

COMPLAINT NUMBER	18/031
COMPLAINANT	H Martens and J. Layland
ADVERTISER	Spin Palace
ADVERTISEMENT	Television
DATE OF MEETING	29 January 2018
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for Spin Palace promoted online slot games. The advertisement included an on-screen disclaimer which said “18+ please play responsibly. Free Play Only website.”

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

Complainant, H. Martens, said: 3rd or 4th time I have seen an advert for a gambling website. although shown later 9pm. the advert has been shown between films aimed at teenagers and young adults. e.g Shanghai knights and the tuxedo as well die hard. these have previously been before 9pm as well when younger teenagers would be viewing. I believe this gambling website breaches the rules as it is not authorised by the lotto commission.

Duplicate J. Layland said the advertisements: “glamorise gambling and advertise easy access to tools for gambling, tempting those with money problems; living under the poverty line; with a gambling addiction etc to participate. This advertising is neither socially responsible to individuals, families or communities, nor is it ethical. Very few gamblers come out better off. Gambling has serious consequences for individuals, families and society. It would be wonderful if, even if you find that these ads do not breach your guidelines and Code, you rethink the airing of them in line with the concerns outlined and make your own stand.

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

The Chair noted the Complainants’ concerns the advertisement was not authorised by the Lotteries Commission, that it targeted young people and encouraged and glamorised gambling.

The Chair said the advertisement promoted playing online slot games but money was not required. She noted the advertisement referred to the games being restricted to adults and the advertisements had screened during movies in AO (Adult Only) viewing time, after 8.30pm.

The Chair said the website did offer free games in line with the claim made in the television advertisement.

In considering the complaint from H. Martens on authorisation from the Lotteries Commission, the Chair referred to a precedent decision 17/281, which addressed the legality

of advertising gambling and said in part:

..."Regarding the Complainant's concerns the advertisement was in breach of the law, the Chair said the Advertising Standards Authority is a self-regulatory organisation and its jurisdiction is limited to the content and placement of advertisements and compliance with the Advertising Codes of Practice. Matters relating to legal compliance should be raised with the agencies responsible for enforcing the relevant legislation..."

The Chair acknowledged the genuine concerns of the Complainants about the risks of gambling addiction, but as a self-regulatory organisation, the Authority's jurisdiction is limited to the content and placement of advertisements and compliance with the Advertising Codes of Practice. The Chair said the Advertising Standards Authority could only operate within the parameters of the Advertising Codes and the Advertiser was promoting a legal product at an age appropriate time.

The Chair ruled the advertisement was not in breach of the Code for Advertising Gaming and Gambling and had been prepared with a high standard of social responsibility.

Therefore, the Chair ruled the complaints had no grounds to proceed.

Chair's Ruling: Complaint No Grounds to Proceed

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.