

<b>COMPLAINT NUMBER</b>	20/174
<b>COMPLAINANT</b>	The Salvation Army Oasis
<b>ADVERTISER</b>	Spin Palace
<b>ADVERTISEMENT</b>	Spin Palace, Television
<b>DATE OF MEETING</b>	4 May 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:** The Salvation Army Oasis believes this advertisement is in breach of Principles 1(b) (Gambling Harm) and 2 (Truthful Presentation) of the Gambling Advertising Code.

The advertisement is supposedly for free-to-play casino games available at URL [www.fun.spinpalace.com](http://www.fun.spinpalace.com). However, we believe that the regular references to "Spin Palace" in the advertisement will lead people to the regular Spin Palace website ([www.spinpalace.com](http://www.spinpalace.com)), an online casino that requires the investment of real money.

We believe that Spin Palace is attempting to gain consumers of its paid products under the guise of promoting its free website. The phrase "play for free at Spin Palace" is therefore misleading, deceptive, and confusing, and misrepresents the level of financial risk associated with the activity.

We expect that viewers of this advertisement will not differentiate between the free-to-play Spin Palace site and its paid counterpart. A Google search of "Spin Palace" yields only paid casino sites on the first page of search results - [www.fun.spinpalace.com](http://www.fun.spinpalace.com) is nowhere to be seen. It is thus reasonable to expect that people persuaded by this advertisement will be led to the regular Spin Palace website.

This 'bait and switch' tactic employed by Spin Palace advertisers is not, in our view, socially responsible conduct.

**The relevant provisions were Code for Advertising Gaming and Gambling - Principle 1, Principle 2; Rule 1(b), Rule 2(a);**

**The Chair** noted the Complainant's concern the advertisement promoting a 'free to play' site will lead consumers to a progression to paid gambling sites, which is socially irresponsible.

**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.

In considering the matters raised by the Complainant in the context of the Code for Advertising Gambling and Gaming, 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 regarding online gambling, the Chair confirmed that under the Code for Advertising Gaming and Gambling, Spin Palace was able to promote its free play website within the constraints of the advertisement’s afforded rating of AO (Adults Only) viewing times.

Regarding the Complainant’s issue about the potential for consumers to progress from free to paid gambling sites, the Chair confirmed the Advertising Standards Authority’s (ASA’s) jurisdiction relates to the content and placement of the advertisement. The Chair also noted that The Gambling Act 2003 provides a legislative framework for gambling in New Zealand.

Rule 2(a) of the Code for Advertising Gambling and Gaming 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 said the website address promoted in the advertisement offered free games in line with the claim made.

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 it 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 Code for Advertising Gambling and Gaming 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.