

COMPLAINT NUMBER	19/219
COMPLAINANT	J Harper
ADVERTISER	Lotto NZ
ADVERTISEMENT	Lotto NZ Television
DATE OF MEETING	1 July 2019
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for Lotto NZ tells the story of a flight attendant who has won Lotto. Immediately after she gets a phone call telling her about the win, she is involved in a road accident (She is in Bangkok). After the accident she can't find her Lotto ticket. She returns to New Zealand and her friends and family throw her a "My Lost Lotto Ticket Party". Sometime later, when she is getting the plaster cast removed from her broken arm, she discovers the lost Lotto ticket. An image of one of the nurses in the hospital in Bangkok appears on the screen with the words "Imagine" and the logo for lotto Powerball.

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

Complainant, J Harper, said: I feel that the Lotto ad which aired during The Block is in breach of the gambling advertising code (principle 1, rule 1b). The ad featured a woman who thought she won lotto. In the ad, the mere participation in Lotto led to the woman creating a stronger connection with her whanau and community in that they threw a party for her when she didn't win. It also implied that winning Lotto was going to greatly improve her life. Given the well established negative social impact of Lotto, I found the subtext and content of this ad distasteful and inappropriate.

The relevant provisions were Code for Advertising Gaming and Gambling - Principle 2, Guidelines 2(b), 2 (d).

The Chair said the new Gambling Advertising Code referred to by the Complainant does not come into force until 5 August 2019, so this complaint was considered under the current code, the Code for Advertising Gaming and Gambling.

The Chair noted the Complainant's concern the advertisement implies participating in Lotto helped the woman to have a stronger connection with her whanau, despite losing her Lotto ticket, and it also implies winning Lotto would greatly improve her life.

The Chair noted Lotto tickets are a legal product and can be advertised, as long as the advertisements comply with the Code for Advertising Gaming and Gambling.

The Code for Advertising Gaming and Gambling requires the advertisement to be prepared with a high standard of social responsibility including not portraying an unrealistic chance of winning, and it also requires advertisements to be truthful.

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 returned to the complaint before her and the portrayal of the ups and downs resulting from the good and bad luck experienced by the woman in the advertisement.

The Chair said while the advertisement portrayed the delight that might be experienced in winning, it also portrayed the trauma from being involved in a road accident. This portrayal, and the accompanying interest from family and whanau, did not exaggerate the likelihood of winning. While the Chair acknowledged the Complainant’s concern that the advertisement was not helpful in the light of the problem gambling issues in New Zealand, it did not promote gambling as means of relieving a person’s financial or personal difficulties. The Chair said the advertisement had been prepared with the required high standard of social responsibility.

The Chair said the advertisement did not reach the threshold required to breach Principle 2 and Guideline 2(d) of the Code for Advertising Gaming and Gambling.

The Chair ruled that 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 days of receipt of this decision.