

COMPLAINT NUMBER	16/404
COMPLAINANT	D Parker
ADVERTISER	Lotto NZ
ADVERTISEMENT	Lotto Television
DATE OF MEETING	25 November 2016
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for Lotto headed “Good on You” showed a broadcaster, Jesse Mulligan, interviewing Billy Graham, head coach and founder of the Naenae Boxing Academy and some of the participants at a boxing gym, which receives funding from the proceeds of Lotto. Mr Graham said “If it wasn’t for Lotto helping us we’d have trouble doing this...”

The Chair ruled there were no grounds for the complaint to proceed.

Complainant, D Parker, said: “Lotto Ad. Showed kids making positive changes in their lives through joining a gym and learning boxing. The twist at the end was that Lotto sponsored the gym, the catch line was, to the effect of ‘by buying lotto tickets you are supporting kids making something of their lives’. The is a misrepresentation of where lotto gambling money is focused. I am infuriated that Lotto, which is gambling organisation is portraying a lotto ticket as a way to help kids make something of themselves. This is a huge twist of the truth and a harmful misrepresentation of gambling and where gambling money goes.. This blatant false advertising is used to justifying people spending money on gambling. Gambling causes huge harm to this country that is being covered up (in this case) by Lotto portraying themselves in this light. This is a huge mis-representation of the truth and I am severely offended. I request the advertisement is removed an no other such mis-representations are allowed on line. I am happy to take this to court. Thank you for your assistance in taking this to the next level.”

The relevant provisions were Code for Advertising Gaming and Gambling - Guideline 2 (a), Guideline 2 (b), Guideline 2 (e), Principle 2.

The Chair noted the Complainant’s concerns that Lotto, which is a gambling organisation, is portraying purchasing a lotto ticket as a way to help kids make something of themselves.

The Chair then referred to an earlier Complaints Board Decision 15/497 about another advertisement featuring community ventures that benefitted from the proceeds of Lotto. That decision stated, in part:

“The television advertisement by Lotto NZ featured numerous community ventures that benefitted from the proceeds of Lotto. The presenter stated: “Through Lotto you’re helping Plunket to support babies and families ... you’re helping museums to preserve our history.” During a scene featuring surf lifesavers and a helicopter rescue, the presenter stated: “You’re also saving lives ... People around you, everyday appreciate your help. So good on you, Lotto players.”

The Complainant said it was socially irresponsible for the advertisement to focus on how the money from gambling was used to benefit community projects, while ignoring the harm caused by problem gambling.

...The majority of the Complaints Board ... said the advertisement highlighted various community projects that benefitted from money given to communities by Lotto NZ. Given the grants to the various projects had been made by Lotto NZ, the majority said the advertisement had not exaggerated the connection between Lotto NZ and the use of its profits.

The majority also said raising public awareness of community projects that benefitted from Lotto grants was not tantamount to ignoring the harm problem gambling caused.

In accordance with the majority, the Complaints Board ruled to Not Uphold the complaint.”

The Chair said the above precedent was applicable to the complaint before her and noted the Advertiser was entitled to promote its products, as long as it does not do any of the following: direct the advertisement at minors, promote reliance on gaming as a means of relieving financial or personal difficulties or exaggerate the connection between the gaming activity and the use to which the products may be put.

The Chair said the advertisement highlighted the work being achieved at the Naenae Boxing Academy, as an example of a community project funded by Lotto. The Chair said raising public awareness of community projects that benefitted from Lotto grants was not tantamount to ignoring the harm problem gambling caused.

Therefore, the Chair ruled the advertisement had been prepared with a due sense of social responsibility to consumers and there was no apparent breach of the Code for Advertising Gaming and Gambling.

Accordingly, the Chair ruled there were no grounds for the complaint to proceed.

Chair’s Ruling: Complaint **No Grounds to Proceed**