

16

GAMBLING



Principle

The rules in this section are designed to ensure that marketing communications for gambling products are socially responsible, with particular regard to the need to protect children, young persons under 18 and other vulnerable persons from being harmed or exploited by advertising that features or promotes gambling.

Background

The term "gambling" means gaming and betting, as defined in the Gambling Act 2005, and spread betting. For rules on marketing communications for [lotteries](#), see Section 17.

The legal framework for gambling in Great Britain, including the requirements for licensing operators, is set out in the Gambling Act 2005 (as amended).

The Gambling Act 2005 does not apply outside Great Britain. Specialist legal advice should be sought when considering advertising any gambling product in Northern Ireland or the Channel Islands.

Spread betting may be advertised as an investment under the Financial Services and Markets Act 2000 (as amended) (FSMA), the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 (as amended) and other Financial Conduct Authority (FCA) rules and guidance (see Background, Section 14, [Financial Products](#)). A "spread bet" is a contract for difference that is a gaming contract, as defined in the glossary to the FCA Handbook.

The rules in this section apply to marketing communications for "play for money" gambling products and marketing communications for "play for free" gambling products that offer the chance to win a prize or explicitly or implicitly direct the consumer to a "play for money" gambling product, whether on-shore or off-shore.

These rules are not intended to inhibit marketing communications to counter problem gambling that are responsible and unlikely to promote a brand or type of gambling.

Unless they portray or refer to gambling, this section does not apply to marketing communications for non-gambling leisure events or facilities, for example, hotels, cinemas, bowling alleys or ice rinks, that are in the same complex as, but separate from, gambling events or facilities.

For the purposes of this section, "children" are people of 15 and under and "young persons" are people of 16 or 17.

Rules

- 16.1 Marketing communications for gambling must be socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited.
- 16.2 In line with rule 1.2, the spirit as well as the letter of the rules in this section apply whether or not a gambling product is shown or referred to.
- 16.3 Marketing communications must not:
 - 16.3.1 portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm
 - 16.3.2 exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons or other vulnerable persons
 - 16.3.3 suggest that gambling can provide an escape from personal, professional or educational problems such as loneliness or depression
 - 16.3.4 suggest that gambling can be a solution to financial concerns, an alternative to employment or a way to achieve financial security
 - 16.3.5 portray gambling as indispensable or as taking priority in life; for example, over family, friends or professional or educational commitments
 - 16.3.6 suggest that gambling can enhance personal qualities, for example, that it can improve self-image or self-esteem, or is a way to gain control, superiority, recognition or admiration
 - 16.3.7 suggest peer pressure to gamble nor disparage abstention
 - 16.3.8 link gambling to seduction, sexual success or enhanced attractiveness
 - 16.3.9 portray gambling in a context of toughness or link it to resilience or recklessness
 - 16.3.10 suggest gambling is a rite of passage
 - 16.3.11 suggest that solitary gambling is preferable to social gambling
 - 16.3.12 be likely to be of particular appeal to children or young persons, especially by reflecting or being associated with youth culture
 - 16.3.13 be directed at those aged below 18 years (or 16 years for football pools, equal-chance gaming [under a prize gaming permit or at a licensed family entertainment centre], prize gaming [at a non-licensed family entertainment

centre or at a travelling fair] or Category D gaming machines) through the selection of media or context in which they appear

16.3.14 include a child or a young person. No-one who is, or seems to be, under 25 years old may be featured gambling. No-one may behave in an adolescent, juvenile or loutish way.

Individuals who are, or seem to be under 25 years old (18-24 years old) may be featured playing a significant role only in marketing communications that appear in a place where a bet can be placed directly through a transactional facility, for instance, a gambling operator's own website. The individual may only be used to illustrate specific betting selections where that individual is the subject of the bet offered. The image or other depiction used must show them in the context of the bet and not in a gambling context

16.3.15 exploit cultural beliefs or traditions about gambling or luck

16.3.16 condone or encourage criminal or anti-social behaviour

16.3.17 condone or feature gambling in a working environment. An exception exists for licensed gambling premises.

16.4 Marketing communications for family entertainment centres, travelling fairs, horse racecourses and dog race tracks, and for non-gambling leisure facilities that incidentally refer to separate gambling facilities, for example, as part of a list of facilities on a cruise ship, may include children or young persons provided they are accompanied by an adult and are socialising responsibly in areas that the Gambling Act 2005 (as amended) does not restrict by age.

16.5 Marketing communications for events or facilities that can be accessed only by entering gambling premises must make that condition clear.