

<b>COMPLAINT NUMBER</b>	17/363
<b>COMPLAINANT</b>	P. Stevenson
<b>ADVERTISER</b>	Lotto NZ
<b>ADVERTISEMENT</b>	Television
<b>DATE OF MEETING</b>	9 October 2017
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The television advertisement for Instant Kiwi begins at the 'Scratchie Research Institute'. The guide says the institute is studying the "science of the thrill" and shows rooms with a man executing the perfect pancake flip, someone finding cash down the back of the chair and the perfect bullseye on a darts board. The guide goes on to talk about 'side-effects' from the thrills, including rapid breathing and "a jump for joy". The advertisement ends with an Instant Kiwi ticket in a glass case and the words "Instant thrill, Instant Kiwi."

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

**Complainant, P. Stevenson, said:** This advertisement is selling to an emotive need of those who have gambling problems, as it sells the "thrill" around scratchies. I feel it is not appropriate and not helpful in the issue our country has with addiction to gambling. The ad speaks of the thrill and walks through a series of people excited about their "success".

**The relevant provisions were Code for Advertising Gaming and Gambling - Guideline 2 (d), Principle 2, Principle 3**

**The Chair** noted the Complainant's concern about the emphasis in the advertisement on the 'thrill' provided by gambling and whether this was appropriate given the prevalence of problem gambling in New Zealand. The Chair referred to a precedent Decision 14/607 about an advertisement for the TAB. That Decision said in part:

"The Complaints Board noted the concerns of the Complainant the advertisement "is promoting gambling in too much of a 'fun' approach, riding roller coasters, betting with the press of a button on a smart phone, having loads of fun while going bankrupt."

The Complaints Board noted the response from the Advertiser which said in, part "the TAB advertisement depicts a group of four friends, in their early 30s, on their way to a sporting fixture. They discuss putting a bet on together, and then the group rides a rollercoaster while watching and betting on a small number of sporting and racing events. The rollercoaster is intended to embody the excitement and sense of fun TAB customers experience when watching a sporting or racing event and placing a bet on it.

...

The Complaints Board noted the advertisement used clear hyperbole and humour to promote their new mobile phone application and placing varied bets at the TAB, but was of the view it did not reach the threshold to be considered to be promoting gaming and gambling in an irresponsible way.

The Complaints Board were of the view that advertisement could be compared to other well-known gambling and gaming advertisements which were targeted at a general audience and used humour. It noted that while the advertisement portrayed the service as exciting or “fun” according to the Complainant, this did not reach the threshold required to breach the high standard of social responsibility required of advertisements for gaming and gambling services.

As such, the Complaints Board was of the view the advertisement was not in breach of Principle 2 of the Code for Gaming and Gambling and had been prepared with a high standard of social responsibility to consumers and society.”

The Chair noted the advertisement before her also used humour to equate winning with Instant Kiwi to other small thrills, like flipping a pancake, or finding some money down the back of a chair. The Chair noted that Instant Kiwi has an age restriction of 18 years and the advertisement screened on TV One during the Breakfast programme. The Code for Advertising Gaming and Gambling required the advertisement to be prepared with a high standard of social responsibility including not portraying an unrealistic chance of winning, and also required advertisements to be truthful.

Taking all of the above into account, the Chair said the advertisement for Instant Kiwi thrills did not meet the threshold to breach the Code for Advertising Gaming and Gambling. The ‘thrills’ it was equated with in the advertisement were common occurrences that did not exaggerate the likelihood of winning. The Chair acknowledged the Complainant’s concern that the advertisement was not helpful in light of the problem gambling issues in New Zealand but noted Instant Kiwis were a legal, age restricted product. She said the advertisement was not misleading and had been prepared with a high standard of social responsibility.

The Chair said the advertisement was not in breach of Principles 2 and 3 and Guideline 2(d) of the Code for Advertising Gaming and Gambling.

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

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