

The regulation of gambling advertising in the UK

Committee of Advertising Practice



Prior to 1 September 2007

1. Legal restrictions:

- Demand for gambling must not be stimulated
- Ads for **gaming** may inform public but not incentivise gambling (e.g. by offering bonuses or free games); however, ads for **betting** can offer incentives

Prior to 1 September 2007

2. CAP Code (non-broadcast):

- Ads must be socially responsible
- Ads must not:
 - encourage excessive gambling;
 - exploit the young, immature or mentally or socially vulnerable;
 - be directed at under 18s, either through targeted media (25% of audience over 18s) or by the style, content or context of ad;
 - show under 25s gambling
- Licensed 'bricks and mortar' casinos may only advertise in classified ads and provide only factual information
- Ads for **off-shore remote gaming** permitted in non-broadcast media
- Other marketing allowed to members only



Prior to 1 September 2007

3. BCAP Codes (broadcast):

- Broadcast ads for **betting and gaming** are not permitted, with the exception of interactive TV and Text services (for which statutory restrictions and general BCAP Code provisions apply)
- Ads for lotteries, pools, bingo (and arcades on radio) must not:
 - be directed at under 16s (18 for bingo) or use treatments likely to be of particular appeal;
 - feature a personality whose example children under 16 (18 for bingo) are likely to follow or who has particular appeal;
 - show or encourage excessive or reckless playing;
 - present such products as an alternative to work or a way out of financial difficulties

From 1 September 2007

The introduction of The Gambling Act 2005 has resulted in changes to the legal framework as well as the industry code of practice for gambling advertising. The gambling industry has also produced its own supplementary Code for Socially Responsible Advertising. Advertisers are advised to consult the gambling industry code for further details.



From 1 September 2007

1. New legislation (The Gambling Act 2005)

- Replaces numerous existing laws
- New scope for bookmakers, betting exchanges, casinos and lotteries to advertise
- New 'future-proof' legal definition of advertising, covering remote gambling (e.g. by phone, Internet), non-remote gambling (face to face), and marketing arrangements (e.g. brand-sharing)

From 1 September 2007

Who can advertise in Great Britain?

- Advertisers based in the UK (including advertisers based in Northern Ireland – see N.B.)
- Advertisers based in the European Economic Area (EEA) + Gibraltar
- Advertisers based in “white-listed” countries (Isle of Man and Alderney – consult Copy Advice team for details of further restrictions)

N.B. This applies to all media, including ads on UK websites. The CAP and BCAP Codes apply only to ads in UK media; complaints about ads in some foreign media can be referred through the European Advertising Standards Alliance (EASA) to relevant countries’ self-regulatory organisations. The Gambling Act does not apply to Northern Ireland and advertisers are advised to seek legal advice when preparing ad campaigns that include coverage in Northern Ireland.



From 1 September 2007

- **Responsibility for gambling ads**

Gambling Commission & the DCMS Secretary of State share responsibility for regulating gambling ads

- **Broadcast** gambling ad rules

- Ofcom responsible for writing rules, in consultation with the Gambling Commission
- **BCAP** wrote rules under the contracting-out agreement with Ofcom

- **Non-broadcast** gambling ad rules

- Gambling Commission can issue Code-of-Practice provisions and the Secretary of State can make legal restrictions
- **CAP** wrote rules, having been asked to do so by the Gambling Commission



From 1 September 2007

2. New CAP and BCAP rules for gambling advertising

Timescale

- **CAP and BCAP** public consultation ended September 2006;
- New rules were published in March 2007;
- New gambling advertising rules come into force with the Gambling Act on 1 September 2007



From 1 September 2007

Policy objectives of the new CAP and BCAP rules

- **DCMS and Gambling Commission** policy: to allow gambling to be advertised as a responsible leisure or entertainment activity only. Reduction of harm should “take precedence over the maximisation of innovation, consumer choice and economic gains”

- **Core Gambling Act** objectives:
 - i. preventing gambling from being... associated with crime...
 - ii. ensuring that gambling is conducted in a fair and open way;
 - iii. protecting children and other vulnerable persons from being harmed or exploited by gambling



From 1 September 2007

Policy objectives of the new CAP and BCAP rules

- **BCAP** had to observe the Communications Act 2003 standard objectives, e.g. that the public should be protected from misleading, offensive and harmful material; that the under 18s should be protected
- **CAP** and **BCAP** had to be mindful of the Better Regulation Principles, e.g. that regulatory activity is proportionate, accountable, consistent, transparent and targeted only at cases where action is necessary



From 1 September 2007

General principles of the new CAP and BCAP rules

- Ads must not portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm
- Ads must not exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons or other vulnerable persons



1. Social responsibility

Gambling ads should not:

- suggest peer pressure to gamble or disparage abstention;
- link gambling to seduction, sexual success or enhanced attractiveness;
- portray gambling in a context of toughness or link it to resilience or recklessness;
- suggest that solitary gambling is preferable to social gambling;
- condone or encourage criminal or anti-social behaviour;
- portray gambling in a working environment. An exception exists for licensed gambling premises

2. Children (under 15) and young persons (16-18)

Content rules:

- No-one under 18 may appear in a gambling ad, except for: ads for lotteries that feature the good causes they contribute to (as opposed to a lottery product ad); family entertainment centres (arcades); and fairs
- No-one under 25 may play a significant role or be featured gambling, without exception;
- Ads must not be likely to be of particular appeal to under 18s, especially by reflecting or being associated with youth culture

2. Children (under 15) and young persons (16-18)

Placement / scheduling rules:

- No ad may be scheduled or placed in or around media directed at under 18s
- Exception: ads for lotteries, football pools, family entertainment centres and fairs may not be directed to the under 16s
 - Broadcast: a gambling ad must not be aired during a programme of particular appeal to the under 18s (under 16s).
 - Non-broadcast: gambling ads must not appear in media targeted at under 18s (or under 16s), e.g. teenage magazines

3. Vulnerable adults

Although the Gambling Act does not define “vulnerable adults”, for regulatory purposes the Gambling Commission assumes that includes:

- people who gamble more than they want to;
- people who gamble beyond their means; and / or
- people who may not be able to make informed or balanced decisions about gambling because of mental impairment, alcohol or drugs

3. Vulnerable adults

Ads must not suggest that gambling can:

- provide an escape from personal, professional or educational problems, such as loneliness or depression;
- be a solution to financial concerns, an alternative to employment or a way to achieve financial security;
- enhance personal qualities, e.g. that it can improve self-image or self-esteem or is a way to gain control, superiority, recognition or admiration

Gambling ads must not:

- exploit cultural beliefs or traditions about gambling or luck;
- portray gambling as indispensable or as taking priority in life, e.g. over family, friends or professional or educational commitments

Spread betting ads

Ads for spread betting (a contract for differences) are covered by statutory legislation, which is administered and enforced by the Financial Services Authority; they remain unaffected by the Gambling Act

- **CAP Code:** May be advertised as an investment activity under the auspices of the FSA. CAP Code, including the new gambling rules, applies to all “non-technical” elements of financial ads only
- **BCAP TV and Radio Codes:** May be advertised as a financial investment within the financial rules, subject to scheduling restrictions because it is a complicated and potentially high-risk investment product; subject to compliance with the gambling advertising rules



Other relevant CAP and BCAP rules

Misleading advertising

Ads must not mislead directly or by implication; an advertiser must have robust substantiation for all claims

Harm and offence

Ads must not cause serious or widespread offence against generally accepted moral, social or cultural standards, or offend against public feeling



Help is available!



CAP Copy Advice Service

(non-broadcast ads)

- Send your ideas / copy / queries to:
 - copyadvice@cap.org.uk
 - **020 7404 3404 (fax)**
 - **020 7492 2100 (phone)**
- The team looks at past ASA adjudications, CAP Compliance work and previous advice to provide guidance on the likely acceptability of your copy



Help with creating responsible gambling ads

Non-broadcast ads:

- Phone Copy Advice
9am – 6pm Monday to Friday
- Email or fax draft campaign materials
- Visit **www.cap.org.uk/gambling**
- Register for e-mail news from CAP to keep up-to-date

Broadcast ads:

- Broadcast Advertising Clearance Centre
www.bacc.org.uk
- Radio Advertising Clearance Centre
www.radiocentre.org

