

Case Report

1. Case Number :	0157-23
2. Advertiser :	Sportsbet
3. Product :	Gambling
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	9-Aug-2023
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a man placing a bet on his phone. A voice-over states, "Nailing a Sportsbet same game multi makes you feel like a bit of a guru" and the man is shown meditating on top of a cloud in the mountains. A group of tourists looking at him make comments, including: "Shhh he's multi-tating" and "Legend has it he once landed a twenty-legger". The man opens one eye and says, "actually it was 22 legs". A tourist asks what his secret is and he replies, "You shall find it within...the Sportsbet app".



THE COMPLAINT

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

The sheer volume of gambling ads is disgusting and immoral to begin with. This ad makes a joke of holy beings or practises and reduces it to a joke, would they put Jesus up there in a sports bet t-shirt. Is just grubby and disrespects eastern religions which have many practitioners here. To have bottom of the barrel gambling make a

fool of religion like this should be held to account. Remove it. The idiot pretending to be a holy man has in his right hand Tibetan symbols these have Buddhist mantras printed on them and the sound when used in ceremonies and religious practices symbolises the sound of wisdom. This in an ad such as this is a bastardisation of Buddhism and its rituals.

THE ADVERTISER'S RESPONSE

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

Summary of response

Ad Standards has identified the Complaint as potentially raising issues with the following section of the AANA Code of Ethics (Code):

Section 2.1 – requires that advertising ‘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, gender, age, sexual orientation, religion, disability, mental illness or political belief’.

Sportsbet strongly rejects any suggestion that the Advertisement breaches section 2.1 of the Code (or any other section) for the reasons explained below. As always, Sportsbet takes its obligations under the Code seriously and is committed to ongoing compliance.

What does the Code prohibit?

Section 2.1 of the Code prohibits discrimination or vilification of any individual or group of people on the basis of certain defined attributes, one of which is religion.

The AANA’s Practice Note in respect of the Code (Practice Note) relevantly provides that:

- *“religion” means “a belief or non-belief in a faith or a system of worship”;*
- *“discrimination” means “unfair or less favourable treatment”;* and
- *“vilification” means something which “humiliates, intimidates, incites hatred, contempt or ridicule”.*

Sportsbet takes a zero-tolerance approach to discrimination and/or vilification of any kind including, relevantly, on account of religion.

The Advertisement

The Advertisement depicts a character with clairvoyant or “guru” type characteristics. The guru is depicted floating on a cloud before a group of travelers discover him. One

of the travelers observes that the guru is “multi-tating” (a light-hearted play on words between the terms multi-bet and meditating) while another traveler – seen reading a tour guidebook – wrongly references a previous bet placed by the guru leading to correction by the guru.

Section 2.1 – the Advertisement does not vilify any individual or group of people based on religion

Sportsbet submits that the Advertisement does not breach the Code. This is because, among reasons, the Advertisement:

- 1. makes no “discriminatory” or “vilifying” reference at all to an individual or group of people based on religion (or any other attribute);*
- 2. does not contain any language or images, or make any reference to or connotations, that could reasonably be viewed or interpreted as humiliating, intimidating, inciting hatred towards or ridiculing a person or a group of people based on religion or any other basis;*
- 3. merely depicts the guru sitting on a floating cloud in a manner intended to create the overall impression that he is a calm and wise source of advice. The guru is not a religious character, and the Advertisement does not contain any direct or implied reference to religion. That is consistent with the ordinary meaning of the term “guru” being “a person skilled in something who gives advice”¹ or “a person who some people regard as an expert or leader”²; and*
- 4. even if the guru could be interpreted as a religious character, the Advertisement does not identify or refer to any elements which might commonly be associated with a particular religion let alone humiliate, ridicule or otherwise negatively depict any character or element in a way that amounts to discrimination or vilification as those terms are defined by the Code.*

Finally, we note for completeness that the Panel has found that even using a religious term (eg, “god”) within wagering advertising to describe a character as an influential person who is admired by others (rather than used in a religious context) will not breach section 2.1 of the Code.³ Here, the Advertisement does not use a religious term but refers to the character as being a “guru”, and consistent with the ordinary meaning of that term outlined above cannot be said to be a religious term nor is it used in any negative way. To the contrary, the reference to the character being a “guru” relates to him being wise and knowledgeable which are inherently positive attributes.

Conclusion

For the reasons outlined above, Sportsbet strongly rejects any assertion that the Advertisement breaches section 2.1 of the Code (or any other section) and submits that the Community Panel should dismiss the Complaint.

1. *Cambridge Dictionary—<https://dictionary.cambridge.org/dictionary/english/guru>.*
2. *Collins Dictionary— <https://www.collinsdictionary.com/dictionary/english/guru>.*
3. *See Ad Standards Community Panel case no 0242-21 (8 September 2021). See also Ad Standards Community Panel case no 0304-10 (14 July 2010).*

THE DECISION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant’s concern that the advertisement is mocking and disrespecting of religions.

The Panel viewed the advertisement and noted the advertiser’s response.

Section 2.1: Advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

The Panel noted the Practice Note to Section 2.1 provides the following definitions:

“Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.”

The Panel acknowledged that community standards in this area are evolving, and that there is an increased sensitivity in the community to issues such as cultural appropriation and casual racism.

A minority of the Panel considered that the advertisement distinctly portrays certain religions (including Sikh, Hinduism, Buddhism), by incorporating various religious elements to craft a character reminiscent of a religious ‘guru’. For example the meditative pose, prayer beads and robes, draw upon distinctive features of these religions.

The minority of the Panel noted that while the term ‘guru’ is commonly used to refer to an expert or authority on a particular matter, in the Hindu, Buddhist and Sikh religions the term signifies a figure of elevated or enlightened stature who is revered by a disciple or student of these faiths.

The minority of the Panel considered that using a figure of such reverence in this manner is offensive to those religions and their followers and is suggestive that these

religions hold little worth and significance, that they can be mocked and exploited for comedic effect as the punchline to a joke within a wagering advertisement promoting a product or activity that would be against the general tenets or fundamental principles of those religions.

The minority of the Panel considered that the advertisement did treat certain religions unfairly and less favourably, and did present material that would humiliate and incite ridicule.

The majority of the Panel noted that the advertisement is highly fantastical, showing a man imagining a scenario where he is a wise and respected guru on wagering, and showing him levitating. The majority considered that while the depiction of the man does contain some references to particular religions, (including Sikh, Hinduism, Buddhism), there is no specific religion identified. The majority considered that while some viewers may prefer that advertisements not use religious or cultural themes at all, this in itself was not a depiction which is discriminatory or vilifying.

The majority of the Panel considered that the man is depicted as someone who has great power and wisdom and is exalted and worthy of worship. The majority noted that the people in the advertisement appear to have travelled to a high place to watch and listen to him.

The majority of the Panel acknowledged that some members of the community would be uncomfortable with a religious figure being represented in a wagering advertisement at all, however considered that his representation was a positive one. The majority considered that this positive depiction of the 'guru' did not diminish the significance, history or value of traditional gurus from the above religions nor did it suggest that they were in some way comedic or not worthy of respect.

The majority of the Panel noted that there was not a focus on any particular culture, nor did any of the actors use exaggerated or mocking accents or mannerisms. The majority considered that the depiction of the man is not discriminatory or vilifying towards the various religions he may represent.

Overall the Panel considered that the positive depiction of an unidentified and fictitious religion which bears similarity to other genuine religion does not in itself treat genuine religions unfairly or less favourably, nor does it present material in a manner that would be likely to humiliate or incite hatred, contempt or ridicule.

Section 2.1 conclusion

The Panel considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, nationality or ethnicity and determined that the advertisement did not breach Section 2.1 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.