

23/09 (TV)

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## DESCRIPTION OF THE ADVERTISEMENT

This television advertising from Betfair is in the form of commentary during cricket matches. Cricket commentators speak about the relationship between Cricket Australia and Betfair while the Betfair logo and web address are shown on the screen.

## THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

*This is done continually during the broadcast, in front of children and people with problems in this area and I strongly disagree on promoting this type of behaviour especially during a sports coverage and worse still during the day and in school holidays.*

*I object to the advertising/condoning of gambling in a family timeslot and the fact that most kids have instant access to the internet and that children would find the ad more enquiring than adults. It lowers the standard of cricket as a family game/entertainment. The advertising is constant and subtle and very irritating. I realise gambling is legal but I don't want my children exposed to it in any way and find it's association with the sport of cricket appalling. Any child could access this site and bet with a credit card.*

*Australia has a very large number of problem gamblers. Gambling is a problem which destroys the lives of gamblers and their families. It takes food out of the mouths of children.*

*The constant references to gambling, and encouragement to gamble during cricket matches, is detrimental to the well-being of large numbers of Australians.*

## THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

The complaints refer to recent advertising conducted by Betfair on Channel Nine's cricket coverage and our sponsorship arrangement with Cricket Australia for on-ground advertising.

The Advertising Standards Bureau (ASB) has received complaints about Betfair's cricket advertising pursuant to section 2 of the AANA Advertiser Code of Ethics. All of the complaints claim that our advertising is a breach of section 2.6 of the Code of Ethics which states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

We understand that even though some of the complaints refer to the fact that minors may be exposed to our advertisements, the ASB does not consider that Betfair's advertisements are aimed at children and therefore there has not been a breach of the AANA Code of Advertising and Marketing Communications to Children. We therefore intend to not respond to these claims, other than to state that due to the strict restrictions Betfair has in place to verify the identity of our customers, it is impossible for a minor to operate a betting account.

Betfair rejects the assertion that its advertising either through on-ground banners at the cricket or references in Channel Nine's coverage is contrary to "prevailing community standards on health and safety"; Betfair's advertisements include the presence of Betfair's brand and reference to odds being offered at such time on the cricket matches. As outlined in this letter, Betfair's products are legally able to be used by all Australians and the advertising of those services is also legal. We are of the firm view that Betfair is advertising its services in a responsible manner and in accordance with the AANA Advertiser Code of Ethics.

Betfair is not of the view that our wagering services are contrary to the prevailing community standards. Betfair is highly regulated by the Tasmanian Gaming Commission and a significant part of those regulations include controls to enable the responsible provision of gambling. These include:

- the ability for customers to self-exclude from betting – this involves the customer's account being closed for a minimum of six months;
- interested third parties being able to request the exclusion of a customer from betting for a minimum of six months;
- the ability for customers to set daily, weekly or monthly loss limits and deposit limits; and
- the training of all customer facing staff in responsible serving of gambling.

Due to Betfair operating an account based system and not accepting cash, Betfair can monitor and record all deposits, withdrawals and betting transactions by customers and therefore provide a full record to customers to monitor their betting history. Cash based gambling operators are unable to provide this service. Betfair is of the firm view that the practices it has in place are of the highest standard in the wagering industry and meet community standards in respect of the responsible provision of wagering services.

In respect of providing betting information during the course of the cricket, it is important to note that betting "in-play" is legal pursuant to the *Interactive Gaming Act 2001* (Cth). This act prohibits the provision of interactive games online, however exempts wagering services from this prohibition. All of Betfair's products offered in Australia constitute wagering services including betting on the cricket. Placing bets once a match has started is permitted over the telephone pursuant to that Act and Betfair only accepts bets "in play" via this means. The sporting bodies which have entered into Product Fee & Integrity Agreements with Betfair, including Cricket Australia, are supportive of Betfair accepting bets during play on their sports.

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted complainants' concerns about the advertisements for BetFair placed during cricket commentary, that the advertisements by Betfair contribute to gambling problems in Australia and that the advertising is irresponsible and in breach of section 2.6 of the Code.

The Board noted that the Betfair products are allowed to be advertising including during commentary provided that such advertising is in accordance with the provisions of the Commercial Television Industry Code of Practice. The Board provided no comment on this aspect of complaints.

The Board noted that the Betfair products are legally able to be used by all Australians and the advertising of those services is also legal. The Board's only consideration therefore is whether the advertisement itself depicts material contrary to prevailing community standards on health and safety.

The Board considered that the advertisement, although advertising gambling, did not do so in a manner that was suggesting excessive gambling. The Board noted that the advertisements were broadcast during cricket and that the advertising was therefore accessible by children. The Board considered that the content of the advertisements was unlikely to be attractive to minors and that the advertising did not suggest or encourage gambling by minors. On this basis the Board determined that the advertisement did not breach section 2.6 of the Code.

The Board considered that, although children would hear the commentary and therefore hear the BetFair advertising if they were watching the cricket, children would be unlikely to pay attention to such commentary, that the advertisement was not directed primarily to children, and that the service advertised was not a service targeted towards or having principal appeal to children. On this basis the Board determined that the advertisement did not come with the AANA Code for Advertising and Marketing to Children.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.

**24/09 (Outdoor)**

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## **DESCRIPTION OF THE ADVERTISEMENT**

This outdoor advertising from Betfair includes the display of the company web address on the sightscreen during a cricket match and also on the boundary rope.

## **THE COMPLAINT**

A sample of comments which the complainant/s made regarding this advertisement included the following:

*Australia has huge gambling problems already. They also have banners on the ground that the camera man makes sure is regulary on screen.*

#### **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

The complaints refer to recent advertising conducted by Betfair on Channel Nine's cricket coverage and our sponsorship arrangement with Cricket Australia for on-ground advertising.

The Advertising Standards Bureau (ASB) has received complaints about Betfair's cricket advertising pursuant to section 2 of the AANA Advertiser Code of Ethics. All of the complaints claim that our advertising is a breach of section 2.6 of the Code of Ethics which states: *"Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety"*.

We understand that even though some of the complaints refer to the fact that minors may be exposed to our advertisements, the ASB does not consider that Betfair's advertisements are aimed at children and therefore there has not been a breach of the AANA Code of Advertising and Marketing Communications to Children. We therefore intend to not respond to these claims, other than to state that due to the strict restrictions Betfair has in place to verify the identity of our customers, it is impossible for a minor to operate a betting account.

Betfair rejects the assertion that its advertising either through on-ground banners at the cricket or references in Channel Nine's coverage is contrary to "prevailing community standards on health and safety". Betfair's advertisements include the presence of Betfair's brand and reference to odds being offered at such time on the cricket matches. As outlined in this letter, Betfair's products are legally able to be used by all Australians and the advertising of those services is also legal. We are of the firm view that Betfair is advertising its services in a responsible manner and in accordance with the AANA Advertiser Code of Ethics.

Betfair is not of the view that our wagering services are contrary to the prevailing community standards. Betfair is highly regulated by the Tasmanian Gaming Commission and a significant part of those regulations include controls to enable the responsible provision of gambling. These include:

- the ability for customers to self-exclude from betting – this involves the customer's account being closed for a minimum of six months;
- interested third parties being able to request the exclusion of a customer from betting for a minimum of six months;

- the ability for customers to set daily, weekly or monthly loss limits and deposit limits; and
- the training of all customer facing staff in responsible serving of gambling.

Due to Betfair operating an account based system and not accepting cash, Betfair can monitor and record all deposits, withdrawals and betting transactions by customers and therefore provide a full record to customers to monitor their betting history. Cash based gambling operators are unable to provide this service. Betfair is of the firm view that the practices it has in place are of the highest standard in the wagering industry and meet community standards in respect of the responsible provision of wagering services.

In respect of providing betting information during the course of the cricket, it is important to note that betting "in-play" is legal pursuant to the *Interactive Gaming Act 2001* (Cth). This act prohibits the provision of interactive games online, however exempts wagering services from this prohibition. All of Betfair's products offered in Australia constitute wagering services including betting on the cricket. Placing bets once a match has started is permitted over the telephone pursuant to that Act and Betfair only accepts bets "in play" via this means. The sporting bodies which have entered into Product Fee & Integrity Agreements with Betfair, including Cricket Australia, are supportive of Betfair accepting bets during play on their sports.

#### **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted complainants' concerns that the advertisements by Betfair contribute to gambling problems in Australia and that the advertising is irresponsible and in breach of section 2.6 of the Code.

The Board noted that the Betfair products are legally able to be used by all Australians and the advertising of those services is also legal. The Board's only consideration therefore is whether the advertisement itself depicts material contrary to prevailing community standards on health and safety.

The Board considered that the advertisement, although advertising gambling, did not do so in a manner that was suggesting excessive gambling. The Board noted that the advertisements were broadcast during cricket and that the advertising was therefore accessible by children. The Board considered that the content of the advertisements was unlikely to be attractive to minors and that the advertising did not suggest or encourage gambling by minors. On this basis the Board determined that the advertisement did not breach section 2.6 of the Code.

The Board considered that, although children would see the BetFair advertising if they were watching the cricket, that the advertisement was not directed primarily to children, and that the service advertised was not a service targeted towards or having principal appeal to children. On

On this basis the Board determined that the advertisement did not come within the AANA Code for Advertising and Marketing to Children.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.



Level 13, South Tower, 459 Collins Street  
Melbourne, VIC, 3000 Australia

T +61 (03) 9947 5900  
F +61 (03) 9947 5901

ausinfo@betfair.com  
www.betfair.com

**Josh Blanksby**  
Manager, Legal and Regulatory Affairs

Direct line:  
+61 3 9947 5922

Fax:  
+61 3 9947 5901

Email:  
[josh.blanksby@betfair.com](mailto:josh.blanksby@betfair.com)

Ms Fiona Jolly  
Chief Executive Officer  
Advertising Standards Bureau  
Level 2, 97 Northbourne Avenue  
TURNER ACT 2612

[complaint@adstandards.com.au](mailto:complaint@adstandards.com.au)

16 January 2009

Dear Ms Jolly,

**Advertising Complaint References 23/09 and 24/09**

I refer to the emails sent by Daniela Gray and Jill Yvanovich on 13 January 2009 regarding Advertising Complaint References 23/09 and 24/09. The complaints refer to recent advertising conducted by Betfair on Channel Nine's cricket coverage and our sponsorship arrangement with Cricket Australia for on-ground advertising.

***About Betfair***

Betfair Pty Ltd ("Betfair") is the holder of a Tasmanian Gaming Licence with a betting exchange endorsement and became licensed on 7 February 2006. Betfair is licensed in accordance with the *Gaming Control Act 1993 (Tas)* and is regulated by the Tasmanian Gaming Commission. Betfair is a joint venture between Betfair Limited, a UK licensed betting exchange and Crown Limited, a listed entity on the Australian Stock Exchange. Our licence permits us to accept bets from customers located in all states and territories in Australia on sporting markets approved by our regulator.

Betfair's obligations pursuant to our licence include:

- the requirement to verify the identity of all our customers, including date of birth;
- the requirement to monitor and track all deposits, withdrawals and betting transactions made by our customers;
- the reporting of suspicious betting activity to our regulator;
- ensuring that betting accounts are not operated by minors;

- the provision of responsible gambling initiatives, which includes the ability for customers to self exclude from their betting, set loss limits and deposit limits and responsible service of gaming training for all our customer facing staff.

Betfair is a reporting entity pursuant to the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth) and is therefore regulated by the Australian Transaction Reports and Analysis Centre (AUSTRAC). Pursuant to its obligations under this legislation, Betfair is required to verify the name, address and date of birth of all customers who open a betting account (this is the equivalent of the 100 point check). The level of verification which a customer must adhere to in order to open a betting account with Betfair is the same as if they are obtaining a new passport or opening a bank account.

Voluntarily, Betfair has entered into Product Fee and Integrity Agreements with all the major sporting organisations in Australia including Cricket Australia, AFL, NRL, ARU, FFA, Tennis Australia and the PGA Tour of Australasia. These agreements require Betfair to provide to the sports a percentage of the gross profits it makes from betting on the organisation's sport. The agreements also allow Betfair to share betting and customer information with the sporting organisation for the purpose of protecting the integrity of the sports and include a requirement for Betfair to have all sporting markets to be offered to customers approved by the sporting organisation.

#### *Betfair's Advertising*

Historically the majority of states and territories in Australia have only permitted wagering operators who are licensed in that state or territory to advertise their services. This position changed in October 2008 when the Ministers for Racing in New South Wales and Victoria issued a joint media release confirming that their policy had changed and they would be amending the legislation to allow all Australian licensed wagering operators to advertise their services. The regulators in both these states confirmed that they would not be enforcing the restrictions whilst the legislation was being amended. South Australia and Western Australia have followed the lead of NSW and Victoria, confirming that their legislation would be amended and that they wouldn't be enforcing the current restrictions. Tasmania and Queensland did not have restrictions on advertising by wagering operators, while Northern Territory and the ACT have also indicated that they will be amending their legislation.

The result of these legislative changes is that for the first time since Betfair has been licensed in Australia it is now legally permitted to advertise its services nationally.

Betfair has entered into a sponsorship arrangement with Cricket Australia to allow us to display our brand name on the ground. This arrangement covers all the test matches, one-day internationals and international Twenty 20 matches for the duration of the 2008/09 Australian summer. Photos of the on-ground advertising are included in Schedule 1. This type of advertising by wagering operators has been occurring over a long period of time and current examples include:

- Tabcorp's sponsorship of the National Rugby League;
- Centrebet's jersey sponsorship of the Newcastle Jets in the A-League;
- Sportsbet's naming rights sponsorship of the Australian Masters golf tournament;
- Luxbet's sponsorship of the Sydney International Tennis Open; and
- Numerous naming rights for horse races by wagering operators.

Betfair views its sponsorship arrangement with Cricket Australia as not only a means of advertising its services but also of providing valuable revenue to a sport in which it has a direct involvement with. Cricket Australia is very supportive of Betfair's sponsorship arrangement.



Separately Betfair has entered into a commercial arrangement with Channel Nine. The arrangement includes Betfair's brand name and telephone number being shown during the telecast and for the commentary team to refer to Betfair's odds. Examples of this advertising are contained on the attached CD. Channel Nine has in previous years mentioned Betfair's odds during their cricket coverage, however due to the aforementioned advertising restrictions have been unable to name Betfair as the wagering operator.

In addition to the revenue generated from the arrangement, Channel Nine also view the betting information as newsworthy content that adds to the viewing experience for their viewers. This is consistent with the growing use of betting information being used as content for a number of sports across all mediums. The current television examples include:

- Channel Seven's coverage of the Melbourne Cup Carnival in which Sportsbet's odds were advertised;
- Channel Ten and Channel Seven's coverage of the AFL in which the odds of TAB Sportsbet are quoted;
- Fox Sports coverage of the AFL and NRL in which the odds of TAB Sportsbet are quoted.

In print and online there are numerous examples of betting information being used in articles and on websites as content for news stories. Examples of these news stories and websites are included in Schedule 2.

We provide these examples of advertising by wagering operators to demonstrate that Betfair's arrangements with Cricket Australia and Channel Nine are not novel or new. Wagering operators have been advertising their services with national sporting bodies in Australia and media outlets have been using betting information in their sports coverage for some time.

#### *Advertising Complaints*

The Advertising Standards Bureau (ASB) has received complaints about Betfair's cricket advertising pursuant to section 2 of the AANA Advertiser Code of Ethics. All of the complaints claim that our advertising is a breach of section 2.6 of the Code of Ethics which states:

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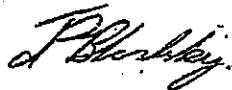
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We are more than willing to provide any further information which the ASB may require in regards to our advertisements, our regulatory framework or our policies and procedures.

Please feel free to contact me if you have any queries.

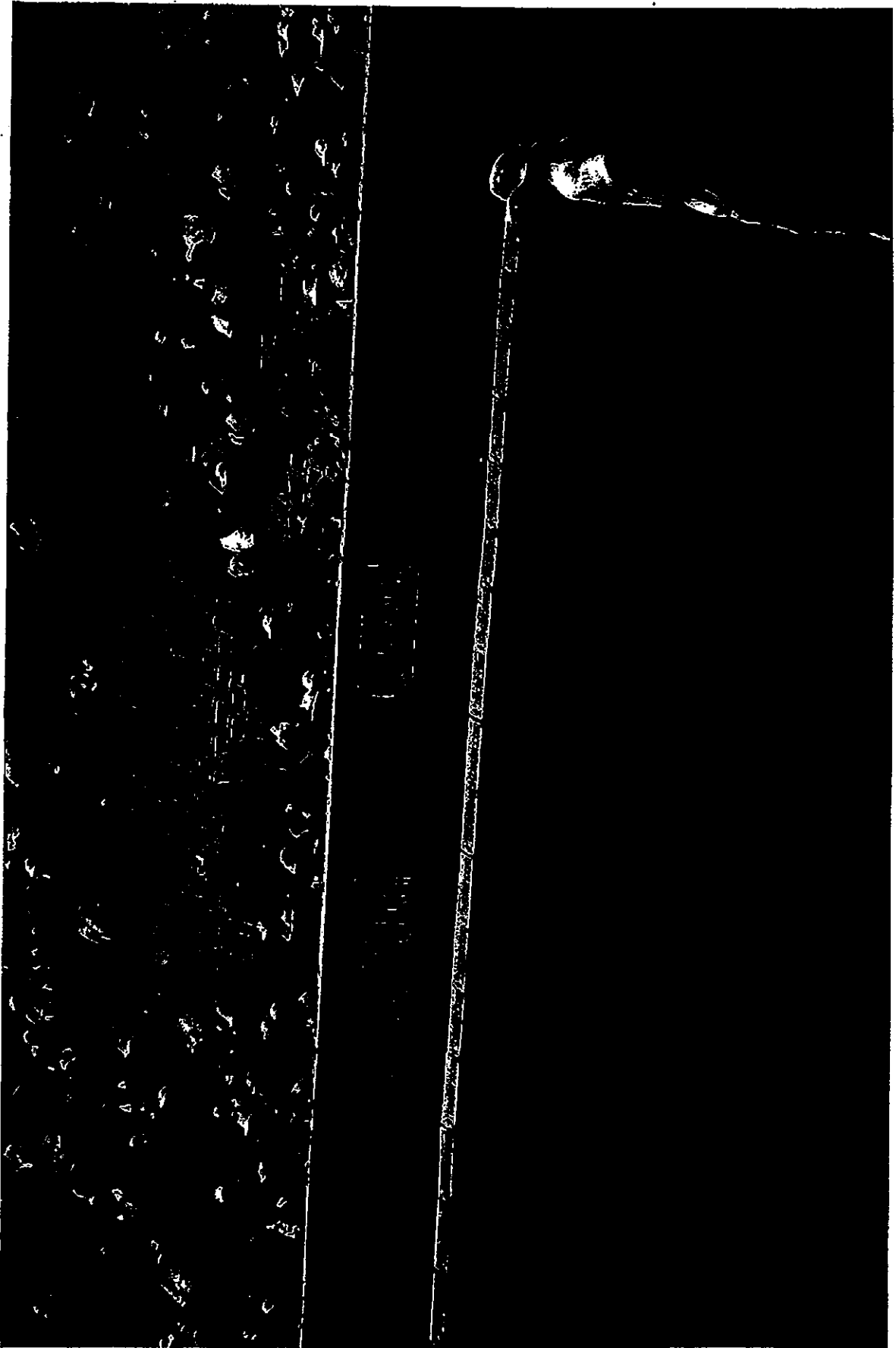
Yours sincerely,



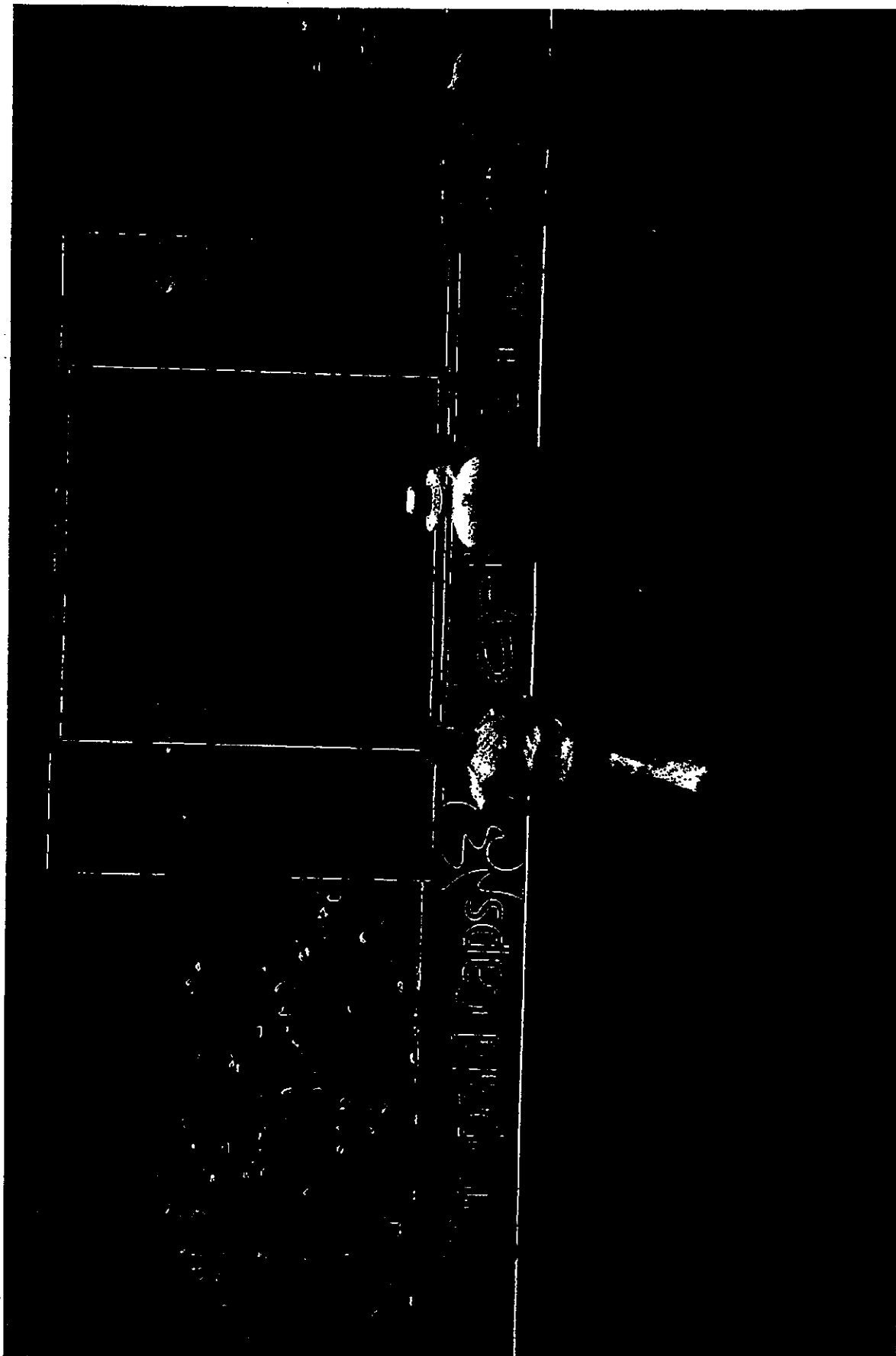
**Josh Blanksby**  
Manager, Legal and Regulatory Affairs

**Schedule 1 – On ground Cricket Advertising**

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**Schedule 2 – Print and Online Materials**

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WITHHELD