

<b>COMPLAINT NUMBER</b>	20/150
<b>COMPLAINANT</b>	Problem Gambling Foundation of NZ
<b>ADVERTISER</b>	Spin Palace
<b>ADVERTISEMENT</b>	Spin Palace, Television
<b>DATE OF MEETING</b>	20 April 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Spin Palace television advertisement promotes its online gambling site by showing a man in a suit arriving at a large casino. The advertisement shows his journey through the casino and refers to a VIP experience. Information on-screen and in the voiceover refers to the free to play site and the advertisement ends with the website address [www.SPINPALACE.net](http://www.SPINPALACE.net).

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

**Complaint:** I am writing to submit a complaint under the Gambling Advertising Code 2019. This advertisement screened on TV 3 on Thursday 9 April at 10.15pm. A copy of this advertisement (filmed off the TV) is attached for your reference.

The advertisement is for 'Spin Palace' - an online casino website offering 'free to play' casino games. If a person was to Google 'Spin Palace Casino' they would likely find their way to the 'pay to play' site which entices New Zealanders to gamble by offering a NZ\$1000 bonus (screenshot below). The site states "New Zealand players need to look no further than Spin Palace Online Casino to meet all of their gaming needs."

This advertisement offering 'free' online casino games is in breach of the new Gambling Advertising Code 2019 which includes 'free to gamble' sites in the definition of 'gambling' as per the excerpt below:

Gambling Advertisement means an advertisement for:  
pay to gamble or free to gamble activities, products and outlets (e.g. casinos, casino games, lotteries and instant prize tickets) when the outcome of the gambling depends wholly or partly on chance.

This advertisement also breaches NZ gambling regulations which prohibit the advertising of overseas online gambling sites and we will be raising this with the Department of Internal Affairs.

I consider this advertisement particularly concerning while the country is in lockdown due to COVID-19 and the risks of online gambling are considerably greater.

I look forward to hearing from you and please let me know if you need any further information.

**The relevant provisions were the Gambling Advertising Code, Principle 1, Rule 1(b) and Principle 2 and Rule 2 (a).**

**Principle 1: Social Responsibility:** Gambling advertisements must be prepared and placed with a high standard of social responsibility to consumers and to society.

**Rule 1 (b) Gambling Harm:** Gambling advertisements must not portray or represent anything that will, or is likely to, cause, condone or encourage harm from gambling.

**Principle 2: Truthful Presentation** Gambling advertisements must be truthful, balanced and not misleading.

**Rule 2 (a) Truthful presentation:** Gambling advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

**The Chair** noted the Complainant's concern about promoting online gambling on television in breach of the Gambling Act and that consumers are likely to search for the name of the casino and find the pay to play version of the website. The Chair also noted the Complainant's concern about the screening of the advertisement during the Government Lockdown.

The Chair confirmed the Complainant should refer any possible breach of the Gambling Act relating to the promotion of online gambling to the Department of Internal Affairs.

In considering the matters raised by the Complainant in the context of the Gambling Advertising Code, the Chair referred to a precedent Decision 18/031 for a similar advertisement, which was ruled no grounds to proceed. That Decision said in part:

... "As a self-regulatory organisation, the Advertising Standards 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 noted this precedent directly applied to the complaint before her. While acknowledging the Complainant's genuine concerns online gambling, the Chair confirmed Spin Palace was entitled to promote its free play website within the constraints of the advertisement's afforded rating of AO (Adults Only) viewing times. There was no restriction preventing it from advertising during the Government Lockdown.

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

Rule 2(a) of the Gambling Advertising Code includes the following Guideline: "Gambling advertisements must: Clearly display in the advertisement information about where the gambling can be accessed (e.g. in the case of online gambling a URL address for a website) if it would otherwise be misleading to not display such information."

The Chair noted the wording "18+ Please play responsibly Free Play Only Website" were on-screen during the first eight seconds of the advertisement. The voice-over included the words

“play for free” and concludes with the statement “only at SpinPalace.net. The website address, [www.SPINPALACE.net](http://www.SPINPALACE.net) is also on screen.

The Chair said the advertisement was not misleading and had met the requirements in the Guideline for Rule 2(b) to clearly display the correct website address for the free to play site.

The Chair said the advertisement had been prepared with the required standard of social responsibility under Principle 1 and did not portray or represent anything that will, or is likely to, cause, condone or encourage harm from gambling, under Rule 1(b).

The Chair ruled the advertisement was not in breach of the Gambling Advertising Code and the complaint 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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.