17

GAMBLING

Principle

The rules in this section are designed to ensure that gambling advertisements are socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited.

Background

The legal framework for gambling in Great Britain, including the requirements for licensing gambling operators, is set out in the Gambling Act 2005 (as amended). The Gambling Commission regulates commercial gambling and permits gambling on the basis that the licensing objectives to keep gambling safe, fair and crime out, are met.

To advertise in Great Britain, and to advertise remote gambling in Northern Ireland, gambling operators must comply with the relevant licensing requirements set out in statutes. The ASA will report advertisements for unlicensed operators to the Gambling Commission. The Gambling Commission's Licence Conditions and Codes of Practice make it a direct requirement on licensed operators to ensure their advertising complies with the UK Advertising Codes.

The Gambling Act 2005 and Gambling (License & Marketing) Act 2014 apply to Great Britain and Northern Ireland for remote gambling.

Specialist legal advice should be sought when considering advertising any gambling product in Northern Ireland, the Channel Islands or the Isle of Man. The ASA will cooperate with the relevant authorities to address complaints relating to these jurisdictions.

Spread betting may be advertised as an investment activity 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 in accordance with the Financial Conduct Authority (FCA) Handbook. Spread betting may be advertised on specialised financial stations or channels, in specialised financial programming or on interactive or additional television services (including text services) only (see rule 14.5.4). A "spread bet" is a contract for differences that is a gaming contract, as defined in the glossary to the FCA Handbook.

The rules are not intended to inhibit advertisements by non-gambling operators that aim to counter problem gambling provided they are responsible and unlikely to promote a brand or

type of gambling. Safer gambling messaging and marketing by gambling operators must comply with the rules.

Please refer to Section 32: Scheduling for rules on the scheduling of gambling advertisements.

Definitions

"Gambling" for the purposes of this section covers:

- gaming, betting and other activities defined as gambling by the Gambling Act 2005: and
- spread betting as defined in financial services legislation.

Rules for lottery advertising are set out separately in Section 18.

Unless otherwise stated, the rules in this section apply to advertisements by:

- gambling operators licensed in Great Britain that are likely to have the effect of promoting gambling; and
- firms authorized to provide spread betting products.

This includes marketing by third parties (for example, affiliate marketers) acting on an advertiser's behalf.

Although they do not apply to advertisements for non-gambling operators, the ASA may draw on the principles established in the rules to assess whether ads for products likely to encourage gambling (for example, betting tipsters) meet the standards required by the general social responsibility provisions of the Code (see Section 1).

Unless they portray or refer to gambling, this section does not apply advertisements 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.

Rules

17.1 **Radio Central Copy Clearance** – Radio broadcasters must ensure that advertisements for gambling are centrally cleared.

17.2 Advertisements for events or facilities that can be accessed only by entering gambling premises must make that condition clear.

Rules for all advertisements

17.3 Advertisements must not:

17.3.1 portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm

17.3.2 suggest that gambling can provide an escape from personal, professional or educational problems such as loneliness or depression

17.3.3 suggest that gambling can be a solution to financial concerns, an alternative to employment or a way to achieve financial security

17.3.4 portray gambling as indispensable or as taking priority in life; for example, over family, friends or professional or educational commitments

17.3.5 suggest peer pressure to gamble or disparage abstention

17.3.6 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

17.3.7 link gambling to seduction, sexual success or enhanced attractiveness

17.3.8 portray gambling in a context of toughness or link it to resilience or recklessness

17.3.9 suggest gambling is a rite of passage

17.3.10 suggest that solitary gambling is preferable to social gambling.

Rules for gambling advertisements

17.4 Advertisements for gambling must not:

17.4.1 exploit cultural beliefs or traditions about gambling or luck

17.4.2 condone or encourage criminal or anti-social behaviour

17.4.3 condone or feature gambling in a working environment (an exception exists for licensed gambling premises)

17.4.4 exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of under-18s or other vulnerable persons

17.4.5 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).

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.

17.4.6 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.

17.5 Advertisements for family entertainment centres, travelling fairs, horse racecourses and dog racetracks, and for non-gambling leisure facilities that incidentally refer to separate gambling facilities as part of a list of facilities on, for example, a cruise ship, may include under-18s 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.