

Case Report

1. Case Number :	0096-24
2. Advertiser :	Puntaa Pty Ltd trading as Picklebet
3. Product :	Gambling
4. Type of Advertisement/Media :	Internet - Social - TikTok
5. Date of Decision:	17-Apr-2024
6. Decision:	Dismissed

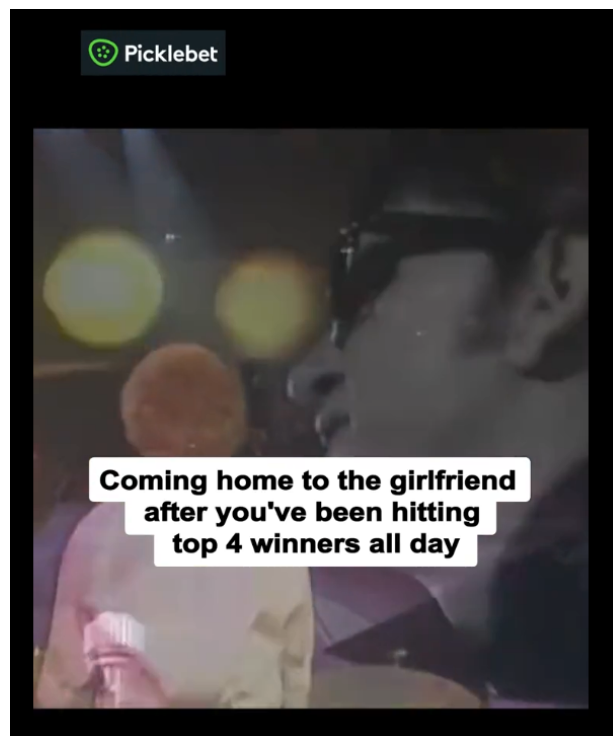
ISSUES RAISED

AANA Wagering Code\2.5 Promise of winning

AANA Wagering Code\2.7 Sexual success or attractiveness

DESCRIPTION OF ADVERTISEMENT

This TikTok advertisement features a short video clip of Roy Orbison performing the song “You Got It”, with text on the screen that says “Coming home to the girlfriend after you’ve been hitting top 4 winners all day”.



THE COMPLAINT

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

I believe the ad could potentially be classified as socially irresponsible as it suggests that gambling is a means to achieve success or improve one's romantic relationship. The caption implies that winning at gambling can lead to positive outcomes in one's personal life, such as impressing a partner. This could be seen as misleading because it may not accurately represent the reality of gambling outcomes, which are often unpredictable and can result in financial losses. Additionally, linking gambling success with relationship success may promote harmful attitudes towards both gambling and interpersonal relationships.

THE ADVERTISER'S RESPONSE

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

We refer to your letter dated 28 March 2024 regarding a complaint received by Ad Standards concerning Picklebet's "Top 4" advertisement.

Ad Standards has identified the Complainant as potentially raising issues with section 2.7 of the AANA Wagering Advertising Code ("Code")

Section 2.7 provides that wagering advertisers 'must not state or imply a link between wagering and sexual success or enhanced attractiveness'.

Picklebet rejects that the advertisement in any way breaches section 2.7 or any other section of the Code for the reasons outlined below.

It is a mischaracterisation of the advertisement to say that it in any way links wagering with sexual success or enhanced attractiveness. The advertisement contains no reference or element that links wagering with sexual success or enhanced attractiveness.

The premise of the advertisement was a light-hearted meme contemplating a successful punter in a cheerful mood and sharing their unexpected winnings with their partner, in order to promote Picklebet's Top 4 product.

The advertisement does not represent that if you bet with Picklebet, you will be more sexually successful or more attractive. The advertisement simply features a short clip of Roy Oribison performing the song "You Got It". It contains no elements or reference to the punter's physical appearance or sexual appeal. The suggestion that a successful

punter sharing winnings with their partner implies that the punter is more sexually attractive is baseless.

Furthermore, the advertisement does not suggest that a 'Top 4' or any other wagering product offered by Picklebet is certain of success, and a reasonable viewer would understand that gambling comes with an inherent possibility of loss.

Picklebet believes that the complaint lacks foundation and should be dismissed.

THE DECISION

The Ad Standards Community Panel (Panel) considered whether this advertisement breaches the AANA Wagering Advertising and Marketing Communication Code (Wagering Code).

The Panel noted the complainant's concern that the advertisement depicts wagering as a means to improve relationships.

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

The Panel noted that the advertiser is a company licensed in a State or Territory of Australia to provide wagering products or services to customers in Australia and that the product advertised is a wagering product or service and therefore the provisions of the Wagering Code apply.

Section 2.5 Advertising or Marketing Communication for a Wagering Product or Service must not state or imply a promise of winning

The Panel noted the Practice Note to this section of the Wagering Code:

"Advertising or marketing communication may depict winning on a wager provided there is no direct or implied suggestion that winning will be a definite outcome of participating in wagering activities".

The Panel noted that the advertisement states that the person wagering has been winning "all day".

The Panel considered while there is a strong suggestion of individual success, there is no explicit or implied promise of winning.

Section 2.5 Conclusion

The Panel considered that the advertisement did not state or imply a promise of winning and found that the advertisement did not breach Section 2.5 of the Wagering Code.

Section 2.7 Advertising or Marketing Communication for a Wagering Product or Service must not state or imply a link between wagering and sexual success or enhanced attractiveness.

The Panel noted that the Practice Note for this section of the Wagering Code states:

“Licensed operators should also take care when characters in advertising are treated with admiration as a result of their wagering to avoid creating a link between wagering and enhanced attractiveness. Similarly, references to fame, being special or being a VIP should be treated carefully. For example, portraying the transformation of characters’ appearance after wagering can create an implication that wagering could result in enhanced attractiveness and an improvement in self-image, which may breach the Code.”

The Panel noted that there was no direct mention of sex, or an improvement in the relationship between the winner and their girlfriend. The Panel considered the most likely interpretation was that the winner was telling their girlfriend that they would buy her whatever she wanted with the winnings.

2.7 Conclusion

The Panel concluded that the advertisement did not state or imply a link between wagering and sexual success or enhanced attractiveness and found that the advertisement did not breach Section 2.7 of the Wagering Code.

Conclusion

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