Written evidence questions for the ASA (including the CAP and BCAP)

Regulatory framework

1. What is the ASA's assessment of how effectively it is discharging its responsibilities in relation to the advertising of gambling?

The ASA considers the current regulatory system for gambling advertising is effective, combining independent advertising regulation with Gambling Commission licensing and enforcement powers. The framework enables specialist ASA oversight of advertising content and placement while ensuring operators remain ultimately accountable under the CAP and BCAP Codes, Gambling Commission licensing provisions and gambling law.

We consider that the ASA system provides a robust but targeted and proportionate framework in which responsible gambling is permitted, but where people are protected from potential gambling advertising related harms. It is a system that can, and does, respond to emerging evidence and one that also adapts quickly to advertising trends and the ever-evolving media and advertising landscape.

   a. Does the ASA consider the current division of responsibilities between the ASA and the Gambling Commission to be appropriate?

As the UK's frontline advertising regulator, the ASA brings together different statutory, co-regulatory and self-regulatory enforcement mechanisms so they appear seamless to people and businesses. The support we receive through collective ad regulation delivers faster, more flexible, more joined-up and proportionate regulation.

The division of responsibilities between the ASA and Gambling Commission is streamlined, aligning different types of regulatory expertise and avoiding duplication. We have a good relationship with the Gambling Commission, and our continued cooperation and information sharing remains important.

2. What, if any, changes would the ASA wish to see in the regulatory framework?

Gambling is an extremely important area of advertising regulation because of the potential for harm associated with the participation in gambling. This means that we consult on, and update the Codes (where necessary), provide guidance and training services to help businesses stick to the rules, undertake proactive monitoring using our AI-based Active Ad Monitoring system which monitors over 10,000 online gambling ads each month and also undertake investigations that usually lead to published rulings.

Crucially, the ASA reviews its approach and responds where evidence demonstrates a need, particularly in response to evolving online marketing practices and pertinent gambling issues of the day.

   a. Would a new regulatory framework for gambling advertising, calibrated to respond proactively to emergent forms of online marketing as they develop and administered solely by the Gambling Commission, be more effective?

From an advertising regulation perspective, the ASA is satisfied that the standards align with the objectives of the underlying gambling legislative framework and that we have the necessary enforcement mechanisms in place to implement those policies. Our regulation is equipped to respond proactively to emerging forms of marketing as they develop. The dual-regulator model, currently in force, provides complementary expertise and independent scrutiny. We believe it is important to focus on effective coordination between the Gambling Commission and ASA rather than concentrating all responsibilities within a single regulator.

Affiliate marketing

3. The 2020 special inquiry committee recommended that affiliates "be licensed by the Gambling Commission before they can enter into contracts with gambling operators".[1]

    a. Has the ASA observed an improvement in the conduct of affiliates in relation to social responsibility since 2020?

Since the publication of the Liaison Committee's report, awareness of the regulatory accountabilities and responsibilities of working with affiliates have improved, supported by regulatory action, industry awareness and greater operator oversight. That said, compliance challenges still remain which we are working to improve.

    b. Is the current regulatory model for affiliates, by which the ASA regulates marketing by affiliates and the Gambling Commission holds licensed gambling operators responsible for the actions of their affiliates, operating effectively?

Yes. Holding operators responsible for affiliates provides a strong incentive for oversight while allowing the ASA to regulate marketing content and placement directly. This results in a joined-up approach with a clear line of accountability for all marketing activity within the scope of the Codes leading to the licensed operator.

Influencer promotion

4. What consideration has the CAP given to prohibiting gambling promotions by social media influencers and content creators (irrespective of whether these promotions are considered 'advertising' or 'editorial content' under the ASA's current definition)?

None, because CAP does not have the power to prohibit all gambling promotions by social media influencers and content creators (even when they are running advertising that falls under our Code). Such a sweeping prohibition would be a matter for Government/Parliament.

Inducements

[1] Select Committee on the Social and Economic Impact of the Gambling Industry, [Gambling Harm—Time for Action](#) (Report of Session 2019–21, HL Paper 79), para 250

5. In advice given by the CAP Executive, it is stated that marketers "should not describe an offer as 'free' if the customer must risk their own money to qualify", but does permit this in the case of 'free bets' provided that the requirement to place a qualifying bet is "stated clearly".[2]

   a. Why does the ASA consider the use of the term 'free bet' appropriate, and what assessment has it made of the risks of creating a misleading impression of risk for customers?

The key regulatory requirement is that any qualifying conditions and financial commitments are made clear and prominent. Conditional purchase 'free' offers are not prohibited under consumer protection law. Such claims are, however, subject to consumer protection regulations, including those reflected in the CAP Codes.

The ASA recognises the potential for misunderstanding and therefore scrutinises whether advertising creates a misleading impression about risk, cost or eligibility.

The ASA has produced guidance for advertisers on the 'use of free' and on 'free bets'.

Sense of urgency

6. The 2020 special inquiry committee recommended a ban on advertisements "which create a sense of urgency about placing bets".[3] In revised Advertising Guidance, published in August 2021, it is noted that "urgent calls to action (for instance, 'Bet now!') […] are likely to be regarded by the ASA as a breach of [CAP and BCAP Code] rules because they could pressure consumers into participating when they otherwise would not."[4]

   a. Has the ASA observed a reduction in gambling advertisements conveying a sense of urgency since this guidance was revised?

The guidance appears to have improved industry understanding of the rules and contributed to higher compliance rates, although ongoing monitoring remains necessary. The ASA has not observed a significant issue in relation to this provision of the guidance through complaints or proactive monitoring. We have also noted that half-time live odds promotions have been more toned down in recent years, with advertisers presenting the offer but generally avoiding using creative approaches that push people to bet.

   b. How frequently has it taken steps against advertisers in breach of its rules in this regard?

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[2] CAP Executive, *Gambling, betting and gaming: Free bets and bonuses*, 11 September 2025
[3] Select Committee on the Social and Economic Impact of the Gambling Industry, *Gambling Harm—Time for Action* (Report of Session 2019–21, HL Paper 79), para 535
[4] CAP, *Gambling advertising: responsibility and problem gambling—Advertising Guidance (non-broadcast and broadcast)*, April 2018 (published), August 2021 (revised). Revision to the guidance followed consultation: CAP, *Consulting on stricter rules for gambling ads*, 22 October 2020.

The ASA has taken action where advertisements have breached the rules, through both formal rulings and compliance interventions proportionate to the circumstances.

Since the guidance was revised, we have published two upheld rulings (William Hill, 2025) and (Coral, 2022). Both were in breach of our gambling advertising social responsibility rules.

Content marketing

7. What is the ASA's assessment of the evidence base regarding the connection between gambling 'content marketing' and gambling-related harm, and particularly its appeal and recognisability to under-18s, and how has the ASA taken this evidence base into account in the exercise of its responsibilities?

Third party evidence base

The ASA recognises concerns about content marketing, particularly its potential appeal to under 18s and recognisability to children, young people and adults. Regulatory approaches have been informed by available evidence and by ongoing monitoring of evolving online environments. We have reviewed evidence produced by third parties on the issue of content marketing and taken it into account as appropriate, whilst noting that much of the research we have reviewed contained weaknesses relating to (for instance) methodology, priming terminology and the stimulus material referred to, which has limited the weight we can place on such studies in exercising our responsibilities.

ASAs own evidence base and proactive monitoring

The ASA has been carrying out a proactive sweep of gambling operators' organic social media posts, covering several months' worth of content (August 2025 – March 2026) using our AI-driven Active Ad Monitoring System. Over 700 posts were marked for review by the Active Ad Monitoring tool covering all of the main licensed gambling operators, of which a representative sample of 388 were assessed. Meanwhile, the Executive led a desk-based review of operator posts published on X during February to March.

The content was assessed by gambling specialists to see whether it was likely to (A) be advertising for the purposes of the CAP Code [via the 'directly connected' test], and (B) break the ASA's rules, primarily by including content that would be of 'strong appeal' to children, because of the inclusion of individuals who were or appeared to be U25 or for any other reason.

For the ads we found on Meta:

- ~ 85% of all posts were found not to be ads or ads that were clearly compliant
- ~ 10% of all posts were borderline. i.e. would require investigation to establish if they are ads and/or a problem under the Code
- ~ 5% of those scanned were found likely to be both ads AND in breach of the rules

This review provides a clear and authoritative baseline for likely current compliance rates of content marketing ads. A more detailed report on our monitoring exercise has been published here. We will progress enforcement action against clearly problematic ads and will investigate borderline cases if we need to establish where to draw the line.

We are also undertaking targeted compliance work on:

- The use of under-25s in gambling advertising
- Influencer gambling marketing, both paid and organic
- Advertising on emerging platforms such as livestreaming services

Rulings

The ASA has, to date, published five rulings in total on content marketing: Dribble Media Ltd t/a Midnite, 2025); (Eaton Gate Ltd, 2025); (Dribble Media Ltd t/a Midnite, 2025; (Thierry Henry, 2026) and (Erling Haarland and Harry Kane, 2026). Each ruling firstly addresses the remit of the posts and why we consider them to be an ad and secondly whether the celebrity featured was of strong appeal to U18s. The Thierry Henry ruling (and our wider recent proactive sweep) is instructive in demonstrating that not all content marketing advertising is inherently in breach of gambling rules such as strong appeal. It is possible for gambling operators to construct content marketing ads which comply with our strict rules; or otherwise to post content marketing that is outside our remit that would not be a likely breach of our Code were it to be an ad.

Enforcement

In June 2026, we also published an Enforcement Notice which applies to gambling ads, primarily on social media and including those posted on an advertiser's own social media account. The notice outlines aspects advertisers should consider when determining if their content is likely to be of strong appeal to under-18s, referencing recent ASA rulings. We began actively monitoring from 11 June 2026, and that will be followed by targeting enforcement action where needed.

8. The ASA's 2022 remit statement noted that social media content posted by gambling operators that is not "directly connected with the supply of the gambling product" constitutes "editorial content" rather than "advertising", and is therefore outside the ASA's remit. The remit statement also observed that the exclusion of "editorial content" from the ASA's remit is "inspired in large part by the need to protect freedom of expression", but noted that "[the vast majority of 'content marketing' is effectively deemed by the ASA to 'sell something' and is, therefore, regulated under the CAP Code."[5]

[5] ASA, *Remit statement: 'content marketing' for gambling products online*, 10 June 2022

a. Does the ASA consider that social media posts by gambling operators falling under its definition of "editorial content" are in no way intended to promote the products of that operator?

The ASA recognises that such content may have commercial intent in that it contributes to broader brand-building or brand engagement objectives, but the ASAs long-standing remit assessment focuses on whether a communication is directly connected to the supply or transfer of goods, services or opportunities. This test recognises that there is a necessary boundary between editorial and advertising content and the test appropriately defines the role of the ad regulator in non-paid-for space online to ensure we do not unduly limit or interfere in the legal rights of a company to exercise their commercial freedom of speech which is editorial in nature.

Nevertheless, in circumstances where such content falls out of our remit, the ASA refers to the Gambling Commission content that – had it featured in ads falling within the ASA's remit – would very likely have breached the Code.

b. Since 2020, how many complaints has the ASA received about communications which it has assessed to be "editorial content" and thus to fall outside its remit, and does this include cases which it previously confirmed it was reviewing?[6]

Since January 2020:

- 10 cases about gambling social media posts were marked as Outside Remit on editorial grounds. 4 of the cases were referred to the Gambling Commission, as these would very likely have breached the Code had they been in remit

c. Does the exclusion of "editorial content" risk undermining the ASA's ability to regulate content marketing effectively?

The advertising and editorial distinction presents challenges but remains an important principle maintaining a clear boundary between advertising and non-advertising content as explained in our response under section 8 (a) above.

9. In its 2022 remit statement, the ASA stated that "in the limited scenarios where complaints about operators' social media are deemed not to be within remit, the ASA will refer them to the Gambling Commission."[7]

    a. Can the ASA confirm that, in all instances since then in which complaints received about gambling operators' content marketing were judged by the ASA to fall outside its remit, such a referral to the Gambling Commission took place?

[6] For example, Channel 4 Entertainment, YouTube, Joe Lycett Calls Out Paddy Power's DANGEROUS Ads— Joe Lycett's Got Your Back, 22 November 2021 [accessed on 29 May 2026] and ITV News, *Online gambling firm Midnite accused of breaking rules banning adverts that appeal to children*, 18 June 2025.

[7] ASA, *Remit statement: 'content marketing' for gambling products online*, 10 June 2022

No. The ASA's policy is to refer relevant concerns about gambling operators' social media activity to the Gambling Commission where appropriate. Any such complaints received by the ASA are referred to the Gambling Commission where the content – had it featured in ads falling within the ASA's remit – would very likely have breached the Code.

b. Following referral, what subsequent action was taken by the ASA and the Gambling Commission in these cases?

No action was taken by the ASA after referral. It is for the Gambling Commission to say what action, if any, it took post ASA referral.

Potential reform

10. What consideration has the ASA given to the benefits and risks of the following possible measures:

a. Revising its remit to include what it currently defines as 'editorial content' posted on social media by gambling operators;

One of the key exclusions from the ASA's remit – necessitated by the need to restrict our interventions to material which can reasonably be determined to be an advertisement or other marketing communication – is editorial content. Therefore, in advertiser-controlled non-paid for space online, for content to be considered advertising material within the remit of the CAP Code, it must meet the "directly connected" test.

Social media posts by licensed gambling operators will generally fall within scope if they are directly connected to their services or intended to stimulate consumer interest in them. While there is an exclusion for genuinely editorial content, such as independent commentary or opinion, a lot of content marketing does not qualify for that exemption. Posts can be considered ads within the ASA's remit where they include direct references to gambling products, odds or related services, but also where they include indirect references, such as by seeking to generate interest in events that the operator offers bets on (without directly referencing that fact).

Arguably the biggest risk of extending the ASA's remit to include editorial content would be the challenge around balancing regulation with commercial freedom of expression as discussed at 8 (a) above. Another risk would be the significant expansion of ASA's advertising remit into online communications not directly connected with the supply or transfer of good and services.

b. Introducing a requirement that all social media content posted by gambling operators carries a clearly visible banner identifying it as advertising;

CAP Code Rule 2.1 requires that marketing communications are obviously identifiable as such. It reflects underpinning law. Both recognise the importance of consumers knowing when they are being sold to, which – in turn – raises their cognitive defences and triggers resistance to persuasive appeals.

In January 2025, in response to concerns from the University of Bristol related to their dossier of 100 content marketing posts (80 of which concerned the issue of recognisability), we asked the ASA Council for a steer on whether it considered the audience of the posts were likely to recognise them as ads. The ASA Council's discussion confirmed our position that "When businesses or brands post about their own products or services on their own social media accounts, and they are identifiable as the entity that posted the content (i.e. their brand username is displayed), this content is generally considered to be obviously identifiable as advertising for that brand".

That position, however, doesn't determine that everything posted by businesses on their own social media accounts is advertising within the remit of the CAP Code. Instead, it confirms that where social media content is posted by a business, people are likely to recognise that the account posting the communication is a commercial entity. This can be contrasted to influencer posts, including from celebrities, who will often post a mixture of genuinely personal or editorial content as well as ads. The ads can thus be harder to distinguish. This is why we typically require such advertising content from influencers to be prominently labelled as ads.

Crucially, a blanket labelling requirement would require careful consideration of the evidence of harm and whether such a requirement was a targeted and proportionate response to that harm.

c. Prohibiting all gambling content marketing on social media (and particularly that which the ASA currently defines as 'editorial content') and stipulating that all promotional social media communications by gambling operators contain explicit reference to promoting their products?

See above.

Overseas jurisdiction

11. In September 2025, the ASA clarified that non-paid-for online advertising by UK-licensed gambling operators registered overseas fell within its remit. The ASA termed this an "extension" of its remit.[8]

a. Prior to this change of policy, the Gambling Commission's Licence Conditions and the ASA's interpretation of its remit were therefore incompatible. Before the change of policy, did the ASA dismiss complaints regarding non-paid-for online advertising by non-UK-registered (but UK-licensed) gambling operators on the grounds that they were outside its remit? If so, how many?

Most complaints that the ASA has investigated and issued rulings on in recent years have appeared in paid-for advertising space. When an ad appears in paid-for space there is no question that the ASA has jurisdiction over those that target UK consumers.

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[8] CAP, *Extending the Scope of the CAP Code*, 1 September 2025

Up until recently, the picture has been more complex for ads that appear in non-paid for space, such as on operators' websites or social media feeds. The factors that might bring a social media post into jurisdiction were complex and included the registered country of the parent company and whether companies based in non-UK jurisdictions had an equivalent advertising regulator that we could refer cases to. Consequently, the ASA had jurisdiction to regulate the non-paid for social media ads of UK-registered gambling operators but not operators registered in non-UK jurisdictions. But where an equivalent advertising regulator existed which had a cross-border referral process with us in place we would refer the complaints to the relevant authority in the country in which the marketer was registered.

Between 2019 and the clarification in September 2025, 17 complaints concerning non-paid-for online advertising by overseas-registered operators were outside the ASA's remit. For non-UK registered companies' non-paid for advertising, whether we took alternative actions was dependent on the geographic location of the registered gambling operator. In many cases, we referred to an equivalent advertising regulator oversees via the European Advertising Standards Alliance (EASA). There were 14 such referrals between 2019-2025.

b. Can the ASA provide an estimate of the total number of online gambling advertisements by UK-licensed gambling operators registered overseas that it defined as outside its remit prior to September 2025, and an estimate of what this represented as a proportion of all online gambling advertising by UK-licensed gambling operators?

No. The ASA does not capture that information.

c. When did the ASA first become aware of this incompatibility? Why did it not act to correct this before September 2025?

Some gambling operators who advertise to UK consumers are registered outside the UK and some of those are registered in Malta or Gibraltar, which have no suitable advertising regulator that we can refer concerns to. In such jurisdictional cases the ASA instead had a long-standing approach of "taking what action it could". This meant in practice that we would assess the complaint ourselves and take action including by investigating and publishing rulings on it.

In the summer of 2025, the ASA's assessment of a soon to be published ruling concerning a content marketing ad, which had been proactively identified for investigation, for a company based in Malta, highlighted a legal risk in our application of the 'take what action we can' remit approach. The ASA was advised it was unable to safely regulate non-paid-for advertising by companies registered in Malta or Gibraltar on the basis of "taking what action we can".

Consequently, CAP's Regulatory Statement, published in September 2025, extended the Scope of the CAP Code to include non-paid-for online ads targeting 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.

The Codes are kept under ongoing review and we welcome new evidence which might suggest they need to offer additional protection, where existing protections may no longer be necessary or where other regulatory action might be warranted. This is a rigorous process that requires time to ensure all available evidence is carefully assessed. We have listened to concerns about jurisdictional matters.

d. The ASA stated that it would review the impact of this policy change. Has it observed a substantial increase in complaints which would previously have been ruled out of scope? Has it upheld any complaints in this category?

The review was confined to the drafting and scope of the policy change. No organisation has raised any objection to it, and some gambling operators have welcomed the change.

The ASA has published one ruling since the policy change, the recent Betway (2026) ad appearing on social media (own site) where the gambling operator is based in Malta.

The ASA has seen no evidence of an increase in complaints that concern ads from companies registered in Malta or Gibraltar as a result of the jurisdictional changes.

e. What reassurance can the ASA provide that it has and will continue to take steps to co-operate more effectively with the Gambling Commission, DCMS, and other relevant bodies to ensure that the overall regulatory framework for gambling advertising is not undermined by jurisdictional loopholes?

The ASA maintains close working relationships with the Gambling Commission, government departments and other stakeholders to ensure an effective and coherent regulatory framework.

Social media companies

12. In judgments on several complaints about gambling advertisements on social media, when considering whether the advertisement was likely to be of "strong appeal" to under-18s and thus in breach of CAP Code 16.3.12,[9] the ASA has taken into account limitations to the robustness of self-verification of users' ages by the relevant social media platform at the time the advertisement was displayed. That under-18s could not have been "entirely excluded from the audience" was held to be a factor that necessitated assessment of the risk of the advertisement's appeal to under-18s on a case-by-case basis.[10]

a. Does the ASA consider that social media companies should do more to prevent under-18s' exposure to marketing by licensed operators?

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[9] CAP, *CAP Code: 16 Gambling*, Section 16.3.12

[10] For example, ASA, *ASA Ruling on Dribble Media Ltd t/a Midnite*, 17 September 2025; *ASA Ruling on Dribble Media Ltd t/a Midnite*, 26 November 2025, and *ASA Ruling on Bonne Terre Ltd t/a Sky Bet*, 22 October 2025.

Platforms have an important role in preventing under-18s from being exposed to age-restricted advertising and should continue improving age-assurance and targeting controls.

b. In the ASA's view, what would be the benefits and risks of the creation of a statutory duty on social media companies to ensure that they prevent exposure of under-18s to gambling marketing by both licensed and unlicensed operators?

This is a matter for Government and Parliament to debate.

That said, protecting children is a priority for the ASA. We invest in advanced tools and research to understand and monitor real-world exposure. Our work includes the use of child-avatar technology, large web scraping and ad-monitoring tools and research examining children's exposure to age restricted advertising online, including gambling.

Illegal marketing by unlicensed operators

13. To what extent is there a risk that further restrictions on the visibility of advertising by licensed operators will increase the relative prominence of the illegal market and contribute to increased gambling harm?

The ASA is not clear what is meant by "further restrictions on the visibility of advertising by licensed operators". The potential for restrictions to have the unintended consequence of increasing gambling harms via the illegal market is one important factor for policymakers to consider.

While the ASA does not directly regulate illegal operators, we play an active role in tackling their advertising by:

- Contributing intelligence to the Gambling Commission
- Working closely with major online platforms
- Chairing a subgroup on advertising within the Government's Illegal Gambling Taskforce

This has already led to progress in identifying and removing illegal advertising, including ads for "non-GAMSTOP" operators.

Video games

14. Has the CAP made an assessment of the merits and risks of a ban on gambling advertisements in video games with a PEGI rating below 18?

No. CAP would consider any proposal on the basis of evidence of harm, exposure, proportionality and practical enforceability.

Advertising in sport

15. The 2020 special inquiry committee recommended that gambling advertising on sports kits and advertising in or near sports venues be banned, with exceptions for

horseracing and greyhound racing.[11] It also recommended that 'bet to view' inducements in sport broadcasting be prohibited.[12]

a. In the view of the ASA, have voluntary self-regulatory measures had any impact in reducing exposure to gambling advertisements around sporting events?

The ASA has not undertaken an assessment of voluntary self-regulatory measures that do not fall under our Codes.

16. What assessment have the CAP and BCAP made of the merits and risks of the following measures:

a. Implementing the former committee's proposal on restricting advertising in or near sports venues and on sports kits;

None. CAP would consider any proposal falling within its remit and powers on the basis of evidence of harm, exposure, proportionality and practical enforceability.

b. Implementing the former committee's proposal on prohibiting 'bet to view' arrangements with gambling operators;

None. CAP would consider any proposal falling within its remit and powers on the basis of evidence of harm, exposure, proportionality and practical enforceability.

c. Prohibiting gambling marketing in TV and radio broadcast coverage of sporting events?

None. CAP would consider any proposal falling within its remit and powers on the basis of evidence of harm, exposure, proportionality and practical enforceability.

Broadcast advertising

17. Has the BCAP made a recent assessment of whether the following measures would significantly reduce the exposure of under-18s to gambling advertising?

a. A comprehensive ban on gambling advertising in the pre-9pm watershed period;

No. CAP does not have the power to enact a watershed ban. Such a sweeping prohibition would be a matter for Government/Parliament.

b. A ban on gambling sponsorship of non-sport-related TV and radio programmes.

No. CAP would consider any proposal falling within its remit and powers on the basis of evidence of harm, exposure, proportionality and practical enforceability.

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[11] Select Committee on the Social and Economic Impact of the Gambling Industry, *Gambling Harm—Time for Action* (Report of Session 2019–21, HL Paper 79), paras 524–526

[12] Select Committee on the Social and Economic Impact of the Gambling Industry, *Gambling Harm—Time for Action* (Report of Session 2019–21, HL Paper 79), para 530