



## Case Report

1	Case Number	0461/17
2	Advertiser	NEDS
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	25/10/2017
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.6 - Health and Safety Within prevailing Community Standards
- 2.8 - Excess participation Condone or imply excess participation

### DESCRIPTION OF THE ADVERTISEMENT

The television advertisement depicts a man is having dinner with his partner and her family at home. The man receives a telemarketing call and tells his partner that it is the office and he needs to take the call. He then moves to another room and asks the telemarketer to repeat their pitch while he uses the Ned's app on his mobile phone.

### THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

*Gambling addiction often involves those addicted lying to family members to gamble. Being secretive and gambling in secret.*

*This advert seems to glorify this as a method of getting to use their products.*

*By linking gambling and lying to the family there is a danger of assuming that NEDS condones the hiding of gambling from family members.*

*Hiding gambling from your family was conveyed in a comedic manner. This is an issue as it normalises this behaviour for problem gamblers.*

*The one with the chap having meal with family takes a call and pretends it is work or a friend and walks away and makes a bet with NEDS. This deceitful and disrespectful to the people*

*he was having a meal with. Neither of these men appear to be of good character. I have seen these adds early in the evening and in the morning.*

*I have had gambling issues.*

*To encourage people to sneak bet or bet on the job when they have other responsibilities is not ethical and will create problem gamblers.*

*Gambling is ok but should be honest and out in the open.*

*This advertising is not responsible advertising.*

*It's promoting gambling during prime time TV when young people can be easily influenced. Gambling is a vice that has ruined many families and destroyed lives. I am appalled that it's allowed to be advertised. It's no better than smoking or alcoholism.*

*I think it's inappropriate for gambling and betting advertisements to be broadcast on free to air TV. There seems to be a few of them around now and I don't remember ever seeing them before. It's not appropriate. This particular ad encourages people who are gambling or perhaps struggling to give it up to continue and hide it from their families. For people who have never thought about betting it introduces it to them which can cause many individual and family problems for the future. The ad also shows that betting is more important than spending time as a family as well as encourages lying about it and hiding it from people around them. The ad isn't right and should be removed.*

*This is absolutely discussed. What a horrible trigger for a compulsive gambler and what are we teaching young children about gambling. This commercial is absolutely discussing and needs to be addressed immediately as we approach spring racing season and we have so many people who struggle with gambling addiction.*

*The series of Neds ads promote gambling addiction as normal and presents problem gambling behaviours as humorous and clever. Neds promotes the following problem behaviours of gambling addicts:*

*lying about your gambling problem to family, friends, customers and your boss;*

*gambling when you are supposed to be working;*

*making excuses to gamble;*

*hiding your gambling addiction from your family;*

*surround yourself with addicts who will accept your behaviour;*

*work and family suffering because of your gambling.*

*I find it offensive for any company to promote problem gambling addiction and its behaviours.*

*The gambling is not the problem the act of using deception as shown on ad is a typical trait of a problem gambler and should not be offered as a normal way for young adults to behave. This ad is not showing in any way responsible behaviour, if the need to gamble is so great that you are lying then there is a definite problem. The ad is promoting the deception without thought to those who are lying to their families and the hurt and pain this type of behaviour leads to, depression family breakdown and extreme cases suicide, this is not responsible advertising*

*I hate the current series of ads for NEDS .. each depicts the app user as totally addicted, lying to family, or behaving in an antisocial manner to get more time on the app .. It's totally unhealthy and promotes a lifestyle habit that is dangerous and addictive.*

*This totally promoting problem gambling. This also offensive to promote to lie or act deceptively toward your family/friend to gamble.*

*This add promotes deceiving family members to allow you to place bets.*

*It is the lying in gambling that breaks families.*

*Gambling should be not advertised anywhere, let alone highlighting it as something to be sneakily hidden.*

*I do not want to see gambling made to be cool/fun or something that has to be hidden from a partner.*

*Gambling is a hidden family destroyer and should not be wittily portrayed as a secret for all Australian men.*

*I believe this advertisement promotes irresponsible gambling. It portrays the idea that it is ok to lie to your family to engage in gambling activity. This is common with gambling addiction but this ad makes light of the seriousness of this issue*

*Problem gambling has devastating consequences for many people in our community. It often involves lying to family members about the frequency of bets made to hide the issue. This ad has taken problematic behaviour, symptomatic of gambling getting out of control and turned it into a jokey marketing gimmick. This sort of troubling behaviour should not be normalised with ads on prime time TV.*

*I was shocked to see such a backward move in advertising, disappointed how it encouraged men to 'sneak off' or 'make excuses' to go make a bet. Disgusted!*

*The advert shows a family dining together and the man answers the phone saying its work so he can leave the family and jump on the app to bet. Making out that you can lie and cheat about betting and gambling and reinforcing that's its ok*

*The nature of the ads are implying that betting is more important than spending time with people or doing your job.*

*I feel that these ads are also encouraging people to place bets and this is particularly unfair for those who struggle with gambling addictions.*

*As well as showing very little respect to a woman (his wife), it makes it look like it's ok to lie to your family. This ad is shown during family TV time and I don't think young boys can distinguish that it's meant to be funny. I don't find it funny at all to lie to your family so you can get away from them to gamble. This is the sign of an addict and not at all funny. I find it incredibly offensive and horrified about the amount of gambling ads appearing in family time. The channel 7 news sport is sponsored by a gambling company. It needs to stop.*

*We saw at least 11 ads promoting gambling during the news programs. Plus the sports report on 7 is also sponsored by Ladbrokes. We consider this family time. Most offensive one - Ned's. Where a young man jumps up from the dinner table to take a phone call, lies to the older couple and girlfriend /wife that it is the office calling - moves to another room and uses this as a cover to place bets on line.*

*On the construction site advertisement, I find it offensive to all trades to be represented in such a low and lay back manner. I had my own trade services business of 34 years and feel highly offended as this being representative of customer service. The serious side to this is*

*that Gambling is being encouraged not only in our leisure time but also in paid work time. I think these campaigns need to be deleted. The government spend millions of taxpayers dollars on Gamblers Assistance and then they allow this blatant type of advertising*

*These adverts are suggesting that gamblers should be sneaky about their gambling and are showing people how to be deceptive and hide their gambling from family, partners etc. these adverts make it appear clever and acceptable to lie to and deceive people about their gambling.*

*I treat problem gamblers and these behaviours cause many problems especially financially. If the gamblers partner or family are not aware what the gambler is doing they can drain their family bank accounts, not have money for bills, mortgages and day to day living and end up with nothing losing their houses and their families gambling also causes trust issues and family breakdowns. gamblers will lie, cheat and steal to cover up their problem. so for advertisements to make out that it is ok to deceive your family and hide your gambling is disgraceful and should not be permitted.*

*This should not be shown to encourage people to do online gambling and hide it from family and friends. Gambling is an addiction and is ruining lives*

*It encourages deceitful behaviour! As a male I am appalled at how this add indirectly encourages deceitful and dishonest behaviour. Society has a gambling problem already, to make it easier to lie to your family in order to gamble in secret is abhorrent. And it is being broadcast during family dinner time on a channel with wholesome renovation and lifestyle programs. This is very unacceptable.*

*The ads suggest not only is it ok to lie to family members or business associates in order to bet in secret but also infers that these men are addicted to gambling ( because they are always finding excuses to bet) and that's ok too. This country has a huge gambling addiction problem and these sort of ads are extremely irresponsible as well as sexist.*

*It is offensive and encourages and normalises lying to gamble. The ads are unethical.*

*What are they are teaching children, teenagers and all people?*

- To lie to the loved ones*
- To become a gambling addict*
- To not solve their own uncomfortable issues and seek help, the solution is to lie and bet instead.*
- To believe that " NEDS its time to bet?*
- To be unethical*

*The company's name is NEDS it is a subliminal message with name very similar to NEEDS Gambling is Destroying Marriages and Families!*

*I'm not talking about individual freedom, but promoting gambling it is unethical! ( like all other addictions, cigarettes, drinking etc.- it's your choice to do it but we don't need to see it all the time on the TV saying " Do it!"*

*What more do we need to do to avoid this ad promotion and be aware of the damage they are causing to society?*

*thanks for your time and attention,*

*All these Neds advertisements are encouraging people to lie to their families, their bosses, the*

*general public so they can secretly continue their gambling. This not only encourages unsocial behaviour and negative personal relationships but it is also glamourising one of the indicators of gambling addiction - lying to your loved ones about your gambling habits. This is all being screened during evening peak times when families (including children) are enjoying free-to-air commercial television and it is promoting dangerous behaviour. Aside from the content of these ads, there are multiple gambling ads in every ad break and the frequency is over the top.*

*I object to this ad because it shows it is acceptable to secretly gamble and to hide his gambling from his family. Knowing the impact of gambling addiction in our society why is the act of gambling encouraged to be okay at inappropriate times and furtively carried out. It encourages negative gambling habits and this ad is continuously shown during children's viewing times. Before 7pm in each occasion I have seen this ad.*

*The first ad is played off as a joke but the behaviour shows serious addiction. The man lies to his family to gamble.*

*Both ads are inconsistent with the message 'gamble responsibly' and both ads make light of and normalise gambling addiction. They treat serious gambling addiction behaviours as a joke.*

*This advertising material is appropriating the damaging behaviour associated with problem gambling and addiction. It not only makes light of a very serious and damaging disease, it practically encourages it. This is offensive and dangerous for those who have addictive tendencies and problems with gambling in particular.*

*It's disgusting that at the outset, the premise of the advert is that you lie and deceive your employers, those your responsible to or even that of your family and wife so that you can get on with gambling. This is counter to the very end where the advertiser is compelled to say 'Gamble Responsibly.'*

*I can not consider being deceitful about your actions of gambling to your family is in anyway being responsible at all, it's completely irresponsible to be advertising such poor morals.*

*The underlying messages is; gambling is more important than honesty in relationships with wives, partners, family members and more important than accountability and integrity in the work place.*

*As well as sending a very bad message about inappropriate importance of gambling in a man's life the advertising is highly misogynist.*

*I object because it is promoting deceitful behaviour with family, instead of open and honest communication between family members. Such behaviour can lead to family breakdown and excessive unaffordable gambling. Also being that it was shown at prime time family viewing, it is obviously promoting family members to not tell the truth to each other.*

*I have seen many adds for NEDS online gambling. ALL of the adds have the male lead actor LYING/DECEIVING family and friends to facilitate them gambling online. How can this be considered responsible gambling? It can't. I think these adds should be removed immediately until their marketing team can come up with new acceptable content.*

*The ad is indicating that you need to lie about gambling habits (indicating there is a*

*gambling problem for the man) and that gambling is more important than spending time with family. There is no need to advertise gambling, let alone encouraging the desocialisation that it causes.*

*Both advertisements for this product were promoting anti social behaviour & lying to addictively gamble at inappropriate times on this App. They are trying to normalize lying to gamble at inappropriate times, and engaging in gambling at inappropriate times, which is a main feature of addictive gambling*

*Both advertisements convey the message that it is ok to lie.*

*I think this advertisement is inappropriate because it promotes the message of using gambling to cope with stress and difficult situations. Both men in the ads faced stressful situations and resorted to online betting to escape their problems. The words at the end saying "it's time to bet" emphasise the message that when you are stressed or can't fix a problem, you should escape or try and make yourself feel better through betting. Although it is humorous, in real life I think this kind of behaviour is unhealthy and leads the way to gambling addictions. I have a friend who I know has turned to gambling when he was stressed and couldn't cope, and lost hundreds of dollars as a result. I think any kind of advertising promoting gambling to escape from problems even if the situations are humorous is not appropriate.*

*This ad violates the AANA Wagering Advertising & Marketing Communication Code 2.6: Advertising or Marketing Communication for a Wagering Product or Service must not portray, condone or encourage participation in wagering activities as a means of relieving a person's financial or personal difficulties.*

*In my opinion this is sending the wrong message and enabling gambling.*

*The advertising is encouraging lying and deceitful behaviour to young people. In addition is encouraging gambling, especially online gambling.*

*While great emphasis is placed on drugs and alcohol and their advertising, there appears to have been a marked increase in advertising for gambling. Lottoland, betting against odds throughout sporting fixtures and now NEDS has appeared. Alcohol and drugs may have long term ramifications on families but gambling has immediate effects where a pay packet may be lost in a day.*

*Gambling is a significant problem in the community, particularly when it affects families due to one partner hiding their gambling addiction and dwindling away the family's financial savings. This advertisement pretty much encourages that kind of deception. The same company (Neds) has other similarly offensive ads. As if the other gambling advertisers were not enough, this company takes the cake!*

*Could entice deceit or that lying about gambling is ok. Just 'gambling' adverts are inappropriate for underage or impressionable youth*

*There are multiple adverts promoting the gambling app. One of the ads shows a man going to great lengths to get away from a family meal just so he can gamble which seems to normalise gambling addiction.*

*To me this is a clear breach of the wagering advertising and marketing communication code where section 2.8 states that:*

*Simply depicting regular wagering, for example as a routine weekend pursuit during a sporting season, does not equate to portraying excessive participation. An advertisement or marketing communication would portray, condone or encourage excessive participation in wagering activities where it depicts:*

- participants wagering beyond their means;*
- wagering taking priority in a participant's life;*
- prolonged and frequent wagering to improve a participant's skill in wagering.*

*Participants in this advertisement are clearly making betting a priority above family life, or above their professional careers. They are lying to their families and customers in order to spend time betting. This is an inappropriate message and should not be allowed. The issue is exacerbated by the lack of warnings about gambling or references to gambling help.*

*I am deeply offended by the lack of respect for women shown in these ads. The tone is decidedly misogynist, treating women like unvalued hindrances in the lives of these men. Some seriously harmful stereotypes are being perpetuated and they have serious consequences for women in our society. The lack of respect for the women involved in these ads upsets me every time I see them. Secondly, I feel strongly that these ads are normalising addiction to gambling, by depicting antisocial, dishonest gambling behaviour as laddish and funny. They are absolutely not depicting responsible gambling. There is a lot of social harm being done by these ads in the areas of sexism and gambling addiction.*

*These ads are encouraging people to gamble instead of working or being with their family. Nothing about gambling responsibly. Too many families are ruined because of gambling and these ads only encourage people act irresponsibly. They are disgusting and I can't understand how they are allowed to be aired. The frequency of gambling advertising has increased rapidly over recent times encouraging people to waste their money and ruin their lives and the lives of their families. These ads have gone too far!!!*

*The context of the ads appear to make it acceptable to lie and cheat your way out of a situation in order to gamble. I do not also recall the disclaimer to "Gamble Responsibly"*

*The fact that I have to explain why this commercial is morally and ethically wrong is hilarious. Gambling is now an epidemic in this country slowly eroding the young people of Australia via their mobile devices, destroying relationships and families daily. The Government is doing nothing to control Betting companies and their domination of our social media streams which young people, that are under the legal age to gamble, are now brainwashed by. Please help.*

*There's been a huge increase in gambling advertising on TV lately. Considering the addiction problems in our society and the tragic impact it has on individuals and families, I believe they should all be banned, no matter what time of the day it is.*

*It contravenes community standards by saying it is ok to lie. This would also mislead children into believing it is ok to lie to people and gambling is more important than interacting with others/family.*

*It also portrays, condones and encourages excessive gambling because the person lies to people and sneaks off to another room to hide his gambling and need to gamble.*

*As above. Social policy is to promote responsible gambling yet the ad is completely contrary to this & promoting illness behaviour as though it is not a problem.*

*Based on scenarios of lying/mis-truths to create time to gamble, this campaign promotes deceptive behaviour in order to spend time at Ned's Betting online. The scenarios promote lies, time spent during work hours betting whilst deceiving clients, also family and relationship behaviour. Promoting Betting/gambling is contentious at best, with an overlay of deception it crosses a moral line in advertising.*

*The NED series of free to air television advertising promotes lying and deceit as an excusable and popular means of facilitate access and freedom to participate in online gambling. This contributes to diminishing community moral standards regarding honesty and popularises deceit as an acceptable method to access and participate in online gambling. Noting that gambling is legal for adults aged eighteen years of age and over, this advertisement is viewable to the broader Australian public including those under age.*

*This ad is promoting lying to your partner or family members to hide gambling habits, and could glorify or promote the behaviour to people with real gambling problems. This is not a responsible way to advertise gambling.*

*I find it strange that not only is the person lying about his gambling online but also hiding it? And it an add advertising gambling I pretty sure these are signs of a gambling problem and he needs help not to be encouraged to gamble online more*

*The ads promote gambling in secrecy. In all instances the young men are seen deicieving their female partners so they can sneakily place s bet. They are disgusting.*

*The adverts show people who are being antisocial in order to place bets. They are secretive about placing bets and I believe normalise the secretive behaviour that problem gambellers often exhibit. If a person is leaving a family dinner and is not completing their work Because they are placing bets then they potentially have a gambling problem. These adverts show this behaviour as acceptable and normal. The adverts do not have the "gamble responsibly" slogan anywhere.*

*I find the adverts concerning as they promote unhealthy gambling habits; the main implication being that gambling is something to do when you're bored and to kill time. It feels like it is encouraging the viewer to treat gambling as a time-killer like reading an article or playing a game, and portraying concerning behaviours like ignoring your family to gamble as a light hearted laugh. Further, there didn't appear to be any kind of 'gamble responsibly' message.*

*Advertising whilst children are still awake and promoting betting when organisations are trying too reform gamblers. This happens too much especially during sporting evebts.*

*I feel this a very bad thing to imply to be ok to hide gambling from family or colleagues.*

*The ads by this company encourage people to be deceptive and lie to partner's friends and employers so they can continue to gamble. These ads by Ned on line gambling seem to, in my opinion , encourage and justify lying and deceiving partners employers and friends which is*

*a major cause of the breakup of family's loss of jobs etc*

*The tag line for these ads is 'It's time to bet.'*

*These ads are irresponsible in promoting betting as being the best and most important thing to do with your time; neglecting all other responsibilities. They promote betting as being awesome and fun without making viewers aware of any negative effects or results from gambling in this fashion.*

*I think this sends the wrong messages, especially to children. Such as that it's ok to use deception. That is appropriate to sneak off to another room to bet.*

*It is unacceptable to promote the level of gambling where someone is lying to their family. The character in this advert directly lies to his family in order to gamble in the other room. Problem gambling is a very real addiction in our communities, please respect your responsibility to not display an advertisement that directly shows deceit connected to gambling.*

*Both of these ads demonstrate gambling with addiction behaviours, they demonstrate the characters as being happy with lying and dishonesty if it means they can gamble, both ads show that gambling is taking over the individuals normal life. This is concerning - I work in butchers shop and even I can identify gambling addiction behaviours. Whats the point of having all the 'get help for your gambling addiction, don't let gambling ruin your life' ads if ads promoting the acceptability of not gambling - but gambling to the degree that one has to lie, and hide the action of using the app whilst it interferes with their life, are being played - particularly at 8pm, peoples children are watching this!?!?*

*As said above, the ad totally promotes unhealthy gambling - lying to your family and not even being able to get through dinner without having to gamble! It is seriously unhealthy to be showing this as normal behaviour. The ad also did not have the responsible gamble slogan after it.*

*They all involve and encourage deception. I am a reformed compulsive gambler and this disgusts me that they promote what tears apart families, betting when you should not be.*

*Its promoting gambling in an unhealthy way and neither example had warnings about moderation.*

*It normalises problem gambling behaviour - lying to immediate family members about gambling, avoiding interaction with family to gamble.*

*It makes it seem as though people should avoid their family to go and use the betting application - effectively promoting that betting is more important than family. There is then no advisement whatsoever to "gamble responsibly" or any other warning about the seriousness of gambling problems, coupled with the promotion that you should make excuses to avoid your family to bet on your phone - I find highly offensive.*

*I am against the advertising of all gambling to begin with but this takes it to a new level with the younger male lying about who is on the phone and secreting himself away to gamble. It's bad enough promoting gambling but portraying someone lying and being deceitful to family and/or friends about the gambling is bloody disgraceful!!*

*The effects on gambling on family is already an issue. To show a man openly lying to his family/friends to go and bet using the telemarketer as a smoke screen appears to look like it is normal and acceptable. I find it offensive that this ad portrays his actions as normal behaviour.*

*I object to this ad as it's encouragement to hide your gambling from your family. It is offensive to a lot of people and just sloppy marketing.*

## **THE ADVERTISER'S RESPONSE**

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

*Issues Raised to Date:*

*2.1 of the AANA Code of Ethics – Discrimination or Vilification of Gender*

*The advertisement depicts a scenario whereby the man is having dinner with his partner and her family at home.*

*This advertisement depicts a common scenario, where the man finds himself at the dinner table in an uncomfortable situation with his girlfriend's parents staring awkwardly at him. This is a common scenario which many men would have found themselves in at some point in their lives.*

*The male is depicted in a humorous and light-hearted manner, whereby given that his time is already taken up by the annoying telemarketing call, he uses the opportunity to temporarily escape the awkward situation at the dinner table.*

*There is no language or conduct directed by the man towards his female partner (express or implied) which could be construed as sexual discrimination or vilification on account of her gender.*

*Section 2.6 of the AANA Code of Ethics*

*2.6 - Health and Safety Within prevailing Community Standards*

*Advertisers Response:*

*The advertisement is clearly intended to be humorous and light-hearted and not in any way suggesting that people lie or deceive family or friends in order to gain more time to gamble. The male person in the advertisement is not depicted as gambling on his phone in a way which could be construed as taking priority over his family life or in any way which could pose a health and safety risk at home or otherwise in accordance with prevailing Community Standards.*

*Section 2.6 of AANA Wagering Advertising & Marketing Communication Code*

*Must not depict wagering as a means of relieving a person's financial or personal difficulties. The advertisement depicts a scenario whereby the male having dinner with his family cleverly turns a negative (being a typical annoying telemarketer call) into a positive.*

*Given that the man's time is already being taken up by the telemarketing call, he is depicted in a humorous and light-hearted manner to be cleverly using that opportunity (ie. during this time otherwise taken up by the telemarketing call) to have a bet on his phone during this distraction.*

*The male partner is not depicted as having any kind of financial difficulties or gambling on his phone in a way which could be construed as an alternative way of earning an income or as a viable alternative to a job.*

*Section 2.8 of AANA Wagering Advertising & Marketing Communication Code  
Must not portray, condone or encourage excess participation in wagering activities*

*Advertisers Response:*

*The advertisement depicts a scenario whereby the male having dinner with his family cleverly turns a negative (being a typical annoying telemarketer call) into a positive.*

*Given that the man's time is already being taken up by the telemarketing call, he is depicted in a humorous and light-hearted manner to be cleverly using that opportunity (ie. during this time otherwise taken up by the telemarketing call) to have a bet on his phone during this distraction.*

*Accordingly, the male person in the advertisement is not depicted as gambling on his phones in a way which could be construed as taking priority over his family life or in any way which could pose a health and safety risk on the site.*

*It is implied by the conversation the male has with the telemarketer, that once the call is finished, the male would return to the dinner table to resume his meal with his partner and her parents.*

*The sole intent and unequivocal message of the advertisement is to suggest that consumers can take advantage of any down time, quiet time or wasted time they may otherwise have, to entertain themselves and have a bet.*

*Therefore, it is submitted that the advertisement does not portray, condone or encourage excess participation in wagering activities.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code") or the AANA Wagering Advertising and Marketing Communication Code (Wagering Code).

The Board noted the complainant's concerns that the advertisement encourages deceitful behaviour and portrays an unhealthy level of interest in gambling.

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

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted the advertisement is part of a series and that this particular advertisement "Telemarketer" features a man and his partner sitting down at a table with her parents and their pet dog. The phone rings and the man quickly runs to answer the call. A woman starts talking on the other end but the man tells his family that it is "Daniel" from the office. The man leaves the room and sits on a couch and turns to his mobile while still on the phone to

the lady. The brand name “NEDS” appears on screen and the words “it’s time to bet.”

The Board noted the actions of the man – being uncomfortable with the arrival of the in-laws, is recognizable as a common social scenario and the call from the telemarketer is coincidental and provides an opportunity for the man to move away from the in-laws and the situation.

The Board noted the complainants’ concerns that the depiction of gambling in this advertisement condones lying and deceit and is irresponsible and unacceptable.

The Board noted that that advertisement shows the man eagerly moving away from the table at the time that the phone rings and that this is in response to the difficult situation he is in.

The Board noted that most members of the community would understand the scenario is showing a common attitude that some men share about meeting or spending time with a partner’s parents. The Board considered that while it is not desirable to lie or be deceitful, the overall impression is lighthearted and does not amount to a depiction that would be considered contrary to prevailing community standards on health and safety.

The Board noted that gambling and wagering products are legally allowed to be advertised and the Board can only consider the content of the advertisement. The Board noted that some members of the community would prefer that this type of advertising not be allowed but in the Board’s view the actual content of the advertisement does not depict material that is contrary to Prevailing Community Standards on health and safety and did not breach section 2.6 of the Code.

The Board considered that the current advertisement is an advertisement for NEDS, an operator licenced to provide wagering products or services to customers in Australia and that, therefore the provisions of the Wagering Code apply.

The Board considered Section 2.8 of the Wagering Code which provides: “Advertising or Marketing Communication for a Wagering Product or Service must not portray, condone or encourage excessive participation in wagering activities.”

The Board then considered whether this advertisement this is a depiction of ‘wagering activities’ and noted that there is no definition of a ‘wagering activity.’

The Board noted the decision of the Independent Reviewer in Tabcorp (0447/16) where it was determined that a depiction of people ‘spending their time wagering and watching racing on their mobile devices’ presumably showing the Tabcorp ‘app’, can reasonably be interpreted as being engaged in a wagering activity in the context of an advertisement for a wagering product. To ‘wager’ in the context of ‘wagering activity’ is ‘2. The act of betting’ (Macquarie Concise Dictionary (5th edn, 2009) 1416). Tabcorp denied that there was any ‘direct portrayal of gambling or wagering’. That is the case. Nonetheless, the depiction is implied.’

The Board considered the current advertisement and considered that, similar to 0447/16, the depiction of a person using a mobile device, in the context of an advertisement for a wagering service and accompanied by the phrase “it’s time to bet” can be reasonably interpreted as a depiction of a wagering activity.

The Board then considered whether the advertisement portrayed ‘excessive’ participation in wagering activities.

The Board noted the Practice Note to Section 2.8 of the Wagering Code which provides: “Simply depicting regular wagering, for example as a routine weekend pursuit during a sporting season, does not equate to portraying excessive participation. An advertisement or marketing communication would portray, condone or encourage excessive participation in wagering activities where it depicts:

- participants wagering beyond their means;
- wagering taking priority in a participant’s life;
- prolonged and frequent wagering to improve a participant’s skill in wagering.

Whilst the Practice Note lists three examples the Board considered that this did not restrict the application of Section 2.8. The Board considered that the depiction in the advertisement did not meet any of the examples set out in the Practice Note, so then considered whether the depiction would be considered as ‘excessive’ taking into consideration the definition of excessive.

The Board noted the definition of ‘excessive’ (Macquarie Australian Encyclopedic Dictionary 2006) as being ‘exceeding the usual or proper limit or degree; characterised by excess.’ The Board also noted that ‘Excess’ includes the definition of ‘going beyond ordinary or proper limits.’

The Board noted it had previously upheld a complaint about excessive participation in wagering activities in case 0447/16. Board noted in that instance that the Board’s determination had been subject to an Independent Review where the Reviewer found that,

“It did not necessarily indicate an addiction since there is no suggestion that this was a regular event. Nonetheless, in my opinion, it was open to the Board to find that the wagering activity was excessive during this trip due to the intensity of the focus of the men on the wagering activity.”

In that case a group of men were seen camping and when one man was asked about his weekend he reflected back on all the opportunities the group had taken to bet and watch horse racing and that the result of this was to the detriment of other activities such as fishing and cooking a bbq.

The Board noted that “the advertisement was intended to be humorous, however in the Board’s view this does not negate the portrayal of the wagering activity taking priority in the men’s lives on that weekend. The Board considered that the depiction is not strongly condoning or encouraging excessive participation, but that it is portraying excessive participation in wagering activities.”

In addition, the Board noted it had upheld a complaint about excessive participation in wagering activities in a Lottoland case (0552/16) where a man was seen hiding under a table in order to place a bet.

In that case, the majority of the Board considered that:

“the depiction of John hiding in order to use his phone to access a wagering website is suggestive of wagering being something secretive that should be hidden from family and or friends. The Board noted that the person using the product has isolated himself from the family and considered that this is a depiction of a person who allows wagering to become a priority in their life and that in accordance with the AANA Practice Note to the Wagering Code, this is an example of a depiction of excessive participation in wagering activities.”

In contrast to the Lottoland advertisement in particular, in the current case, the Board considered that the advertisement is portraying a stereotypical situation of a man not wanting to be a part of the dinner engagement with his in-laws . The man is shown to take advantage of an opportunity to remove himself from the situation when the phone rings.

The Board noted that in the Lottoland case, the man ‘John’ is shown hiding and being secretive about the use of his device whereas in the current case, the man is not hiding from his family and friends but is seen openly leaving the room in order to speak on the phone and it is in this time that he makes the decision to place a bet or use the betting app.

The Board noted it is not possible to tell how often the man engages in wagering activities. In terms of the depiction of the man lying about who is on the phone in order to take time out from the dinner, in the Board’s view this is a depiction of a man in a situation he doesn’t want to be in, taking advantage of a situation to have some time away from the table. While the man does use that time to bet, in the Board’s view the overall depiction is not going beyond a reasonable use of a product to avoid a stereotypically unpleasant situation.

The Board considered that the depiction is not condoning or encouraging excessive participation, and in the Board’s view the message taken from the promotion is not a portrayal of excessive participation in wagering activities.

The Board considered that the advertisement does not portray excessive participation in wagering activities.. The Board determined that the actions of the man are not a depiction that breaches Section 2.8 of the Wagering Code.

Finding that the advertisement did not breach the Code of Ethics or the Wagering Code, the Board dismissed the complaints.