue, have been effectively regulated by the centralised complaints handling process administered by Ad Standards.

As set out in our [Review of Operations 2021](#), and illustrated in Chart 1 below, only a relatively small number (8.62%) of all complaints received by Ad Standards in 2021, were about advertisements promoting gambling or wagering products or services. In addition, over half (68%) of those complaints did not raise any issues under the AANA Wagering Code or other Industry Codes that we administer.

For example, most consumer complaints that we receive about advertisements for gambling or wagering services or products relate to the frequency or timing of these types of advertisements, or about the product or service itself. As referred to earlier in this submission, these issues are not covered by the Industry Codes and therefore not considered by the Community Panel.

Of the remaining complaints received about gambling or wagering advertising (27%), they raised issues covered by section 2 of the AANA Code of Ethics or other Industry Code, for example:

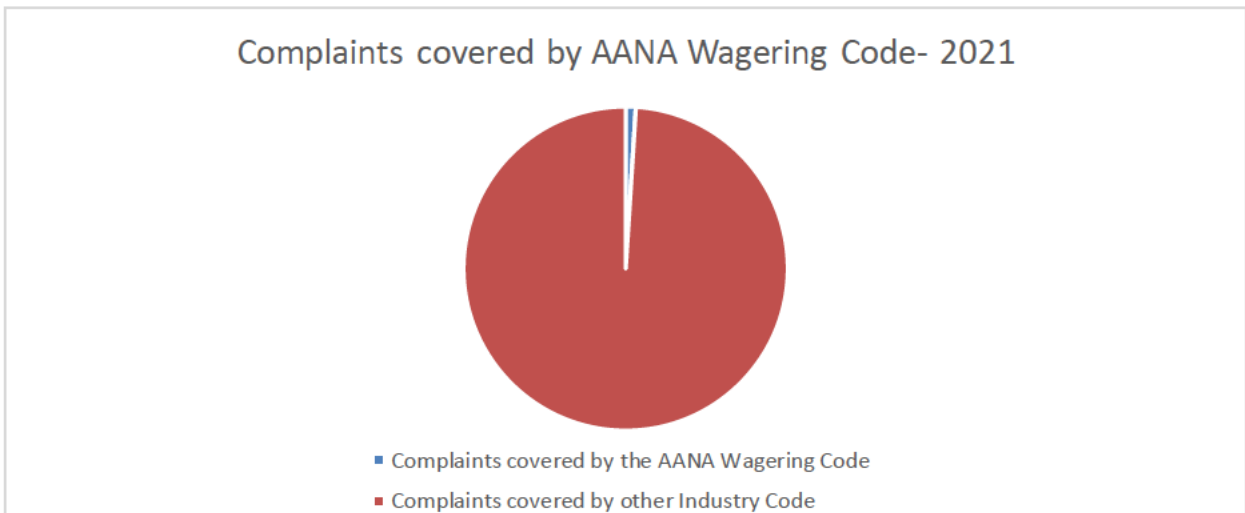
- [Case 0090-21](#) – Sportsbet TV ad – complaint was upheld under Section 2.1 of the AANA Code of Ethics for depicting material which was vilifying towards a group of people on the basis of race.
- [Case 0079-21](#) – PointsBet print ad – complaint dismissed however case raised under issues of content being exploitative or degrading, and containing sex, sexuality or nudity.

Chart 1



Our Review of Operations 2021, also shows that only 1.01% of the total number of complaints we received in 2021 (that were covered by one of our Industry Codes), raised issues under the AANA Wagering Code – which deals (inter alia) with issues around the content of advertising being directed to children.

Chart 2



Increase in complaints about social media advertising

As set out in the Ad Standards [2021 Review of Operations](#), complaints about advertising on social media are increasing each year and in 2021 made up 8.43% per cent of all complaints.

Instagram is the most complained about service followed by Facebook. In 2021, Ad Standards also investigated advertising content which appeared on YouTube, TikTok, SnapChat and Twitch.

However, of these complaints only 5.1% were about gambling or wagering advertisements.

For example, since 2017, the Community Panel have adjudicated on 55 cases under the Wagering Code. Of those 55, only 11 cases have been found to be in breach of the Wagering Code, and only 2 of those found in breach were online advertisements:

- Case [0149-22](#) – Unibet Reddit ad – complaint was upheld under section 2.9 of the Wagering Code for portraying, condoning or encouraging criticism and ridicule for not engaging in wagering activities.
- Case [0475-17](#) – NEDS YouTube ad – complaint upheld section 2.8 of the Wagering Code for the depiction of excessive wagering

Complaints by media in 2021





A key advantage of the Ad Standards system is that we can quickly resolve complaints about online advertising, including in certain circumstances within days of receiving the complaint. For example, if an advertiser agrees with Ad Standards to modify or remove an advertisement after being notified of a complaint, and it does not raise a significant issue of public interest, the complaint may be efficiently resolved without being formally adjudicated by the Community Panel.

In conclusion

Ad Standards is pleased to have this opportunity to share with the Inquiry insights about the types of complaints made by the Australian community regarding the content of gambling and wagering advertisements.

Should the Inquiry wish to consult with Ad Standards about any aspect of this submission we would be pleased to do so.

Yours sincerely

Richard Bean

Executive Director