

Gambling and lotteries advertising: protecting under-18s

Advertising Guidance (non-broadcast and broadcast)

Applies from 1 Oct 2022

Foreword

The Committee of Advertising Practice (CAP) offers guidance on the interpretation of the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (the CAP Code) in relation to non-broadcast marketing communications.

The Broadcast Committee of Advertising Practice (BCAP) offers guidance on the interpretation of the UK Code of Broadcast Advertising (the BCAP Code) in relation to broadcast advertisements.

Advertising Guidance is intended to guide advertisers, agencies and media owners on how to interpret the Codes but is not a substitute for those Codes. Advertising Guidance reflects CAP's and/or BCAP's intended effect of the Codes but neither constitutes new rules nor binds the ASA Councils in the event of a complaint about an advertisement that follows it.

For pre-publication advice on specific non-broadcast advertisements, consult the CAP Copy Advice team by telephone on 020 7492 2100, by fax on 020 7404 3404 or you can log a written enquiry via our [online request form](#).

For advice on specific TV advertisements, please contact [Clearcast](#).

For clearance advice on specific radio advertisements, please contact [Radiocentre](#).

For the full list of Advertising Guidance, please [visit our website](#).

Protecting under-18s: checklist

This ‘checklist’ provides a short overview of the steps that marketers should take to lessen the possibility of their gambling or lottery advertisement appealing ‘strongly’ to under-18s. Principally, it helps to support compliance with CAP and BCAP rules prohibiting content of ‘strong’ appeal to under-18s.

Links on the right take readers to the related sections of the full guidance document below.

First steps		
	<ul style="list-style-type: none"> • Marketers must also comply with all other rules applicable to their gambling or lottery advertisement, including restrictions on the media, and the audience, to which their advertisement may be targeted. 	2
	<ul style="list-style-type: none"> • Before considering questions of appeal, marketers must comply with CAP and BCAP’s rules prohibiting the inclusion of under-25s. 	5
Principle: restricting appeal of ads to under-18s		
	<ul style="list-style-type: none"> • It is prohibited for an ad to have ‘strong’ appeal to under-18s, irrespective of its appeal to adults. 	10
	<ul style="list-style-type: none"> • Marketers must satisfy themselves to a high degree of confidence that their ad is unlikely to appeal strongly to under-18s before the ad is published. In the event that it investigates a potential breach of this requirement, the ASA will expect to see a detailed assessment as to why the marketer considered the ad would not appeal strongly to under-18s. 	12
High risk ad content/ approaches		
	<ul style="list-style-type: none"> • The following summarizes high-risk types of content that should be avoided: 	
<u>Animation</u>	<ul style="list-style-type: none"> ○ Child-oriented cartoon content or animated styles ○ Characters like ‘cuddly’ or ‘cute’ animals, princesses or pirates with exaggerated features ○ Common fairy tales, like Little Red Ridinghood, and Hansel and Gretel ○ Cultural characters like Santa Claus, the Tooth Fairy and the Easter Bunny 	20
<u>Video gaming references</u>	<ul style="list-style-type: none"> ○ Characters and graphic styles (including gameplay sequences) similar to video games popular with under-18s ○ Content related to eSports popular with under-18s or themes/features like loot boxes or skins 	24
<u>Youth-related content</u>	<ul style="list-style-type: none"> ○ Clothing styles that are obviously youth-oriented ○ Music by younger artists or those popular with under-18s ○ Youth culture themes like having disregard for authority or social norms, or teenage rebelliousness 	21 25 22

Activities of inherent 'strong' appeal

- Some 'activities' that relate directly to the gambling product advertised are considered to have inherent strong appeal to under-18s and therefore fall under the prohibition unless appropriate steps have been taken to limit the potential for the ad to appeal strongly to under-18s. [13](#)
- These activities include:
 - betting ads on subjects like football, eSports popular with under-18s, and certain prominent events in other sports; and
 - ads for certain other gambling or lottery products, like scratchcards or products that have characteristics of online games popular with under-18s and features (gameplay, content and characters) likely to be of 'strong' appeal to under-18s.
- To help meet the requirement to limit the potential for these ads to appeal strongly to under-18s, references to 'activities' that are the subject of the gambling product being advertised must be limited to: [15](#)
 - Text or audio references to the activity/product
 - Generic depictions of the sport or game
 - Logos of teams/competitions that are subject of a product
 - Advertisers brand logos/identifiers
 - Lottery prizes and good causes
 - Limited use of persons or characters who pass the test set out in the guidance (see table below)

Use of persons and characters

- Marketers must consider carefully their casting of persons or characters to ensure they are unlikely to have strong appeal to under-18s, including by assessing the: [17](#)
 - roles or activities they are associated with (including potential for them to be viewed in an aspirational or influential way by under-18s);
 - personal profile and following of the person or character (including by reference to social media follower demographics); and
 - the audience or audiences for the roles and activities a person or character is known for.
- The following summarizes the risk scenarios of featuring different types of person: [18](#)
 - Anyone with direct connections to under-18s through their role like children's TV presenters or film stars
 - Anyone with a significant under-18 following on social media
 - UK footballers who play for top clubs, UK national teams or in high-profile competitions – this would apply also to managers
 - Non-UK 'star' footballers particularly those at top European clubs – this would apply also to managers
 - Other prominent sportspeople involved in sports like cricket, tennis and rugby that, at the highest levels, have a significant national profile
 - Leading eSports players

High risk

<u>Moderate risk</u>	<ul style="list-style-type: none"> ○ Footballers from teams outside the top-flight will be assessed on the basis of their social and other media profile ○ Footballers with lower profiles at top Euro/world clubs might be acceptable ○ Retired footballers who have moved into punditry/commentary will be assessed on the basis of their social and other media profile. ○ Other eSports players dependent on their social media and general profile ○ Sportspeople involved in clearly adult-oriented sports who are notable 'stars' with significant social media and general profiles making them well-known to under-18s ○ A small but notable following of under-18s on social media will be considered alongside the personality's general profile and could contribute to an ASA decision to categorise the individual as being of 'strong' appeal
<u>Low risk</u>	<ul style="list-style-type: none"> ○ Footballers at lower league and non-league clubs ○ Footballers at lesser Euro/world clubs ○ A long-retired footballer now known for punditry/commentary ○ Sportspeople involved in sports like cricket, tennis and rugby that don't have a significant role in the sport or general profile ○ Sportspeople involved in clearly adult-oriented sports (e.g. darts, snooker, golf, horseracing, and motorsports)
Targeting exemption	
<ul style="list-style-type: none"> • The 'strong' appeal rules are not applied in media where under-18s can, for all intents and purposes, be entirely excluded from the audience of an ad. 28 • Principally, this will apply in circumstances where the marketer is able to robustly age-verify the potential recipients of the ad as being 18 or older. 30 	

Introduction

1. Background

This guidance assists marketers in complying with CAP and BCAP's rules on the content of gambling and lotteries advertising that are designed to protect under-18s.

Underage participation in licensed gambling is illegal and presents risks of harm to children (aged 0-15) and young people (aged 16 and 17). The UK Advertising Codes' placement, scheduling and targeting restrictions significantly limit the environments in which under-18s might see gambling and lotteries ads to those where audiences are overwhelmingly adult. Restrictions on the appeal of creative content ensure gambling and lotteries advertising that under-18s do see is unlikely to attract their attention or unduly influence them. Such advertising must not:

- directly influence under-18s to participate in gambling;
- be likely to affect attitudinal change that could result in participation later in life (either while the individual is underage or when they become of an age to gamble legally); or
- be likely to influence longer-term attitudes that could result in irresponsible or harmful gambling behaviour when an individual comes of age and can gamble legally.

In 2022, following public consultation¹, CAP and BCAP introduced a stricter standard increasing the level of restrictions from prohibiting creative content likely to appeal more to under-18s than to adults – content of 'particular' appeal to under-18s – to prohibiting that of 'strong' appeal – where there is a reasonable case that creative content might unduly attract the attention of under-18s. The effect of this change is to bring more content within the scope of the Codes' content restrictions, in particular, around sport, the use of personalities, and that which relates to video games and online gaming.

Drawing on the output of that consultation process as well as [existing guidance](#) on BCAP's 'strong' appeal restriction for alcohol ads on TV, this guidance is intended to help marketers and agencies interpret those rules as they apply to the gambling and lotteries sectors.

¹ See [here](#) for the consultation document and supporting materials.

2. Scope

CAP and BCAP's gambling rules apply to the advertising of gaming, betting and other activities defined as gambling by the Gambling Act 2005 (as amended) and spread betting as defined in financial services legislation. The lotteries rules apply to different classes of lottery as defined in the relevant legislation. The full scope is set out in the introductory parts of each Code section.

Advertising Guidance is intended to ensure compliance with mandatory rules enforced by the independent ASA. It is intended to bear out in greater detail the interpretation of the relevant rules in sections 16 ([Gambling](#)) and 17 ([Lotteries](#)) of the CAP Code and sections 17 ([Gambling](#)) and 18 ([Lotteries](#)) of the BCAP Code, including examples of approaches that are likely to be problematic. Guidance is updated periodically as ASA rulings develop the interpretation of the rules through their application to specific ads in casework. This can include instances where the ASA goes beyond the guidance where it believes there is a reasonable case to do so.

The guidance applies to marketing communications appearing in all broadcast and non-broadcast media covered by the UK Advertising Codes. This includes online channels like marketing on social media platforms, and influencer and affiliate marketing activity.

The rules apply in spirit as well as in letter and whether or not a gambling product is shown or referred to. They also apply to responsibility messaging and advertising by gambling operators. Gambling and lottery operators should note it is their responsibility to ensure that affiliates or other third parties acting on their behalf to publish or otherwise disseminate marketing communications comply, in full, with the Codes.

Marketers must also ensure that they comply with the relevant restrictions on under-18s' exposure to gambling and lotteries ads. For sensitive product categories, including gambling and lotteries, CAP and BCAP have produced detailed guidance on:

- non-broadcast ad placement ([Media placement restrictions: protecting children and young people](#));
- online ad targeting ([Age-restricted ads online](#)); and
- TV scheduling ([Identifying TV programmes likely to appeal to children](#)).

The Gambling sections of the UK Advertising Codes also ensure the protection of audiences in general and other vulnerable groups, such as those with problem gambling issues. Guidance on those rules is available [here](#).

Applies from 1 Oct 2022

General responsibility provisions on the protection of under-18s

3. Rules

Gambling and lotteries advertising must comply with general responsibility provisions. In particular, marketers should take all reasonable steps to protect children and young people from being harmed or exploited by advertising that features or promotes gambling.

The CAP Code states:

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.

16.3.2 Marketing communications [for gambling] must not ... exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons or other vulnerable persons

17.1 Marketing communications [for lotteries] must not portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm.

17.12 Marketing communications for lotteries must not exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons or other vulnerable persons.

The BCAP Code states:

17.3.1 Advertisements must not ... portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm

17.4.4 Advertisements for gambling must not ... exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of under-18s or other vulnerable persons

18.2.1 Advertisements [for lotteries] must not [...] portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm

18.4 Advertisements for lotteries must not exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of under-18s or other vulnerable persons.

4. Guidance

The Codes include principle-based provisions that give the ASA broad scope to act where marketing communications are likely to be considered irresponsible because they pose a risk to under-18s. Marketing communications are likely to breach these rules, if they:

- feature under-18s playing a significant role;
- are directed explicitly at under-18s by being placed in media for that group or any sub-age category (e.g. younger children or teenagers);
- address under-18s directly through their content; or
- otherwise encourage under-18s directly to engage in potentially harmful behaviour.

Under-18s may encounter marketing communications directed at adults in media environments with more general audiences. Restrictions on the appeal of creative content ensure gambling ads under-18s do see do not unduly attract their attention or influence them. Breaches of the specific rules described in the guidance below are also likely to be in breach of the general responsibility provisions set out here.

Restrictions on the use of under-25s

5. Rules

In general, under-25s and those who appear to be under 25 should not be featured playing a significant role in gambling or lotteries ads.

The CAP Code states:

16.3.14 Marketing communications [for gambling] must not [...] include a child or a young person. No-one who is, or seems to be, under 25 years old may be featured gambling or playing a significant role. 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.

17.15 Marketing communications for lotteries must not feature anyone who is, or seems to be, under 25 years old (under-25s) participating in gambling.

17.16 Marketing communications for lotteries which include any reference to scratchcards or online instant-win lottery products must not feature under-25s in a significant role. Other marketing communications for lotteries must not feature under-25s in a significant role unless either:

17.16.1 the under-25s are featured solely to depict the good causes supported by the lottery and there is no explicit encouragement to purchase a lottery product; or

17.16.2 the lottery primarily benefits under-25s (including in a family setting) and the under-25s featured are representative of the primary beneficiaries of the lottery

The BCAP Code states:

17.4.6 Advertisements for gambling must not [...] feature anyone who is, or seems to be, under 25 years old gambling or playing a significant role. No-one may behave in an adolescent, juvenile or loutish way.

18.6 Advertisements for lotteries must not feature anyone who is, or seems to be, under 25 years old (under-25s) participating in gambling.

18.7 Advertisements for lotteries which include any reference to scratchcards or online instant-win lottery products must not feature under-25s in a significant role. Other advertisements for lotteries must not feature under-25s in a significant role unless either:

18.7.1 the under-25s are featured solely to depict the good causes supported by the lottery and there is no explicit encouragement to purchase a lottery product; or

18.7.2 the lottery primarily benefits under-25s (including in a family setting) and the under-25s featured are representative of the primary beneficiaries of the lottery.

6. Guidance

To ensure under-18s do not identify by age with them, persons or characters featured that are or appear to be under-25s may not play a significant role in gambling or lotteries advertising. This covers sportspeople and others used to illustrate the subject of a product, but also characters played by actors and brand ambassadors, like influencers. By the age of 25, people clearly look and sound more adult than adolescent giving more certainty to practitioners when creating advertisements and to the ASA when deciding if an advertisement has breached the Codes.

In most circumstances, featuring a person who is or appears to be under 25 is likely to breach these rules. In particular, the ASA has ruled several times against the inclusion of sports people; breaches have occurred both where an individual is featured in a profile image or an image of them in action. Where an actor aged 25 or older is playing a character, an ad may still breach this rule, if they are likely to appear younger to the audience or behave in a manner that adds to that impression. The ASA will consider the audience's likely understanding of the

person's age assessing factors like their appearance and behaviour when deciding whether their inclusion breaches these rules.

The rules are unlikely to apply to 'incidental' depictions such as background and crowd scenes where individuals cannot be easily identified and are therefore not playing a significant role.

7. Social media news feeds

Gambling and lotteries advertisers often have social media accounts providing news and updates on events, along with information about products, offers and interactions with consumers. These tend to focus on sport but can include other areas like politics and entertainment. Marketers should exercise caution when posting content in such circumstances as the CAP rule on featuring under-25s will apply in full to marketing covered by the Code. The ASA has ruled on several occasions against posts that included images of sportspeople under the age of 25.

8. Under-25s and the restrictions on content of 'strong' appeal to under-18s

In practice, these rules already prevent gambling and lotteries advertising from including many persons who are likely to be of 'strong' appeal to under-18s. Under-18s are likely to identify with younger sportspeople who are closer to their age, which creates a significant potential to influence behaviour.

To comply with CAP and BCAP's controls on the creative content of gambling and lotteries advertising, marketers should firstly ensure that under-25s do not appear in ads (unless the specific criteria of the exemptions are met). Primarily, the new 'strong' appeal-based rules – explained in the guidance below – apply to persons and characters aged 25 and over.

9. Exemptions

CAP's under-25s rule incorporates a narrow exemption allowing marketers to feature under-25s when illustrating bets on their own websites or apps. For example, a site might show a sports person to illustrate an available bet relevant to that individual. The exemption applies only to images appearing in places where bets can be placed through a direct transactional facility. Marketers may not in any way use an image to promote gambling in general or their brand.

Following the introduction of new rules restricting the use of persons of ‘strong’ appeal to under-18s, this exemption will only apply to advertising compliant with the appeal restrictions; either:

- the under-25 personality used complies with the criteria in the exemptions (detailed in [section 15](#) below) to the ‘strong’ appeal rule; or
- the communication is one where marketers can ensure that under-18s are for all intents and purposes excluded from the audience (for instance, in areas of a site that are only accessible to signed-in users who have been age-verified) as set out in [sections 28-30](#) below.

The lotteries rules include exemptions that allow the use of under-25s in certain circumstances relating to the depiction of good causes. CAP and BCAP have produced a separate, more detailed resource on this issue as it relates to lotteries advertising, [Guidance on the depiction of under-25s in lottery advertising](#).

Content likely to appeal strongly to under-18s

10. Rules

When under-18s see gambling or lotteries advertising intended for adult audiences, content or marketing approaches must not appeal unduly to them.

CAP Code rule 16.3.12 and BCAP Code rule 17.4.5 restricting content of 'strong' appeal to under-18s in gambling advertising state:

Marketing communications / advertisements for gambling must not [...] be likely to be of strong appeal to children or young persons, especially by reflecting or being associated with youth culture.

They must not include a person or character whose example is likely to be followed by those aged under 18 years or who has a strong appeal to those aged under 18.

Where appropriate steps have been taken to limit the potential for an advertisement to appeal strongly to under-18s, this rule does not prevent the advertising of gambling products associated with activities that are themselves of strong appeal to under-18s (for instance, certain sports or playing video games).

CAP / BCAP has published guidance on the application of the rule, including for advertising of gambling products associated with activities that are themselves of strong appeal to under-18s.

CAP Code rule 17.13 and BCAP Code rule 18.5 restricting content of 'strong' appeal to under-18s in lotteries advertising state:

Marketing communications / advertisements for lotteries must not [...] be likely to be of strong appeal to children or young persons, especially by reflecting or being associated with youth culture. They must not include a person or character whose example is likely to be followed by those aged under 18 years or who has a strong appeal to those aged under 18.

Where the subject of a lotteries product (for example, good causes benefitting from lottery funds) or features of the product itself (for example, the creative content, gameplay or a prize involved) are of strong appeal to under-18s, a marketing communication / an advertisement for that lottery

may depict the subject and/or product, but it must not feature a person or character whose example is likely to be followed by those aged under 18 years or who has a strong appeal to those aged under 18.

Lotteries marketing communications / advertisements that solely depict the good causes supported by the lottery may include persons or characters whose example is likely to be followed by those aged under 18 years or who has a strong appeal to those aged under 18 provided that:

- a) they are directly associated with the lottery good cause (for example, an athlete who has received lottery funding directly);*
- b) there is no explicit encouragement to purchase a lottery product; and*
- c) there is no reference to scratchcards or online instant-win lottery products.*

Lotteries marketing communications / advertisements including product references that comply with rule 17.16.2 [CAP] / 18.7.2 [BCAP] are also acceptable.

11. What is 'strong' appeal?

Determining the likely appeal of a marketing communication is not always straightforward and is, to an extent, subjective. CAP and BCAP's appeal rules are intended to establish a test that allows marketers and the ASA to apply restrictions on creative content in a structured and consistent manner.

Advertising approaches or pieces of creative content of 'strong' appeal to under-18s can take a variety of forms, for example:

- content linked to activities that are very popular or common among younger people (both in terms of their direct participation and viewing);
- popular personalities who are likely to influence under-18s;
- characters with which under-18s are likely to have a particular affinity like cartoons or characters from video games popular with them;
- characteristics and behaviour of persons or characters appearing in advertising like humour, language or dress that are linked to younger people; and
- creative techniques like music, graphics and animation styles closely connected to youth culture.

12. ASA approach to enforcement

The ASA will apply the ‘strong’ appeal test assessing both specific pieces of ad content and the general impression given by the ad in context. It will consider both the likely perspectives of under-18s in general and particular age groups within that category (such as younger children or teenagers).

The UK Advertising Codes require that ads are compliant before publication. Using this guidance and other resources, such as ASA rulings, marketers should make an assessment of the likely appeal of their advertising. In the event that an ad is challenged, they must provide information to satisfy the ASA that an ad is unlikely to be of ‘strong’ appeal to under-18s.

The ASA is likely to uphold a complaint that merits investigation under the ‘strong’ appeal rules in the event that information provided:

- is insufficient;
- is of limited relevance to the point at issue; or
- does not address key concerns or contrary information (as might, for instance, be provided by complainants) about the likely appeal of the ad in question.

Advertisers are strongly advised to exercise caution in circumstances where they are not able to come to a robust conclusion about whether a marketing communication is likely to be of strong appeal to under-18s.

Marketers should note the ASA has committed to taking a strict line in its approach to the application of the new rules. This includes reconsidering existing precedent rulings under the existing BCAP rule prohibiting alcohol ads of ‘strong’ appeal to under-18s on TV².

13. Ads for products with aspects of inherent ‘strong’ appeal

CAP and BCAP recognise that some gambling and lottery products either relate to subjects or incorporate content and features that are likely to be of ‘strong’ appeal to under-18s.

Many sports and activities like video gaming are likely to have significant levels of appeal to different groups of under-18s. The amount of children in each group will

² BCAP Code rule 19.15.1; see [here](#).

vary due to factors like age, regional, national, and/or socio-economic associations with the sport, and the ease of access to the sporting activity (including, the availability of equipment and facilities through its place in education).

Where an activity or event is acknowledged to have 'strong' appeal to under-18s, it is exempted from the restrictions:

- a) in general terms (ads can make simple text and audio references to activities that are of 'strong' appeal); and
- b) where the ad satisfies one of the criteria included in the relevant sections of this guidance below. These criteria ensure that only generic imagery of the activity, certain logos/branding associated with the activity or event, and associated individuals who are clearly not of 'strong' appeal to under-18s are allowed (see [section 15](#) below for details of the exemptions).

Without these exemptions, an ad for a bet on football or an online game resembling video games popular with under-18s, for instance, would be banned outright owing to the inherent 'strong' appeal to under-18s of the underlying activity. The exemptions acknowledge the need to balance the protection of under-18s with operators' legitimate right to advertise licensed products.

As a first step to ensuring compliance, marketers should assess whether products themselves relate to subjects or have characteristics that are likely to be of 'strong' appeal.

- In terms of the nature of a product, the ASA will consider the characteristics and appearance of the gambling or lotteries product drawing on relevant insights from this guidance (including, themes, characters and styles used).
- In terms of the subject a gambling or lotteries product relates to, the ASA will consider factors such as the:
 - direct relationship of under-18s to the activity involved (including, the levels of participation in the activity³ and the extent of formal/organised arrangements for participation);
 - general audience for an activity, sport or event (for instance, in terms of event attendance, media viewership, social media following and

³ For example, Government produces periodic reporting on children's physical and other activities; see [here](#).

commercial associations like official videogames or activities like sticker or card collecting);

- coverage and media profile of an event; and
- emphasis placed by the organizers on under-18s' involvement (for instance, promotion of attendance at events or viewership, promotion through merchandise or children's involvement in sports clubs).

14. Appeal of products: scenarios

Some gambling or lottery products may have key characteristics that make them of 'strong' appeal to under-18s.

Video games and online gaming are very popular with under-18s as a general activity. Online gambling and lotteries games are likely to be considered of inherent 'strong' appeal to under-18s, if:

- they share significant similarities, in terms of form and gameplay, with video games, online games, or social games popular with under-18s; or
- in-game themes and content are likely to be considered of 'strong' appeal under the relevant provisions of this guidance (for instance, an online game with themes like 'cute' animal characters in a fairy tale world or a subject like football).

A similar consideration applies to lottery scratchcards that incorporate imagery likely to be of 'strong' appeal to under-18s as a key characteristic.

The subject of an activity, such as a sport or event upon which a bet is placed, can also render a product of inherent 'strong' appeal. This may also apply to the subject of pools-based betting and fantasy league-style gambling products.

- Of relevance to gambling, football is the most prominent subject of 'strong' appeal as it is an activity that a very significant proportion of under-18s participate in directly on a frequent basis and have a general interest in through following professional teams and players across a variety of media. There is also a highly developed infrastructure around organised participation and the sport has an exceptionally high media profile including popular, dedicated media for under-18s.
- eSports is another subject of 'strong' appeal on the basis that video gaming is very popular with under-18s, both in terms of the underlying activity of playing video games (on devices like phones and gaming systems) and many individual games that are popular in eSports competitions.

- Other national sports like cricket and rugby have, by comparison, low-to-moderate levels of participation and organisational infrastructure engaging participation and interest among under-18s. Their media profiles are also relatively modest. While the sports in general are unlikely to be of ‘strong’ appeal to the same proportion of under-18s as football is, these sports’ national teams and particular tournaments and events related to those sports attract high media profiles (including a greater focus on younger people’s involvement and viewership) and are therefore likely to be considered of inherent ‘strong’ appeal.
- Sports like horse racing, greyhound racing, darts, snooker, boxing, motorsports and golf are more adult-oriented and unlikely to be of inherent ‘strong’ appeal.
- TV shows, in particular, reality TV shows with high media profiles that are oriented towards adolescents and young adults are likely to be of ‘strong’ appeal to under-18s.

15. Restrictions on products associated with activities of ‘strong’ appeal

For the avoidance of doubt, that an activity associated with or a key characteristic of a gambling or lotter product is considered to have ‘strong’ appeal does not preclude it from being advertised but special care must be taken.

CAP and BCAP’s ‘strong’ appeal rules link to or include exemptions, which ensure products can be advertised within reasonable constraints acknowledging the need to balance the protection of under-18s with advertisers’ legitimate right to promote licensed products.

- **Exemption A: products in general terms** – Advertising for gambling and lottery products associated with activities of ‘strong’ appeal may promote the licensed product in general terms. The subject a product is associated with or its characteristics are not bases alone upon which the ASA will conclude that an ad is of ‘strong’ appeal. Ads for such products must still comply with the strong appeal rules, except where an exemption set out in this section of the guidance is applicable.

Marketers should also note the rules focus principally on imagery, themes and characters. They are not intended to restrict simple text or audio references to, for example, sports, good causes, teams or individuals generally held to be popular with under-18s.

- **Exemption B: generic depictions** – Advertising for gambling products that have characteristics likely to be of ‘strong’ appeal to under-18s (like certain online games) may include generic depictions or references to the creative content or gameplay of the product. Similarly, advertising for gambling products associated with a subject of ‘strong’ appeal may include generic depictions of the subject of the gambling product. Examples of acceptable generic depictions include:
 - using suitable actors or computer-generated imagery to depict playing a sport held to be of ‘strong’ appeal to under-18s;
 - depicting generic equipment associated with the sport or activity like a ball, goalposts, a piece of kit, a bat or racket;
 - employing stylized depictions (for instance, blurred or long focus shots) or computer-generated imagery to depict something relating to a named event held to be of ‘strong’ appeal to under-18s, like a non-specific trophy, stadium or arena; and
 - using suitable actors or computer-generated imagery to depict the act of playing an online game held to be of ‘strong’ appeal to under-18s (for instance, holding a device, selecting a generic feature like pressing the ‘play’ button, or expressing disappointment or approval over their performance).

The generic depictions allowed by this exemption must be suitable and not, of themselves, likely to appeal strongly to under-18s (for instance, because they invite obvious comparisons with video games or online games popular with under-18s or use cartoon-style graphics likely to appeal strongly to under-18s).

- **Exemption C: logos and other identifiers** – Advertising for gambling products associated with a subject of ‘strong’ appeal may include content that specifically identifies a subject of the gambling activity (for example, the logo of a sports team, sports tournament, eSports game, or other event). This allows for content that performs a similar role to a visual or audio reference.
- **Exemption D: branding** – Advertising for gambling and lottery products associated with activities of ‘strong’ appeal may content relating to an advertiser’s brand identity (for example, logos or livery). This is a specific exemption covering material relating specifically to an advertiser’s brand identity (for example, brand logos or livery). This does not, however, extend to equity brand characters, which will be assessed by the ASA under the criteria defining ‘strong’ appeal set out in the guidance.

- **Exemption E: lottery prizes and good causes** – The lotteries rules state: *Where the subject of a lotteries product (for example, good causes benefitting from lottery funds) or features of the product itself (for example, the creative content, gameplay or a prize involved) are of strong appeal to under-18s, a marketing communication / an advertisement for that lottery may depict the subject and/or product, but it must not feature a person or character whose example is likely to be followed by those aged under 18 years or who has a strong appeal to those aged under 18.*

This allows for lotteries product ads to depict the good causes benefitting from lottery funding, like sporting activities for disadvantaged children. It also allows the depiction of large prizes (like cash jackpots) and other items likely to appeal strongly to children that may sometimes be prizes in smaller lotteries (like bikes or games consoles).

- **Exemption F: certain persons and characters** – Gambling advertisements may use of persons or characters associated with gambling subjects of ‘strong’ appeal to under-18s, like football, where marketers can satisfy the criteria set out in the sections below covering the application of the ‘strong’ appeal test to persons and characters. When a person or character is used to illustrate that subject, their association with the subject is not a basis alone for the ASA to find the ad in breach of the ‘strong’ appeal rules; see sections 16-18 below for more detail on how the appeal of persons and characters will be assessed and scenarios relating to this exemption.

The lotteries rules recognise that lotteries are a means of raising funds for good causes. The rules distinguish between, on the one hand, lottery advertising that promotes lotteries products directly, which must not feature under-25s in a significant role and, on the other hand, good cause-related lottery advertising where there is no explicit encouragement to purchase a lottery ticket, which can feature under-25s as or representative of the primary beneficiaries of the lottery. For good cause-related lottery advertising, persons who have ‘strong’ appeal to under-18s may feature where they are the direct beneficiaries of lottery funding.

The new ‘strong’ appeal rules will also be applied in line with existing ASA enforcement policy for the ‘particular’ appeal rules; content of ‘strong’ appeal may be used in advertisements that are targeted in such a way as to, for all intents and purposes, exclude under-18s from the audience. This is outlined in [sections 28-30](#) below.

16. Use of persons and characters

As set out in section 5 above, the UK Advertising Codes require that gambling and lotteries advertising must not feature in a significant role any person who is, or seems to be, under-25 years old. In addition, they must not feature any person or character whose example is likely to be followed by those aged under 18 years or who has a strong appeal to those aged under 18.

Gambling ads may use persons or characters for a range of creative purposes. These fall within the following categories:

- **Personalities** – Individuals used to illustrate the subject of a gambling product who have a profile and relevance to the audience outside the context of advertising.
- **Brand ambassadors** – Personalities specifically paid by an advertiser to feature in an ad campaign to promote the operators' products or brand in general.
- **Licensed characters** – Where an advertiser pays a third-party rights holder to use a character which has a profile outside the context of an ad (for instance, a movie or video game character) to promote their product.
- **Characters played by actors** – Roles within the gambling ad played by an actor.
- **Brand-generated characters** – Characters created by an advertiser, for instance, using animation or puppets to promote their product or products.

Understanding the type of person or character featured in an ad is important as it is likely to affect the way the ASA makes its assessment of appeal to under-18s.

- Personalities, brand ambassadors and licensed characters will be assessed both on the basis of their profile and relevance outside the context of the ad (see [section 17](#) below), and their appearance and behaviour in the gambling ad (see [section 21](#) below).
- Characters and brand generated characters, who have no profile outside the context of the ad, will be assessed on the basis of their appearance and behaviour in the gambling ad (see [section 20](#) below).

17. Assessing appeal owing to a person or character's profile outside the context of advertising

The ASA will expect advertisers to provide evidence that they have identified what persons or characters are generally known for outside the context of an ad, and

used appropriate sources of data and information to assess their likely level of appeal to under-18s. At a simple level, a sportsperson is most obviously related to the sport they participate in. Similarly, actors or licensed cartoon characters are known for their roles.

In determining whether a person or character featured in a gambling ad is likely to appeal strongly to under-18s, the ASA will consider factors such as:

- whether they have obvious and direct links to activities for, or highly popular with, under-18s;
- the general audience for, and popularity of, what the person or character is known for; and
- the likelihood that their inclusion in an ad will strongly attract the attention or interest of under-18s.

Gambling advertisers are advised to avoid featuring persons or characters with obvious and direct links to under-18s, for example:

- a current or recent children's TV personality;
- an adolescent-oriented pop star associated with youth culture;
- a licensed character from a board game popular with families; or
- an influencer whose content focuses on youth-related themes.

The use of persons or characters with these types of profile is likely to be considered sufficient to render an ad of 'strong' appeal to under-18s and in breach of the new rules.

If a person or character does not have an obvious and direct link to under-18s that would render them of 'strong' appeal, advertisers must still assess their likely level of appeal. Persons and characters associated with subjects, themes or content attracting a broad audience can still be of 'strong' appeal to under-18s.

In determining the extent of a person or character's appeal to under-18s, advertisers are encouraged to use as many insights and sources of data as they can to create a picture of the relevant audience or audiences to which they appeal. Having determined what a person or character is known for (in terms of activities, roles or associations) marketers can then identify information and data sources that provide insights on the likely level of a person or character's appeal to under-18s. For example:

- A key aspect of a person or character's appeal is the role they are associated with. Marketers should consider their roles or activities and the

potential for them to be viewed in an aspirational or influential way among under-18s (for instance, being a member of a popular sports team). Where this is the case, such persons or characters should be avoided.

- Social media follower demographics are an important and potentially quantitative source of data, which could help advertisers to assess a person's level of appeal to under-18s. A generally high social media following that attracts a significant absolute number of under 18 followers, as determined through quantitative or qualitative analysis, is likely to be considered an indicator of 'strong' appeal by the ASA.
- An important source of data in this respect is audience analytics and measurement for programming or other content featuring the person or character⁴.
- More weight should be attached to present and recent activities; personalities whose appeal has shifted significantly over time away from under-18s are less likely to be restricted under a 'strong' appeal test.

The ASA will consider a variety of factors when assessing a person under the 'strong' appeal rules. In some instances, an individual with a relatively small social media following among under-18s may be considered of 'strong' appeal to under-18s because of other factors.

18. Appeal of persons and characters: scenarios

The following illustrate scenarios in which a person or character is more likely to be assessed as having 'strong' appeal to under-18s:

- A sportsperson who has a leading role in their sport (for example, a member of the national team), which is likely to be admired by the young.
- A retired sportsperson who has moved into presenting/broadcasting relating to that sport but also into other areas, like youth-oriented reality TV.
- A sportsperson involved in a sport that has a limited following among under-18s, but is particularly well-known because of their social media activity and media profile, in particular through involvement in youth culture-related areas like fashion or music.

⁴ There are a variety of resources in this respect: for TV, the [Broadcast Advertising Research Bureau](#) provides an extensive range of data on programme audiences that in widespread use for advertising purposes (including as the basis for BCAP's TV scheduling rules); online media provide a range of audience measurement options from website analytics to data on user profiles of those viewing media like videos on social media, video sharing platforms, or live streaming platforms; and other non-broadcast media also have a range of measurement resources. Annex 1 of CAP's guidance, [Media placement restrictions: protecting children and young people](#), is an extensive list of measurement resources.

- A reality TV personality little known among younger children but who has significant appeal to adolescents evidenced by their social media presence and the popularity of the TV programme they are involved in.
- An actress well-known for playing prominent parts over a number of years in films with themes oriented to adults who has recently starred in a TV series popular with adolescents.
- A character played by an actor that is very likely to resonate with and be followed by under-18s.
- A licensed character from a recent video game or movie that is popular with under-18s.

The following are scenarios in which a person or character is less likely to be assessed as having 'strong' appeal to under-18s.

- A sportsperson participating in a clearly adult-oriented sport with an overwhelmingly adult following in social media.
- A broadcaster or commentator generally known only for the sport(s) they cover, which have a relatively low under-18 audience.
- A children's TV presenter from 15 years ago who now has a solidly adult focus and is unlikely to have the same (or significant) level of appeal to under-18s today as they did in the past.
- An actor who has roles outside the ad context which are low-profile and/or clearly oriented to adult audiences.
- A retired sports person who was once popular with under-18s when playing their sport, but who has moved into sports coverage oriented to adult audiences and is generally not well known by today's under-18s.

Under the terms of Exemption F (see [section 15](#) above) as it relates to the gambling rules, a person or character's simple association with an activity of 'strong' appeal to under-18s (for example, football or eSports) is not a basis alone for the ASA to consider an ad of 'strong' appeal, if they are being used to illustrate a gambling product related to that subject.

The following scenarios provide further illustration of how the assessment criteria should be applied under the exemption:

- Footballers who have a high profile with under-18s in the UK, for instance, because they play for national, top-level domestic, European or international teams are extremely likely to be of 'strong' appeal to under-18s.

- Footballers at lower-level clubs are more likely to be acceptable depending on a case-by-case assessment in line with the guidance above on assessing their individual profiles.
- Leading sportspeople from sports of moderate or low appeal to under-18s, and/or those involved in events like world cups or other popular tournaments with higher profiles among the young are likely to be assessed as being of 'strong' appeal and should be avoided.
- eSports players who have a high profile with under-18s in the UK because they participate in top-level competitions or have significant profiles on social media are likely to be of 'strong' appeal to under-18s.
- Persons other than players associated with football or higher profile events in other sports (like managers and officials such as referees) are more likely to be acceptable depending on a case-by-case assessment in line with the guidance above. However, those individuals with high personal profiles among under-18s (such as top managers or those associated with popular video games) should be avoided.
- Ex-footballers or leading other sportspeople historically popular with under-18s, who are now involved in sports coverage oriented towards adult audiences, are likely to be acceptable subject to the general assessment criteria for persons set out above.

The exemption for persons and characters of relevance to the lotteries rules (set out in the rules and in Exemption F of [section 15](#) above) allows ads that solely depict the good causes supported by the lottery to include those of 'strong' appeal. However, they must be directly associated with the lottery good cause and there must be no explicit encouragement to purchase a lottery product, including scratchcards or online instant-win lottery products. The main example of this is a successful athlete who has received lottery funding directly.

19. Appearance and behaviour of in ads persons and characters

The second part of the ASA's assessment of 'strong' appeal for all persons and characters is how they appear and behave in ads. The following sections covers the:

- appearance of advertiser-created characters;
- appearance of persons and characters played by actors; and
- behaviour of persons and characters.

20. Appearance of advertiser-created characters

Cartoons, other animated characters and puppets created by marketers should not be used to portray characters that an audience is likely to understand to be under-18; for instance, they should not obviously be dressed as children.

Advertiser-created characters that are colourful or have exaggerated features are more likely to be of strong appeal to under-18s, especially those that resonate of children's characters; for instance, 'cuddly' or 'cute' animals. Exaggerated features such as enlarged eyes should typically be avoided (for example, a young character with exaggerated features that has a strong resemblance to characters from princess-themed films targeted particularly at younger children). Characters with similarities to soft toys in particular should be avoided.

Generic characters related to stories or themes that are popular among children like pirates, princesses, superheroes, robots and fairy-tale characters should also be avoided.

Under the previous 'particular' appeal-based rules, the ASA permitted the use of characters based on common fairy tales, like Little Red Ridinghood and Hansel and Gretel. The ASA ruled that the use of traditional characters was unlikely to appeal particularly to under-18s unless they were presented in a way that makes the character or context in which they appear more child-oriented. For example, stylizing the character with exaggerated features or accompanying it with 'cute' cartoon animals. Under the 'strong' appeal test characters like Santa Clause, the Tooth Fairy, the Easter Bunny are likely to be considered of 'strong' appeal to under-18s owing to their relationship to childhood irrespective of how the character is stylised by a marketer.

Advertiser-created characters that are more obviously life-like and/or adult in terms of the creative style and general appearance are more likely to be acceptable. Caution should be exercised over particular styles like manga (which has a significant following among teenagers and adolescents) and generic characters related to stories or themes particularly popular among children, as noted above.

In relation to puppets, the ASA will consider the guidance in this section alongside factors such as the likeness of the puppets to children's toys and features related to children.

In relation to licensed characters, the ASA will consider the above guidance as well as taking into account the character's existence outside the context of the ad.

Marketers should also note the ASA will assess characters' behaviour in the context of an ad in line with the various points of guidance below.

21. Appearance of persons and characters played by actors

Persons and, separately, characters played by actors must not be presented in a way that renders them likely to be of 'strong' appeal to under-18s.

Firstly, as a basic requirement of the gambling and lotteries rules, they should not be or appear to be under 25; see [section 8](#) above on the relationship of the new restrictions on appeal to the existing rules on under-25s for further detail.

Subsequently, the ASA will consider their physical appearance including clothing, accessories, jewellery, body art, piercings and hair styles. A person or character incidentally, for instance, wearing an item of clothing fashionable among under-18s is generally unlikely to render the ad of 'strong' appeal. Compliance issues are likely to arise where such depictions are shown prominently and/or the aspect of their appearance is so obviously associated with a current trend or style popular with under-18s.

The ASA will also make its assessment in conjunction with the person or character's behaviour (see the following section) and the overall impression given by the ad.

22. Behaviour of persons and characters

Marketers must avoid featuring a person or character's behaviour that is likely to strongly appeal to under-18s or contribute to a wider impression of a person or character being of 'strong' appeal to them. The ASA will assess the behaviour of all persons and characters playing a significant role in an ad in line with the following criteria:

- **Youth culture themes** – General themes associated with youth culture include disregard for authority or social norms, teenage rebelliousness, mocking or outwitting authority (parental or otherwise), immature, adolescent or childish behaviour or practical jokes, and any behaviour that seeks to set those under 18 apart from those of an older age group.
- **Speech and language** – No person or character should sound like a child (for instance, through a high pitched vocal style or child-like intonation/delivery). Marketers should avoid child-like and youth-oriented

language (for instance, slang terms or ‘text’ abbreviations that are likely to be used by children or young people or related to characters in popular culture who are popular with under-18s). In particular, language used commonly in youth-oriented social media should be avoided. That such language is also used by adults does not prevent it being considered to be of ‘strong’ appeal to under-18s.

- **Humour** – When using humour in marketing communications, marketers should avoid styles or approaches likely to have particular salience for under-18s; for example, slapstick or juvenile humour.
- **Other behaviour** – The ASA will apply similar criteria to the above, along with insights from the section on ‘Musical content’ (section 26 below) to behaviour like persons or characters dancing, singing and reciting rhymes or poetry in ads.
- **Older characters** – Even where the characters used are obviously older adults, they should not be used in a way that is likely to be of ‘strong’ appeal to under-18s. For instance, presentation of characters of natural appeal, particularly to younger children, like those who are obviously grandparents, should be handled carefully owing to the obvious childhood affinities involved. Advertisers should also exercise caution when using older characters to portray behaviour and themes of significant interest to under-18s like transitioning to adulthood.

23. Background use of animation and graphics

Animated content and graphics are frequently used as backgrounds in advertising such as scenery in which characters, product depictions or advertising messages appear.

The background use of animated styles or computer-generated graphics do not tend to form a prominent part of the ad creative; their lesser prominence means they are less likely of themselves to render an ad of ‘strong’ appeal to under-18s. However, they can contribute to that impression.

- **Cartoon animated styles** – The new ‘strong’ appeal rules build on existing policies. Marketers should avoid the inclusion of child-like background imagery, such as those common in nursery rhymes or children’s stories. For example, the ASA has ruled against an advertisement under the previous ‘particular’ appeal-based restrictions that gave the impression characters

were on an adventure in a child-like fantasy world. The ASA noted such general themes were common in children's stories and games and in combination with other features of an ad made it likely to appeal particularly to children.

- **Other styles** – Animations obviously oriented to adults such as more life-like computer-generated imagery are much more likely not to have 'strong' appeal to under-18s. However, advertisers should exercise caution when using particular stylized animations like manga. Whilst the ASA has previously ruled that manga styles are not of 'particular' appeal, this style of animation has a significant following, particularly among young people, and its use in a gambling ad is likely to render it of 'strong' appeal.
- **Background graphics and text** – The new 'strong' appeal rules focus principally on imagery, themes and characters. They are not intended to restrict simple text or audio references to, for example, sports, good causes, teams or individuals generally held to be popular with under-18s. However, advertisers should exercise caution over the use of graphics and styles, for instance, in product logos and fonts that are overtly oriented towards children.
- **Video game-like content** – Marketers should exercise particular caution when using any background graphic styles that share significant and recognisable commonalities with video games, online games or social games popular among under-18s; see also section 24 following.

24. Depictions of gameplay and product features

Animation and graphics are an important part of some advertisements as they can be used to demonstrate particular features of the products themselves.

The 'strong' appeal rules allow for the advertising of products that have characteristics of inherent 'strong' appeal to under-18s (see [section 15](#) above) to feature generic content such as someone playing a game or depictions of gameplay provided they are not presented in a manner likely to appeal strongly to under-18s (for example, using certain cartoon-style graphics). Other advertisements may include depictions like simulated gameplay, but not where it is likely to be of strong appeal to under-18s. Such depictions must comply with the relevant points of this guidance, in particular, concerning the use of characters and animation/graphics.

Marketers should exercise particular caution when depicting product features similar to recognisable video games, online games or social games popular among under-18s, or common features of such games in general, like loot boxes and skins.

Short sequences of simple product functions like selecting a game or a feature of an app like 'cash-out' function are unlikely to breach the 'strong' appeal rules.

25. Game tiles

Game tiles are frequently used on operators' websites and often feature the types of characters listed above. Where such tiles are visible to users who have not been age-verified by suitably robust means, the ASA is likely to find them in breach of the CAP Code rules on 'strong' appeal.

Marketers should also exercise caution when using names incorporating specific characters familiar to children, as well as more general tropes, themes and imagery from stories or other media directed at children. Under the 'particular' appeal-based rules, the ASA has ruled against the use of names such as "Piggy Payout", "Fluffy Favourites", "Pirate Princess", "Jack and the Beanstalk", "Candilicious" and "Transformers" in conjunction with animated, child-oriented imagery. Under the exemptions to the new 'strong' appeal rules, advertising such products in general terms is acceptable, but advertisers must avoid graphics and styles that might contribute to an overall appeal to under-18s that breaches the rules.

26. Musical content

Many ads include music either as background to the creative or a more direct part of an ad's narrative.

Musical pieces that are strongly associated with youth culture should be avoided. For instance, music by artists who are under 18 or adult artists who have a considerable following among under-18s. Marketers should exercise particular caution using new or recently released music. The ASA will assess the intended and likely audience, along with evidence relating to the appeal of a piece of music content; for instance, data on downloads or follower demographics on an artist on social media.

That a piece of music is generally well-known is not a basis alone upon which the ASA is likely to consider it of strong appeal to under-18s. An older piece of music that has a broad age range of listeners is unlikely to be of 'strong' appeal to under-

18s. It would have to have contemporary relevance to under-18s to merit consideration under the 'strong' appeal rules. Caution should also be exercised over legacy content that becomes popular again, for example, through its use in a contemporary film or through actions like sharing memes on social media with a significant under-18s audience. Music that has been covered by modern artists who are under 18 or popular with youth audiences should also be avoided.

Marketers are advised to have processes in place to immediately withdraw an ad or re-edit its sound track, in the event that music used in ad rises to prominence and becomes of strong appeal to under-18s during a campaign's life span.

Use of generic musical styles for background music is less likely to be of 'strong' appeal to under-18s owing to the piece having no existence outside the context of the ad. However, the ASA may assess particularly youth-oriented styles alongside other content of the ad.

27. Lotteries-specific content

The display of National Lottery logo in advertisements by third parties benefiting from lottery funding is not subject to CAP and BCAP's lottery rules because the ads are not directly promoting lotteries or lottery products; for example, a museum, or a cultural or sporting event.

Exemption from the appeal rules for narrowly targeted advertising

28. ASA enforcement approach

Under the previous rules based on a 'particular' appeal test, ads targeted in such a way as to effectively remove under-18s from the audience could feature content that would otherwise be prohibited. For example, ads targeted in media environments accessible only to those who have been confirmed as being 18 or older through the age-verification on customer sign-up required by operator licences. The ASA will continue this enforcement approach under the new 'strong' appeal-based rules.

29. Scope

The exemption will apply to media environments where marketers can use techniques that, for all intents and purposes, exclude under-18s from the audience of their advertising. These include:

- direct mail, email and SMS communications sent to recipients who have been validated as being 18 or older via a necessarily strict process of age-verification;
- areas of websites and apps that can only be viewed/accessed those who have been vetted as 18 or older against a necessarily strict process of age-verification on customer sign-up; and
- online platforms (such as social network or publication) that provide advertisers with functionality enabling them to target specific users or groups of users that can be age-verified to a very high degree of accuracy, for example, on the basis of payment data or credit checking.

30. Guidance

The ASA will expect marketers to provide evidence to demonstrate that the systems used to identify audiences from which under-18s are, for all intents and purposes, excluded are robust.

In general, approaches based on data derived from Gambling Commission license requirements on age verification are likely to be acceptable. As operators' own websites require logins and their Gambling Commission licenses require a strict process of age-verification on customer sign-up, they are a good example of a

media environment where under-18s are extremely unlikely to form part of the audience. Other sources of marketing data may also be acceptable where robust means of age verifications have been employed; for instance, marketing lists validated by payment data or credit checking. More general marketing data, such as that inferred from user behaviour, are unlikely to be considered sufficiently robust.

CAP notes the rapid developments in ad tech and will continue to work closely with the ASA to ensure its policies on sensitive category ad targeting remain up to date. The approach is open to marketers innovating to find new ways to meet the policy objectives.

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Advice on specific non-broadcast marketing communications is available from the Copy Advice team by telephone on 020 7492 2100, or you can log a specific written enquiry via the [online request form](#).

The [Advice and Training](#) section of the CAP website contains a full list of Advertising Guidance notes as well as access to the full AdviceOnline database, which links through to relevant Code rules and ASA rulings.

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