

COMPLAINT NUMBER	20/569
ADVERTISER	Lotto NZ
ADVERTISEMENT	Instant Kiwi, Television
DATE OF MEETING	20 November 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Instant Kiwi television advertisement details the different ways to play their games, including online. The advertisement says in part "If you're the kind of Kiwi who likes to tap or swipe or scroll. Do you like to play on the fly, online, on a bus, on a boat, at work (naughty)!" "However you play, there's over 35 instant kiwi games online." The advertisement shows an R18+ sign.

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

Complaint: I was enjoying this show about our wonderful Pacific Island community when in the ad break an advertisement promoting the Mylotto app came on?. I couldn't believe it, I had never seen an ad for the Mylotto app before on TV and it just happened to be while Tagata Pasifika was showing. I find it appalling that approval was given to market a gambling app to one of our most vulnerable communities. It is a terrible stereotype and opportunistic ploy to prey on this community with gambling. They already experience the same with fast food marketing and strategically situated fast food outlets. Please help our community instead of preying on them.

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

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.

The Chair noted the Complainant's concern the advertisement was targeting the Pasifika community which was stereotypical and opportunistic.

In order to address the Complainant's concerns about the Advertiser targeting the Pasifika community, the Chair obtained the information from TVNZ detailing the TVNZ One programming schedule for 24 October 2020 which showed where the advertisement had played. The Chair confirmed the advertisement played seven times on the date in question including during the programme *Tagata Pasifika* at 9:50pm.

The Chair confirmed the advertisement appeared once during *Tagata Pasifika*, and also played during a diverse range of other programming on the evening of 24 October. She said the single screening of an advertisement during a programme did not constitute targeting of any particular ethnic group.

The Chair acknowledged the Complainant's genuine concerns about advertising gambling, but said that 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 had been prepared and placed in accordance with the required standard of social responsibility. The Chair ruled the advertisement was not in breach of Principle 1, or Rule 1(b) of the Gambling Advertising Code

The Chair ruled there were no grounds for the complaint 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 calendar days of receipt of this decision.