

COMPLAINT NUMBER	21/389
ADVERTISER	The New Zealand Racing Board
ADVERTISEMENT	TAB, Television
DATE OF MEETING	27 July 2021
OUTCOME	No Grounds to Proceed

Advertisement: The TAB television advertisement offers a promotion code to consumers which will give them a \$20 bonus bet if they join TAB and deposit minimum of \$1. The advertisement begins with stills of stylised athletes in different poses then talks through the promotion with text on screen in block letters.

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

Complaint: The TAB advertised create an account and register for one dollar, and we will give you \$20 free betting fund.

This contravenes the gambling advertising code, giving away free money to gamble directly encourages people to bet, further, the advertising, on a programme right before school time when thousands of children would be watching the game on free to air prime before school , would directly encourage children to participate. There were also no age limits or warnings on the advert.

.This Code recognises that gambling advertisements must not undermine the need for the prevention and minimisation of gambling-related harm, with particular regard for the need to protect children, young people and other vulnerable persons.

The relevant provisions were Gambling Advertising Code- Principle 1, Rule 1(a), 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(a) Children and Young People: Gambling advertisements must not target children or young people.

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 was concerned the advertisement was encouraging gambling by offering a free betting fund when creating an account. The Complainant was also concerned the advertisement played at an inappropriate time when children were watching.

In considering the issue of encouraging gambling raised by the Complainant, the Chair referred to precedent Decision 18/031 for a similar advertisement, which was ruled no grounds to proceed and 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 concern regarding gambling, the Chair confirmed the TAB was entitled to promote its product within the constraints of the advertisement’s afforded rating of GXC (General Except Children) viewing times.

The Chair then considered the Complainant’s concern about timing of the advertisement. She noted the GXC rated advertisement had played during the Euro 2020 football game between England and Italy at 7:55am.

With regard to placement, the Gambling Advertising Code guidelines considers an advertisement to be targeting children and young people if more than 25% of the expected audience is likely to be under 18 years of age. The Chair said information on the programme’s audience from Nielsen (the research company providing television audience figures) consisted of 17.9% minors under the age of 18.

The Chair noted that audience profile was only one aspect she considered when determining whether an advertisement was targeting children and young people. She said the product and execution of the advertisement were also important considerations within the overall context of the placement of the advertisement.

The Chair said in terms of execution, the advertisement would be unlikely to have appeal to minors and was not targeting a young audience. In addition, the product being advertised, opening a TAB account, was not a product accessible to those consumers under the age of 18 years old. The Chair confirmed warning statements and age-restrictions are not currently a requirement under the Gambling Advertising Code.

The Chair said, taking into account context, audience, medium and product, the advertisement did not meet the threshold to breach Principle 1 or Rules 1(a) and 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.