

# Extending the Scope of the CAP Code

Committee of Advertising Practice amendment to extend the Scope of the CAP Code to include non-paid-for marketing communications targeted at UK consumers, by marketers without a UK-registered company address and who are subject to licensing conditions requiring compliance with the CAP Code.

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## 1. Executive summary

The Committee of Advertising Practice (CAP), author of the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code) is extending, today, the remit of the Code to apply to non-paid-for online marketing communications<sup>1</sup> targeted at UK consumers by advertisers who are subject to licensing conditions from a UK public authority or other UK public body which requires compliance with the CAP Code – even if the advertiser does not have a UK-registered company address.

This will bring into scope social media marketing communications targeted at UK consumers, posted by licensed gambling operators on their own social media channels, even if the operators do not have a UK-registered company address. The Gambling Commission's licensing conditions require compliance with the CAP Code and allow the ASA Council to rule consistently on such ads by any authorised gambling operator no matter where they are based. CAP is not aware and does not presently consider that the amendment will bring into scope of the Code the same form of marketing communications by other categories of advertisers which do not have a UK-registered address.

CAP invites comments on the impact of the remit extension from affected parties up to three months after implementation, after which it will undertake a formal review of the change. Stakeholders may submit comments until **Monday 1 December 2025**.

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<sup>1</sup> Advertisements and other marketing communications by or from companies, organisations or sole traders on their own websites, or in other non-paid-for space online under their control, that are directly connected with the supply or transfer of goods, services, opportunities and gifts, or which consist of direct solicitations of donations as part of their own fund-raising activities.

## 2. Introduction to UK advertising regulation

### 2.1 The Committee of Advertising Practice (CAP)

CAP is the self-regulatory body that creates, revises and enforces the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (the CAP Code). The CAP Code covers non-broadcast marketing communications, which include those placed in traditional and new media, promotional marketing, direct marketing communications and marketing communications on marketers' own websites. The marketer has primary responsibility for complying with the CAP Code and their ads must comply with it. Ads that are judged not to comply with the Code must be withdrawn or amended. Parties that do not comply with the CAP Code could be subject to adverse publicity, resulting from rulings by the Advertising Standards Authority (ASA), or further sanctions including the denial of media space.

CAP's members include organisations that represent advertising, promotional and direct marketing and media businesses. Through their membership of CAP member organisations, or through contractual agreements with media publishers and carriers, those organisations agree to comply with the Code so that marketing communications are legal, decent, honest and truthful, and consumer confidence is maintained.

By practising self-regulation, the marketing community ensures the integrity of advertising, promotions and direct marketing. The value of self-regulation as an alternative to statutory control has been recognised across Europe (including in legislation) for a number of years. Self-regulation is accepted by the Department for Business and Trade, Trading Standards and the CMA as a first line of control in protecting consumers and the industry.

Further information about CAP is available at [www.cap.org.uk](http://www.cap.org.uk).

### 2.2 The Advertising Standards Authority (ASA)

The ASA is the independent body responsible for administering the CAP and BCAP Codes and ensuring that the self-regulatory system works in the public interest. The Codes require that all advertising is legal, decent, honest and truthful.

The ASA assesses complaints from the public and industry. Decisions on investigated complaints are taken by the independent ASA Council. The ASA Council's rulings are published on the ASA's website and made available to the media. If the ASA Council upholds a complaint about an ad, it must be withdrawn or amended.

An Independent Review Procedure exists for interested parties who are dissatisfied with the outcome of a case. CAP conducts compliance, monitoring and research to help enforce the ASA Council's decisions. Information about the ASA is available at [www.asa.org.uk](http://www.asa.org.uk).

### 2.3 Funding

The entire system is funded by a levy on the cost of advertising space, administered by the Advertising Standards Board of Finance (Asbof) and the Broadcast Advertising Standards Board of Finance (Basbof). Both finance boards operate independently of the ASA to ensure there is no question of funding affecting the ASA's decision-making.

Information about Asbof and Basbof is available at [www.asbof.co.uk](http://www.asbof.co.uk) and [www.basbof.co.uk](http://www.basbof.co.uk).

## 3. Current wording

### 3.1 Scope of the Code

II The Code does not apply to:

[...]

c. marketing communications on websites, apps and cross-border platforms (for example, social media platforms or retail platforms) unless they meet at least one of the following criteria:

- Non-paid-for marketing communications from or by marketers with a UK-registered company address.
- Marketing communications appearing on websites with a “.uk” top-level domain.
- Paid-for marketing communications from or by marketers targeting people in the UK.

## 4. Amendment

CAP is amending Section IIc of the Scope of the CAP Code:

### Amendments

II The Code does not apply to:

[...]

c. marketing communications on websites, apps and cross-border platforms (for example, social media platforms or retail platforms) unless they meet at least one of the following criteria:

- Non-paid-for marketing communications from or by marketers with a UK-registered company address and / or who are subject to licensing conditions requiring compliance with the CAP Code, which are imposed by either a UK public authority or UK public body.
- Marketing communications appearing on websites with a “.uk” top-level domain.
- Paid-for marketing communications from or by marketers targeting people in the UK.

## 5. Background

### 5.1 Existing Scope of the Code

The Scope of the Code currently excludes non-paid for marketing communications on websites, apps and cross-border platforms, unless the marketer has a UK-registered company address and / or the marketing communications appear on websites with a “.uk” top level domain.

#### **Gambling Commission licensing of operators**

Gambling operators who provide facilities for gambling to consumers in Great Britain (online or through any other means) must hold a licence from the Gambling Commission. Under the Licence Conditions and Codes of Practice (LCCP), all licensees must comply with CAP and BCAP Codes. LCCP Social Responsibility 5.1.6 (Compliance with advertising codes) and 5.1.7 (Compliance with advertising codes - lotteries) state, ‘In particular, Licensees must comply with the advertising codes of practice issued by the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) as applicable. For media not explicitly covered, licensees should have regard to the principles included in these codes of practice as if they were explicitly covered.’

Failure to comply with the Codes of Practice could lead to the Gambling Commission taking action in line with its Statement of Licensing, Compliance and Enforcement policy.

Many gambling operators who target UK consumers through marketing posts on their social media channels are registered outside the UK. CAP has therefore amended the scope of its Code to ensure such posts by these licensed operators are held to the same standard as marketing posts from UK-registered gambling operators on their social media channels. The amendment ensures all marketing communications targeted at UK consumers by licensed gambling operators are regulated and held to account by the same body (i.e. the ASA). The amendment to the scope of the Code is therefore made in line with better regulation principles, particularly to support consistency in regulation.

The ASA and CAP have worked together with the Gambling Commission to ensure consistent protections for consumers, which has led to a review of how arrangements could be improved.

#### **Considerations**

In drafting these amendments, CAP has considered whether there is a risk of inadvertently bringing additional material into scope beyond the specific category of ads identified as the target of the intervention. CAP is not aware of any other categories of material that would be brought into scope by the proposals. CAP considers that the principle that the CAP Code should be applied to advertisers who, under requirements by a UK public body, are required to abide by the CAP Code (no matter where the advertiser is based) is a principle that is not obviously contestable.

## 6. Reviewing the extension of remit and inviting feedback

CAP is committed to reviewing the impact of the extended remit three months after the implementation of the extension. CAP considers this period is appropriate as according to their assessment, the extension, in practice, is limited to a subset of non-paid for social media ads by gambling operators targeting UK consumers and unlikely to encompass any more substantial range of material.

CAP invites and encourages feedback from stakeholders throughout the review period about any aspect of the remit extension with a pledge to act, as appropriate, on the significant comments that they receive.

### How to respond

CAP invites written comments and supporting information on the amendments contained in this document by 5pm on **Monday 1 December 2025**.

Responses via email with attachments in Microsoft Word format are preferred to assist in their processing.

Please send comments to: [AdPolicy@cap.org.uk](mailto:AdPolicy@cap.org.uk)

If you are unable to respond by email you may submit your response by post to: Regulatory Policy Team Committee of Advertising Practice, Castle House, 37-45 Paul Street, London EC2A 4LS




## Contact us

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