

Responding to the findings of the GambleAware Final Synthesis Report: CAP and BCAP's evaluation of responses to Question 1



1. Introduction

Following public consultation, the Committee of Advertising Practice (CAP) and Broadcast Committee of Advertising Practice (BCAP) have decided to introduce new rules further restricting the appeal to under-18s of gambling and lotteries advertising.

These proposals were set out under Question 1 in section 6.4 of the [consultation document](#). CAP and BCAP have published a separate [Regulatory Statement](#) summarising the rationale for their decision and confirming the outcomes on the various points that were consulted on. The tables below in this document sets out CAP and BCAP's detailed evaluation of all significant comments received. It should also be read alongside the regulatory statement and the [consultation document](#). Full copies of the responses have been published on the consultation output page.

2. List of respondents and their abbreviations used in this document

The following parties responded to the consultation.

	Organisation / Individual	Abbreviation
1	Age Verification Providers Association	AVPA
2	Apricot	AP
3	BetFred	BF
4	Betsmart Consulting	BC
5	Betting and Gambling Council	BGC
6	BV Gaming	BV
7	Betway	BW
8	Bet Index	BI
9	Bournemouth University Responsible Gambling Research Group	BU
10	Camelot	CA
11	Drummond Central	DC
12	Entain	EN
13	Flutter	FL
14	Fundraising Regulator	FR
15	Gambling Health Alliance	GHA
16	Gambling with Lives	GWL
17	Gamesys	GS
18	Incorporated Society of British Advertisers	ISBA
19	Media Ireland	MI
20	Mission and Public Affairs Council of the Church of England	MPAC
21	Money and Mental Health Policy Institute	MMHPI
22	Prof. Agnes Nairn	AN
23	Rank Group	RG
24	Sky	SK
25	Verime	VE
26	William Hill	WH
27	Public Respondent 1	PR1

3. Evaluation of consultation responses

Consultation question 1 set out CAP and BCAP's proposals for the introduction of new restrictions on gambling and lotteries ad content of 'strong' appeal to under-18s. The proposals set out included specific exemptions for certain types of content, an approach to developing accompanying guidance, and a further proposed for narrowly targeted in media that exclude under-18s from the audience (see [consultation document](#) section 6).

Question 1(a): Do respondents agree with the proposed amendments (set out in section 6.4.1 above) to CAP rule 16.3.12 (gambling) and BCAP rule 17.4.5 (gambling)? If not, please state why including details of any alternative approach(es) to achieving CAP and BCAP's policy aims.

	Responses in agreement with the proposals	Comments	CAP and BCAP's evaluation
1(a) – 1.1	AN, BC, BF, BV, GHA, SK, WH	These respondents expressed general agreement with the proposal, although some gave the view subject to further considerations or questions.	
1(a) – 1.2	WH	The respondent welcomed the proposed changes provided that they were accompanied by clear guidance on their application to ensure consistency in enforcement.	<p>The consultation drew on existing BCAP guidance on the use of the 'strong' appeal test for the restricting content of appeal to under-18s for TV alcohol advertising. This guidance is significant and detailed, but CAP and BCAP recognise the distinctions between alcohol and gambling as products, along with the relatively limited precedent in terms of ASA rulings involving issues of 'strong' appeal and alcohol ads.</p> <p>CAP and BCAP are not obliged to consult on the development of guidance but considered it appropriate to seek feedback from stakeholders through the consultation. It committed to exploring how provisions from the alcohol guidance could apply to gambling-related advertising content and invited respondents' feedback to inform development of new, gambling-specific guidance on appeal.</p> <p>Advertising guidance plays a key role in the ASA's interpretation of the rules, although the ASA is not bound by guidance and, in rare and exceptional circumstances, it may deviate from it. Guidance also sets industry expectations of marketing approaches that are likely to be unacceptable. The underlying objective is to ensure that advertising is compliant before it is published or broadcast. Advertising guidance</p>

			<p>(combined with ASA rulings as they emerge) provides a strong basis for determining the risks involved in using a particular piece of content in an ad. However, these cannot cover all eventualities. Ultimately, it is for advertisers to take responsibility for exercising appropriate caution in developing campaigns.</p> <p>CAP and BCAP have collated responses requesting further guidance at various points in this evaluation document (including questions about the applicability of parts of the BCAP alcohol guidance proposed as a basis for new gambling-specific guidance in the consultation) and used them to develop a new, gambling-specific guidance document included in Annex A. CAP and BCAP are satisfied that it addresses concerns over the need for detailed, gambling-specific support to aid compliance with the new restrictions. Section 2.5 of the regulatory statement discusses the development of the guidance.</p>
	Responses disagreeing with the proposals	Comments	CAP and BCAP's evaluation
1(a) – 2.1	BW, BGC, BU, EN, GS, AP, FL, RG	These respondents disagreed with the proposal.	
1(a) – 2.2	GS	The respondent considered the proposal was unnecessary. They believed it was excessive and could hinder advertising approaches that did not pose a risk to under-18s.	<p>CAP and BCAP disagree. The general policy aim is to set standards that ensure gambling advertising does not harm or exploit under-18s. The proposal for new controls on the appeal of ad content furthers this aim responding proportionately to new evidence of advertising's likely impact.</p> <p>As set out in the consultation document, there is evidence of advertising compliant with the existing 'particular' appeal-based restrictions having an undue impact on under-18s. Certain types of ad content (for instance, through links to the lives under-18s, or conveyed sense of affinity or aspiration) are likely to have a greater impact than previously understood. Notably, the GambleAware Final Synthesis Report (section 1.2.4) states that celebrity endorsement "was thought to appeal to and attract the celebrity's fans and more widely perceived to make the promotion more authentic, trusting and memorable. The choice of celebrity dictated the appeal of the advert; examples of appeal to children and young people included use of sports stars".</p>

			<p>Although some respondents have questioned the significance of certain aspects of the new evidence base (see, in particular, 1(a)–3.1 below), CAP and BCAP are satisfied that the view of the evidence presented in the consultation document holds; certain types of ad content are likely to have a modest but nevertheless significant enough an effect to justify new interventions. The introduction of ‘strong’ appeal-based rules builds on existing and well-established controls on the appeal of advertising to under-18s. The UK Advertising Codes have long included significant restrictions on the content of gambling ads through their rules banning content likely to be of ‘particular’ appeal to under-18s (that it can reasonably be said to appeal more to younger age groups than to adults). The new ‘strong’ appeal-based test extends protections to a broader range of subjects and themes (principally, relating to certain sports and activities like eSports) where the level of appeal to under-18s is very significant in itself irrespective of a similar strength of appeal among adult groups.</p> <p>At the same time, CAP and BCAP are satisfied that the proposals do not have the effect of unduly restricting the promotion of legitimate, licensed gambling products. The UK Advertising Codes focus on the restriction of advertising approaches that are irresponsible or pose risks of harm to under-18s. They do not prohibit or unreasonably restrict particular types of gambling product. Where there is a potential for restrictions on the creative content of advertising to undermine the viability of promoting a particular type of gambling product, appropriate and proportionate exemptions have been integrated into the policy. See also 1(a)–2.7 and 1(a)–2.11 below.</p> <p>In practical terms, the new restrictions build on existing policies and regulatory concepts recognising the general aim of ensuring that rules are easily understood and implemented. Advertisers should have a high degree of familiarity with content restrictions; prohibitions on the use, for instance, of overtly child-oriented content will continue. The ASA has published a significant body of rulings on this and other content found to be of ‘particular’ appeal to under-18s. Additionally, as set out in 1(a)–1.2, to help advertisers to comply with the new standard, CAP and BCAP have developed new and detailed gambling-specific guidance. See section 2.3 of the regulatory statement.</p>
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1(a) – 2.3	AP, BGC	<p>The respondent agreed with CAP and BCAP's intention but considered the proposed restriction disproportionate. They believed it was uncertain that the appeal of a particular sports personality impact unduly on younger audiences and that there were many ways to target adult audiences effectively that would not be permitted under the proposed wording. The respondent believed a 'strong' appeal test would still rely on a significant degree of subjectivity making it difficult for advertiser to comply with the proposed rules.</p>	<p>See 1(a)–2.2 above and 1(a)–1.2 above. Additionally, in relation to ad targeting, the UK Advertising Codes combine strict placement, scheduling and targeting restrictions, which appropriately limit under-18s' exposure to gambling advertising with content restrictions to control the likely impact of ads under-18s do see. It is an established policy that content of undue appeal to under-18s (under the existing 'particular' appeal-based rules) should not be placed in media environments where they might reasonably see it. It may, however, appear where audience composition is tightly controlled (for instance, through means of directing a communication at known and age-verified individuals). This is considered in more detail in 1(a)–3.15, 1(e)–1.2 and 1(e)–1.4 below.</p>
1(a) – 2.4	FL	<p>The respondent considered that the proposed change was unnecessary and believed that it would lead to less clarity for advertisers. They cited the ASA and CAP's commitments to 'good regulation', including that aiming to "keep regulatory burdens to a minimum". They also pointed out that a breach of the UK Advertising Codes could lead to the Gambling Commission taking enforcement action using their statutory powers under the terms of its Licence Conditions and Codes of Practice (LCCP). The respondent noted industry compliance issues relating to the appeal of ad content around 2017-18 under the existing 'particular' appeal-based rule. They pointed out that the ASA had taken action and that CAP had produced more detailed guidance based on ASA rulings and assert that that had resulted in a reduction in the number of complaints received. They pointed out that there had been only one ASA ruling relating to ad content of 'particular' appeal to children in the last year. The respondent believed that demonstrated significant improvement in standards and made the case against what they considered more onerous regulation.</p>	<p>CAP and BCAP are satisfied the proposals meet the commitment to good regulation, along with the legal tests that must be satisfied to support further restrictions on advertisers' commercial freedom (see consultation document section 4.4). As set out in 1(a)–2.2 above, the new restrictions are proportionate to new evidence of likely harm relating to under-18s and they materially add to the protections provided beyond the standards set in by the existing rules restricting the use of content of 'particular' appeal to under-18s. In balancing the need for protections with the evidence, it should be noted that, at the same time as introducing new restrictions on the content of gambling ads, CAP has decided not to take further action in relation to the GambleAware recommendation that it reconsider the '25% test' (see Regulatory Statement section 3.3 on the evaluation of responses to Question 3). This sets the threshold for the presence of under-18s in the audience of a one-to-many media. If they are likely to comprise more than 25% of the audience, gambling ads may not be placed in that media.</p>
1(a) – 2.5	FL, BGC	<p>The respondent believed the gambling industry had made significant progress in improving standards. They cited the industry's 'AdTech Working Group', which voluntarily introduced several new wide-reaching measures through the IGRG Code and the ongoing work of the industry's 'AdTech Forum' to harness the capabilities offered by advertising technology. The respondent pointed to the introduction of the 'whistle-to-whistle' ban on gambling ads for TV in 2019, which had resulted in a significant reduction in child exposure. They noted the ASA's 2019 report on child exposure had found that child exposure to sportsbook gambling ads had fallen to a record low of 0.3 ads per week and expected to see further reductions in future ASA reporting. The respondent considered that CAP and BCAP's proposals for more restrictions on advertising for</p>	<p>CAP and BCAP acknowledge the significant industry voluntary initiatives centring on the Gambling Industry Code for Socially Responsible Advertising. While industry responsibility initiatives have a role in the wider regulatory environment for gambling, CAP and BCAP must ensure that the UK Advertising Codes remain up to date and offer effective protections proportionate to the latest evidence. Although industry initiatives have reduced certain types of ad volumes in particular media (mainly TV), exposure to the range of gambling advertising still occurs. For instance, the GambleAware Final Synthesis Report (section 1.2.3) suggests that it is at a level of some significance for under-18s. As set out in 1(a)–2.2 above, CAP and BCAP consider</p>

		an industry that, for the most part, was meeting and often exceeding the expected standard appeared disproportionate.	that there is a robust case for action increasing restrictions on the creative content of gambling advertising.
1(a) – 2.6	FL, BGC, BW	The respondent pointed out that ASA rulings provided few examples of the ‘strong’ appeal rule being applied for alcohol advertising. They believed the same decisions could have been reached by applying a ‘particular’ appeal test. They pointed out that the BCAP alcohol guidance on ‘strong’ appeal was very similar to guidance on ‘particular’ appeal presently applied to gambling with the only significant difference being the provision relating to use of sports. The respondent believed that the only material change in the proposals was how the ASA intended to interpret the proposed ‘strong’ appeal rule for gambling advertising; they added that that was unclear.	As set out in 1(a)–2.2 above, CAP and BCAP consider that there is reasonable basis to introduce new restrictions on the appeal of gambling ads. This will result in more restrictions on the use of content around themes like certain sport and eSports. As set out in 1(a)–1.2 above, CAP and BCAP committed to produce detailed guidance to help advertisers to comply. The new guidance in Annex A (see section 12) sets out how the ASA will approach enforcement and section 2.5 of the regulatory statement discusses the development of the guidance.
1(a) – 2.7	BGC	The respondent believed the only significant change resulting from the proposal was the caution that gambling operators would be required to exercise; in particular, in avoiding sports and the use of personalities in gambling advertising. They pointed out that betting was intrinsically linked to sports meaning the proposed restrictions on the use of a sports personalities would have a huge impact on gambling operators.	<p>CAP and BCAP disagree. The association between sports and gambling has long been acknowledged as an area of concern and, as set out in 1(a)–2.2 above, there is a reasonable basis in the emerging evidence for introducing new restrictions. At the same time, the proposals in the consultation document recognised the need to strike a proportionate balance focusing restrictions on potential gambling advertising-related harm while respecting legitimate commercial freedoms and the underlying legal framework that allows advertisers to promote licensed products (see also 1(a)–2.11 below). As such, they included exemptions where the restrictions would make it unreasonably difficult for an advertiser to promote a particular gambling.</p> <p>The finalised exemptions are confirmed in section 2.6 of the regulatory statement and will be included in the new, gambling specific guidance (see Annex A section 15). Responding to consultation feedback, CAP and BCAP have developed and clarified the proposals to allow reasonable scope for advertisers to illustrate products that are associated with activities of ‘strong’ appeal. That does not extend to the use of a person or character likely to be of ‘strong’ appeal because the evidence base emphasises the role of personalities. CAP and BCAP are satisfied that this restriction does not unduly limit advertisers’ ability to promote bets centred on an individual; for example, the restriction does not prohibit references in text or audio, or the use of generic imagery relating to the sport in question.</p>

1(a) – 2.8	EN	Given the inherent relationship of many gambling products to sporting events, the respondent did not agree with the proposal to apply a “strong” appeal restriction to sports betting advertising given what they considered the lack of clarity and ambiguity in the proposal.	See 1(a)–2.7 and 1(a)–1.2 above.
1(a) – 2.9	BGC	The respondent asserted that the existing ‘particular’ appeal test and supporting guidance could continue to be effective in restricting advertising content. They considered that assessing appeal on the basis of under-18s and making no reference to the content’s appeal to an adult audience went too far. They were particularly concerned by the restriction of the use of 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”.	See 1(a)–2.2 and 1(a)–1.2 above.
1(a) – 2.10	EN	The respondent believed present restrictions that allowed the use of only sports personalities and celebrities over the age of 25 ensured the appeal of such individuals to under-18s was minimised.	<p>As set out in 1(a)–2.2 above, CAP and BCAP consider that there is a robust case to extend restrictions on the appeal of creative content, including by covering the inclusion of those aged 25 and over whose example is likely to be followed by under-18s or who are of ‘strong’ appeal to them. The UK Advertising Codes have long included restrictions on the use of individuals who are or appear to be under 25 years of age playing a significant role in gambling advertising. This applies to both personalities like sportspeople and characters played by actors. These rules work alongside the more general restrictions on the appeal of advertising to under-18s. The under-25s rules are intended to limit the potential for age-based affinities recognising that children and young people often look up to those in age groups immediately above their own. They ensure there is no confusion about the age of people consuming a product that is legally available only to those aged 18 or over. Because it may be difficult to correctly identify someone’s age in an ad, setting the limit at 25 ensures that those featured in a significant role are clearly old enough legally participate in gambling.</p> <p>In practice, the under-25s restriction has the effect of already prohibiting the use of many individuals likely to be of ‘strong’ appeal to under-18s. However, it does not address questions of appeal to under-18s relating to persons aged 25 and over. Under the existing rules based on a ‘particular’ appeal test, the use of few such individuals is likely to be restricted. For instance, a famous footballer is likely to be of significant appeal across age-ranges rather than of ‘particular’ appeal to under-18s. See also 1(c)–2.9 below and the new guidance in Annex A (see section 15), which includes advice on the application of the</p>

			under-25s rules in general and how they interact with the new rules restricting content of 'strong' appeal to under-18s.
1(a) – 2.11	BGC	<p>The respondent pointed out the consultation document recognised that it was not the place of CAP, BCAP or the ASA to severely restrict a licensed operator's ability to advertise its products. They believed the effect of the proposal was disproportionate and the content-linked exemption failed to provide enough latitude for advertisers to continue to advertise gambling products (including by the use of current sports personalities when they were subject of the licensed gambling product), which met the standards set out in the Gambling Act 2005.</p>	<p>CAP and BCAP are satisfied that the decision to introduce new restrictions accord with their approach to evidence-based policy and the underlying legal tests for imposing limits on commercial freedoms. These are set out in detail in section 4.4 of the consultation document. The Gambling Commission is responsible for licensing gambling operators and ensuring the provision of their products is compatible with the Gambling Act 2005's requirements that ensure children and young people, and other vulnerable groups are protected. The UK Advertising Codes cannot reasonably introduce restrictions that have the effect of preventing the advertising of products that have met these requirements.</p> <p>The new restrictions relating to content of 'strong' appeal to under-18s neither prohibit the advertising of specific gambling products nor the use of arbitrary categories of creative content. As noted in 1(a)–2.7 above, the exemptions included in the final policy are intended to provide reasonable scope for advertisers of products where the subject is itself of 'strong' appeal to be referenced and depicted (for instance, using generic imagery to illustrate a bet relating to football). The finalised exemptions are confirmed in section 2.6 of the regulatory statement and will be included in the new, gambling specific guidance (see Annex A section 15).</p>
1(a) – 2.12	RG	<p>The respondent pointed out that UK licensed gaming sites required online verification before deposits could be taken. Consequently, they believed that there was no risk that under-18s could be attracted by content featured on a site and go on to gamble. The respondent also considered that the proposal would have potentially serious implications for competition within the online gaming sector. They believed a 2019 ruling by the ASA on the use of the <i>Mr Monopoly</i> character highlighted the dangers of the proposed move to restrict advertising, including on marketers' websites, from using content which strongly appealed to under-18s. They believed the ASA's interpretation of a 'strong' appeal rule could potentially lead to large amounts of the creative content designed to appeal to adults used within online gaming sites breaching the Code. The respondent considered that the only solution would be for online gaming sites to have an age gate, with strict customer verification prior to browsing an online gaming site. They believed that such a change would significantly restrict competition in the online sector (in</p>	<p>CAP and BCAP have not proposed a general prohibition on the use of animation in gambling advertising. The new rules restrict creative content that is deemed of 'strong' appeal to under-18s. In practice, however, owing to factors like the strong association of certain types of animation with childhood, there are already considerable restrictions on the use of such content like characters under the existing rules based on a 'particular' appeal test. Even though participation in a gambling product might be subject to strict age-verification, it is not acceptable for ads to attract under-18's attention and interest through content that appeals unduly to them in media where they might be present in the audience.</p> <p>The exemptions proposed in the consultation document (see section 6.4.4) recognised certain gambling products are related to activities like football and eSports. With regard to lotteries, the same consideration applies to the various kinds of good cause that benefit from lotteries and to lottery prizes themselves. CAP and BCAP acknowledge the</p>

		<p>particular, for new market entrants) and have implications investment in new features and benefits.</p>	<p>respondent's concern that similar considerations should apply to other kinds of licensed gambling product like online gaming products. In response, amendments to the proposed rules and exemptions have been adopted to ensure consistency across different product types to bear out the intention that restrictions can only reasonably apply to the content of an advertisement and therefore should not render marketing a product unduly difficult. The finalised exemptions are confirmed in section 2.6 of the regulatory statement and will be included in the new, gambling specific guidance (see Annex A section 15).</p> <p>CAP and BCAP consider that it is proportionate and in keeping with the nature of the evidence base to provide a narrow exemption to enable legally available products that are (because of content included or styles of gameplay, for instance) likely to be of 'strong' appeal to advertise. However, a significant number of online gaming products, although meant for adults, include themes and content that can be strongly oriented towards under-18s. Under the existing rules based on a 'particular' appeal test, the ASA has taken action to limit the appearance of content of this kind in environments where the audience cannot be strictly controlled (for instance, through an age-verified sign-in wall). While CAP and BCAP intend the changes to the proposals to allow such products to be advertised (for instance, through a 'game tile' including generic imagery and the name of the product), it does not represent a relaxation of the present position established in ASA rulings. See also section 2.3 of the regulatory statement.</p>
1(a) – 2.13	BU	<p>The respondent disagreed with the proposal noting it focused on the use of individuals, characters, and objects explicitly known to appeal to under-18s. They maintained that by allowing the creative freedom to integrate the interests of under-18s into gambling advertising content there was still scope for emotional appeals. They asserted that, as with alcohol advertising¹, exposure to gambling advertising could prime thoughts of under-18s through emotional association with other attributes such as success, potential, and status. The respondent believed gambling ads should not depict subjects of interest to under-18s including any sports and video gaming activities.</p>	<p>For reasons outlined in 1(a)–2.11 above, CAP and BCAP cannot prohibit all references to activities that are the subject of gambling products where the activity itself is of inherent 'strong' appeal to under-18s (for example, references to certain sports or eSports). This would have the effect of banning legitimate, licensed gambling products from being advertising at all.</p> <p>As set out in 1(a)–2.2 above, there is a basis in the new evidence provided by the GambleAware research to increase protections for under-18s by extending the scope of content restrictions to cover more creative content; that which is likely to be of 'strong' appeal to them. CAP and BCAP are satisfied that the approach to introducing new, 'strong' appeal-based rules (including several focused exemptions) appropriately balances the new evidence of potential harm with the</p>

¹ Gunter, B., 2014. Chapter 5: Alcohol Advertising and Young People. Retrieved from: <https://link.springer.com/content/pdf/10.1057%2F9781137313256.pdf>

			<p>wider evidence in this respect and the case for the effectiveness of the present framework of controls.</p> <p>The emerging evidence is nuanced with different themes and emphases apparent. In general, it reinforces the case for interventions to counter irresponsible gambling advertising. However, CAP and BCAP would stress that rules seeking to achieve this have been in place since the Gambling Act 2005 came into force in 2007 liberalising the market and providing greater scope for operators to advertise their products. The question for this process is whether the existing rules should be extended in response to new evidence and insights.</p> <p>Central to the case for change, the GambleAware research suggests that advertising compliant with the UK Advertising Codes has effects on under-18s not previously considered. However, this must be assessed with a due sense of proportionality; the finding of links between reported exposure and what it termed “susceptibility” to gambling is a case in point. It is an association, and the findings are modest. Moreover, it is a particularly sensitive measure including respondents in the ‘susceptible’ category if they responded that they would “probably not” gamble in the next year alongside other with more definite answers. The GambleAware qualitative study findings add to the case for further action, but these again must be considered against the wider evidence base on gambling advertising-related harm.</p> <p>The Final Synthesis Report’s findings related to under-18s’ recall of exposure and levels of brand awareness are relevant and, to a degree, concerning. However, such findings are in line with existing understanding of the evidence of advertising’s impact (see consultation document sections 3.4 and 5.2). They also provide little indication of actual behaviour and there are contrary indicators from the findings that suggest gambling advertising’s impact on under-18s is limited. For example, engagement levels and liking for gambling advertising are generally low, and scepticism about gambling more broadly is high.</p> <p>The emerging evidence must also be considered in the context of key indicators in the wider evidence base. As set out in the consultation, there is a strong case supporting the effectiveness of present framework in limiting gambling advertising-related harms. Participation among under-18s has consistently declined and is firmly centred on private gambling activities that are not subject to regulation and legal play of activities like lotteries. Moreover, measures that seek to appropriately limit children’s exposure to gambling ads have been</p>
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			<p>found to be generally effective. CAP and BCAP conclude that the consultation's view of the strength of the evidence base is borne out.</p> <p>CAP and BCAP are satisfied that the new rules (including the finalised exemptions) balance these considerations effectively extending content restrictions in an evidence-led and proportionate manner. The new guidance accompanying the rules sets out how the new restrictions operate in practice including how they further restrict content relating to sports and eSports, which the respondent highlighted as areas of concern (see Annex A section 24 on depictions of gameplay in particular). Section 2.3 of the regulatory statement confirms the final text of the gambling rules and section 2.6 addressed the outcome of the proposals for exemptions.</p>
1(a) – 2.14	BU	<p>The respondent agreed with the proposal to use the BCAP alcohol guidance to define 'strong appeal'. However, they suggested that the definition be explicitly included in the proposed rule. The respondent considered that the proposed amendment still allowed various creative approaches to appeal to under-18s in explicit or implicit ways, including the subjects covered (i.e. sports, esports, and video gaming) and other creative approaches (e.g. excitement, humour, 'regular folks' and other individuals and characters that are not always seen as of a direct appeal to under-18s), dream, status, fantasy elements, and other creative approaches of interest to a wide audience including under-18s).</p> <p>The respondent proposed the following amendment to the proposed rules: "Where the subject of a gambling product is inherently of strong appeal to under-18s (for example, sports generally held to be popular with under-18s), the content of the marketing communication/ advertisement may <u>not</u> depict that subject <u>and</u> 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."</p>	<p>See 1(a)–2.13 and 1(a)–3.20 below for CAP and BCAP's response to calls for a much broader restriction on content of appeal to under-18s. The regulatory statement section 2.3 also sets out how CAP and BCAP have developed the proposed text of the rule in response to various points arising from consultation responses.</p>
1(a) – 2.15	BU	<p>In addition to the amendment to the proposed rules, the respondent urged CAP and BCAP include several additions to the provisions of the BCAP alcohol guidance on 'strong appeal' in the updated guidance for gambling advertising.</p> <p>Regarding themes associated with youth culture, the respondent believed it should be expanded to include content relating to all sports and eSports. Alternatively, they suggested that where the caution regarding sport was articulated a much more detailed description should</p>	<p>As set out in 1(a)–2.13 above, CAP and BCAP cannot prohibit outright all references to activities that are the subject of a licensed gambling activity. To do so would make the advertising of legitimately available products unviable.</p> <p>In relation to the use of music, CAP and BCAP do not agree with the respondent's assertion that any music could be regarded as popular with under-18s. The 'strong' appeal-based test will apply and it will be for advertisers to satisfy the ASA that – in line with the guidance accompanying the new rules – their choice of music for an ad is unlikely</p>

		<p>be included to cover any sport because all sports may be of interest to young people.</p> <p>Regarding the use of music, they maintained that, because many music-streaming platforms and music-integrating social media platforms were primarily consumed by under-18s (e.g. Apple Music, Spotify and TikTok) any music could be regarded as popular and appealing to that group.</p> <p>The respondent believed that CAP and BCAP should make amendments requiring advertisers to avoid similarities to video games/video game-type styles and cartoon childlike, over-exaggerated cartoons and fantasy elements, and connecting to the video game market explicitly (e.g. loot boxes and eSports).</p> <p>They also believed advertising should only depict real-life scenarios with age-appropriate people and themes (i.e. those for over-18s). They urged that there should be clear boundaries between ads for adults and under-18s, so that those in the ads for adults clearly look above 18.</p>	<p>to appeal strongly to under-18s. The new guidance in Annex A (see section 26) sets out how music will be treated under the new rules (see also section 2.5 of the regulatory statement).</p> <p>In relation to video games and animations, CAP and BCAP acknowledge the respondent's concerns stemming from under-18s familiarity and general exposure to such content. While categories of content cannot be prohibited outright, the new 'strong' appeal-based restrictions build on the significant constraints already placed on operators. 18s. The new guidance in Annex A (see section 24, in particular) sets out how ad content relating to this kind of content will be treated under the new rules (see also section 2.5 of the regulatory statement).</p> <p>With regard to the respondent's final point, the UK Advertising Codes have long included rules that aim to achieve this through restrictions on who can appear in ads (no one who is or appears to be under 25 can be featured in a significant role) and the appeal of ad content. The new rules being introduced strengthen the latter further ensuring that gambling ads 'speak' only to adults in an audience.</p>
	Other responses	Comments (including conditional views on the proposals, requests for further information on the rationale for change, comments on the evidence base and requests for further guidance).	CAP and BCAP's evaluation
1(a) – 3.1	ISBA	<p>The respondent considered that any changes should be evidence-led, rooted in real-world understanding of gambling behaviours, and the level of consumption of gambling advertising by under-18s and vulnerable groups. The respondent noted CAP and BCAP's view of the evidence presented in GambleAware's Final Synthesis Report specifically their view that the evidence suggested, at most, a modest impact. They noted, in particular, that the Final Synthesis Report's definition of 'susceptibility' includes those who responded to the ScotCen quantitative study and said that they would 'probably not' gamble, as well as those who said that they 'definitely' or 'probably would'. The respondent urged CAP and BCAP to carefully consider whether the evidence was sufficient to justify changes proposed. They believed the proposals, if implemented, would have significant effects on the business models of many operators.</p>	<p>As set out in 1(a)–2.2 above, CAP and BCAP consider there is a reasonable case for introducing new, stricter rules on the appeal of ad content employing a 'strong' appeal-based test. As set out in the consultation document, the GambleAware evidence base includes two key areas of evidence to justify the need for change. Findings on the appeal of different kinds of ad content to groups including under-18s and the finding relating to the association between reported ad exposure and what GambleAware termed under-18s' "susceptibility" to gamble.</p> <p>CAP and BCAP acknowledged the limitations of the new evidence in the consultation document (see sections 6.3 and 7.2); see also 1(a)–2.13 of this evaluation above. Nevertheless, there is evidence of advertising compliant with the UK Advertising Codes having effects on under-18s not previously understood. While it must be treated with appropriate caution, when combined with the wider GambleAware research findings and considered again the existing policy aim of</p>

			limiting the appeal of gambling ads to under-18s, CAP and BCAP are satisfied that there is a case for regulatory change. See section 2.3 of the regulatory statement .
1(a) – 3.2	BI	The respondent asserted that, where there was evidence of a direct link between advertising and gambling harm, they would support the introduction of tighter controls. However, they asked that the definitions and the list of exemptions to this new rule be clearly explained.	See 1(a)–1.2 above.
1(a) – 3.3	FL	The respondent said the UK Advertising Codes were inherently subjective relying on guidance and ASA rulings to assist interpretation. They considered that both were lacking for the BCAP alcohol ‘strong’ appeal rule. They contrasted that with CAP and BCAP’s guidance and advice on the present ‘particular’ appeal rule for gambling advertising. The respondent believed the proposal would cause a high degree of regulatory uncertainty resulting, potentially, in ads being published where advertisers could not be certain of compliance with the new restriction. They believed the gambling industry was already disproportionately affected by existing rules common to both gambling and alcohol advertising.	See 1(a)–2.2 and 1(a)–1.2 above. See also 1(c)–2.4 below, which addresses the parallels between alcohol and gambling advertising policy, especially in relation to the development of the new guidance for the latter.
1(a) – 3.4	BGC	The respondent considered that the use of the term ‘strong’ increased the degree of subjectivity. They believed providing evidence proving that a piece of content was not of ‘strong’ would be very difficult for advertisers. They requested clarity on how an advertisers could demonstrate compliance and warned that a lack of clarity would create a chilling effect on advertisers’ use of personalities in ads.	See 1(a)–1.2 above.
1(a) – 3.5	GS	The respondent believed the suggestion that advertisements including “a person or character whose example is likely to be followed by those aged under 18” might be excessive in its assumption of the likelihood of any potential following among children and young people. They considered that additional restrictions on use of persons or characters should be based on tangible evidence of a following among under-18s. They added that without clear criteria, it would be extremely difficult to assess the likelihood of a character’s example being followed by under-18s. The respondent urged CAP and BCAP to produce clear guidance on how to make such an assessment.	See 1(a)–2.2 and 1(a)–1.2 above.

1(a) – 3.6	EN	The respondent believed certain sports were of ‘strong’ appeal across all ages (e.g. football, basketball and rugby). They believed it would be challenging for advertisers to assess if a prominent sports personalities’ example was likely to be followed by those under the age of 18. They urged CAP and BCAP to produce clear guidance including specific metrics or other measures such an assessment would be based on.	See 1(a)–2.2 and 1(a)–1.2 above.
1(a) – 3.7	EN	The respondent pointed out that individual sports such as boxing would be very difficult to promote without the use of the sports personalities. They noted events were typically titled with their names. They asked whether advertisers would be restricted from featuring images of such sports people, if they were deemed to be of ‘strong’ appeal to young people.	See 1(a)–1.2 above.
1(a) – 3.8	EN	The respondent asked for guidance to clarify whether personalities with affiliations to particular sports that were no longer actively participating (e.g. retired football players or athletes) could be used.	See 1(a)–1.2 above.
1(a) – 3.9	AP	The respondent asked for either a further exemption or greater clarity on how the proposals affected references to youth culture. They were concerned over the pace of change in culture noting how online platforms like Tik Tok allowed content or themes to very quickly become a part of youth culture and therefore of ‘strong’ appeal to under-18s. They believed a gambling operator should not be forced to remove an advertisement on the basis that its content had become popular with under-18s since its initial release.	The UK Advertising Codes have included ‘particular’ appeal-based restrictions on creative content since a dedicated section on gambling was introduced in 2007. Although CAP and BCAP acknowledge that the respondents’ concern is a possible scenario, they consider it unlikely in practice. The ASA has not encountered such an issue in its enforcement work over the past 15 years. It is for advertisers to exercise appropriate caution in developing to understand the likely appeal of the content they use including how it might change over the course of the campaign. See Annex A section 12 for CAP and BCAP’s guidance on how the new rules will be applied in this respect.
1(a) – 3.10	DC	The respondent asserted that the proposal would have significant implications for gambling advertisers looking to promote their brands using prominent sports people and celebrities, and also individuals like social media influencers. They believed the existing restriction on the use only of individuals over the age of 25 was effective in ensuring ads did not appeal to under-18s. The respondent considered that the use of the term “celebrity” created a considerable amount of ambiguity because of its subjectivity. They were concerned that an actor cast in an ad might be regarded inherently as a celebrity under the proposed restriction. They believed actors were essential to ad creatives, in general, and there needed to be the flexibility to allow adverts to feature spokespeople and figureheads.	See 1(a)–2.10 above. Additionally, that someone used in ad is an actor does not automatically indicate that they are of ‘strong’ appeal to under-18s. The ASA will assess both the individual’s profile outside the context of the ad (for instance, other roles they have performed in), and the characteristics and behaviour of the character they play in the ad. See also 1(a)–1.2 above and Annex A sections 16-17 for CAP and BCAP’s guidance on how the new rules will be applied in this respect.

1(a) – 3.11	BV	The respondent asked for further guidance and clarification around which sports the ASA was likely to consider to have ‘strong’ appeal?	See 1(a)–1.2 above.
1(a) – 3.12	EN	The respondent asked for clarification on which sports would be deemed to be of ‘strong’ appeal to under-18s. They asked specifically about specific sports that may be classed as ‘extreme sports’ but also feature in the Olympics (e.g. snowboarding, BMX, skateboarding, sport climbing, surfing and freestyle skiing).	See 1(a)–1.2 above.
1(a) – 3.13	BV	The respondent asked for further guidance and clarification on whether imagery from eSports games specifically targeted at those over the age of 18 could be used (provided it was not presented in a cartoon-like fashion).	See 1(a)–1.2 above.
1(a) – 3.14	BF	The respondent asked for further guidance on the use of game names; specifically, whether there were names or terms that were considered of ‘strong’ appeal.	See 1(a)–1.2 above.
1(a) – 3.15	BF	The respondent asked whether the proposed restrictions would apply to areas of a gambling operator’s website for logged-in users only.	<p>CAP is satisfied that the new rule should be applied in line with the enforcement approach the ASA takes to the existing ‘particular’ appeal-based restriction on creative content. Restrictions should only apply to advertising in media environments where there is a reasonable likelihood that under-18s will be part of the audience.</p> <p>The UK Advertising Codes include rules that ensure gambling advertising can only be placed around media content attracting predominantly adult audiences. These rules work in conjunction with strict controls on the creative content to mitigate the risk of gambling advertising-related harm owing to gambling ads under-18s do see. The exemption set out in the consultation document and now adopted acknowledges that there are some media environments where advertisers can use techniques that, for all intents and purposes, exclude under-18s from the audience for their advertising. As they are highly unlikely to form any part of the audience, the basis for content restrictions protecting under-18s falls away. Operators’ own websites require login 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 children are extremely unlikely to form part of the audience. See Annex A sections 28-30 for more detail on the application of this exemption in practice, and 1(e)–1.4 and 1(e)–1.2 below for key evaluations of other responses relating to the targeting exemption.</p>

1(a) – 3.16	BC	The respondent urged CAP and BCAP to review past ASA decisions in light of the changes to the rules and guidance, and to use them as worked examples to show the effect of the proposed changes. They considered it vital to ensure that the expected impact of the changes was clearly understood by stakeholders.	See 1(a)–1.2 above.
1(a) – 3.17	AP	The respondent believed the exemption for content of inherent ‘strong’ appeal was insufficient given that sports and sports personalities were so closely linked to the products promoted in many gambling ads. They considered that the exemption should go further allowing personalities to be used when the product was directly linked to the personality in question (e.g. “Salah to score first 7/2”).	<p>CAP and BCAP do not agree. As set out in 1(a)–2.2 above, there is a robust basis for additional restrictions on the creative content of gambling advertising, including restrictions on the use of persons of ‘strong’ appeal to under-18s. In particular, evidence suggests that personalities such as sportspeople are noticeable and can be influential to under-18s.</p> <p>The new rules incorporate exemptions to allow certain content relating the subjects of licensed gambling activities that are of inherent appeal (see 1(a)–2.7 above). However, these recognise the need to balance effective protections for under-18s with the strength of the evidence base. Persons or characters of ‘strong’ appeal must not appear in gambling advertising. The finalised exemptions are confirmed in section 2.6 of the regulatory statement and will be included in the new, gambling specific guidance (see Annex A section 15). See also 1(e)–1.4 and 1(e)–1.2 for further discussion of the exemption for ads in narrowly targeted media environments to include content otherwise restricted by the new rules.</p>
1(a) – 3.18	SK	<p>The respondent welcomed the proposals and noted what they regarded as CAP and BCAP’s recognition of the characteristics of broadcast media by proposing exemptions to ensure changes were proportionate and targeted. They cited ASA data showing that, in 2019, gambling ads made up just 2.1% of all the TV ads that children saw, on average, in a week. They noted exposure on TV had fallen by just under half since 2013.</p> <p>In addition to the exemptions set out in the consultation, the respondent considered that there should be an additional mitigation around the use of sports personalities not of ‘particular appeal’ to under-18s in licensed sports-related gambling advertising on broadcast. They asserted that, unlike pop stars, television performers or animated characters, sports personalities had clear contextual relevance in licenced sports betting on TV. The respondent suggested that well-known sports personalities (e.g. with a significant social media presence) who clearly did not have ‘particular appeal’ to young people (i.e. due to age, retirement status,</p>	<p>BCAP disagrees. As set out in 1(a)–3.17, there is a clear basis for further restrictions on the use of the persons of ‘strong’ appeal, including sportspeople.</p> <p>The UK Advertising Codes include rules that ensure gambling advertising can only be placed around media content attracting predominantly adult audiences. These rules work in conjunction with strict controls on the creative content of gambling and lottery advertising to mitigate risk of gambling advertising-related harm from ads children do see. BCAP notes the respondent’s argument about the levels of exposure in TV advertising. However, such data shows that under-18s are still exposed to gambling advertising. As such, the protections afforded by the restriction on content of ‘strong’ appeal to under-18s should apply as they do across media. Only in environments where advertisers can use techniques that, for all intents and purposes, exclude under-18s from the audience for their advertising will the</p>

		<p>current inactivity or profile) should be given an explicit exemption to prevent the misinterpretation of the guidance.</p> <p>The respondent also noted the ASA had ruled only once for a TV ad under a 'strong appeal' rule; over the use of David Beckham in an alcohol ad in 2015. They noted the ASA had not found the ad in breach of the Code because Beckham had retired as a player and had been based in the USA for several years. The respondent believed that the envisaged guidance accompanying the rule should reflect this precedent as part of the exemption for licensed sports gambling ads on TV.</p>	<p>exemption apply. See also 1(e)–1.4 and 1(e)–1.2 for further discussion of the exemption for ads in narrowly targeted media environments to include content otherwise restricted by the new rules.</p> <p>On the final point of the response, CAP and BCAP have had regard to the existing ASA rulings under the BCAP alcohol rules when developing the guidance to accompany the rules. However, noting concerns expressed by other respondents over the ASA's decision in the case cited by the responded (see 1(c)–3.23 below) and, more generally, the commitment detailed in the consultation that the ASA will take a strict approach to the application of the new 'strong' appeal rules, CAP and BCAP's new guidance cautions marketers that the ASA reserves the right to reconsider the precedents set should similar issues arise in future casework. The new guidance in Annex A (see section 12) sets out how the ASA will approach enforcement; see also section 2.5 of the regulatory statement.</p>
1(a) – 3.19	GHA	<p>The respondent supported proposal but believed it might offer further protections to young adults aged 18 to 24 as marketing of 'strong' appeal might appeal to apply to that group also.</p>	<p>CAP and BCAP disagree. Those aged 18-24 are of legal age to participate in gambling. It is legitimate for advertisers to address ads to adult groups and include content of appeal to them. The UK Advertising Codes provide protections for adults through a series of dedicated content restrictions that prohibit approaches that might encourage irresponsible or risky behaviour (for instance, those associated with problem gambling). This is supported by extensive guidance, which has been further strengthened under a separate part of this consultation process; see section 3 of CAP and BCAP's interim statement on the consultation. As set out in 1(a)–2.11 above, CAP and BCAP must conform to the underlying legal framework for gambling products set out in the Gambling Act 2005. The UK Advertising Codes cannot unduly restrict gambling advertising that legitimately seeks to reach those who are legally allowed to participate in licensed gambling activities.</p>
1(a) – 3.20	MPAC	<p>The respondent considered the proposals were an improvement bringing gambling advertising into line with alcohol advertising. They believed a 'strong' appeal restriction was welcome recognition that advertising could be highly suggestive to children even in cases where children are not intended to constitute the primary audience. The respondent recognised the proposals were an improvement but urged CAP and BCAP to consider going further towards a complete ban more in line with tobacco.</p>	<p>The Gambling Commission is responsible for licensing gambling operators and ensuring the provision of their products to customers is compatible with the Gambling Act 2005's requirements that ensure children and young people, and other vulnerable groups are protected. The ASA cannot reasonably prevent the advertising of products that have met these requirements, although advertisers must comply with the UK Advertising Codes' rules on the placement, scheduling and targeting, and content of ads. It is important also to acknowledge that the risks, harms and mitigations associated with gambling advertising differ from those associated with actual participation in gambling. The</p>

			<p>act of gambling can, in the absence of appropriate safeguards, be harmful to individuals, particularly those whose circumstances put them at risk of problem gambling.</p> <p>CAP and BCAP acknowledge significant public concern over the visibility and availability of gambling products. However, legislation controlling gambling in Britain is largely premised on gambling being a 'legitimate leisure activity'. The Gambling Act 2005 liberalised controls on advertising allowing gambling operators more freedom to promote products. The introduction of wide-ranging prohibitions on gambling advertising is therefore an issue for Government should it reconsider the underlying statutory framework for controlling gambling as a product category established by the Act. Controls on tobacco advertising, as highlighted by the respondent, are an example of statutory action to change the wider regulatory framework for the availability of a product category on the basis of concerns over its impact on the public. See also 1(a)–2.13 for CAP and BCAP's view of the evidence base and the case for action.</p>
1(a) – 3.21	MPAC	The respondent stated that the guidance accompanying the proposed rules could be strengthened further with a restriction on depictions of gameplay for products like online bingo or slots. They noted the ASA had previously recognised that gambling-like games or games that feature elements of simulated gambling activity were often popular with under-18s and required that such games should not be used to promote real-money gambling products. They pointed out that there appeared to be no restrictions to prevent advertisers from depicting people playing games with gambling features as part of advertising. The respondent believed such gameplay depictions were of 'strong' appeal and should be restricted.	As set out in 1(a)–2.13 above, CAP and BCAP cannot set restrictions which unduly restrict the advertising of a licensed gambling product, for instance, by prohibiting sports betting from making any reference to the subject of bets offered because that subject in general is of 'strong' appeal to under-18s; the same consideration applies to depictions of gameplay. The new restrictions on content of 'strong' appeal will be applied by the ASA to depictions of gameplay on a case-by-case basis (as with other creative content). Although the Codes cannot prohibit depictions of products entirely, gameplay depictions, in particular, will be subject to the appeal rules; see section 24 of the new guidance (see Annex A for further detail).
1(a) – 3.22	ISBA	The respondent pointed out that gambling brands had taken significant to promote responsible gambling and prevent harm. They highlighted the Betting and Gaming Council's 'ten-point plan' from 2020, which committed to a variety of voluntary measures relating to advertising like increasing safer gambling messaging.	See 1(a)–2.5 above.
1(a) – 3.23	SK	The respondent pointed out that children's viewing of sports gambling advertisements on TV had declined significantly with the imposition of a voluntary industry initiative in 2019, the 'whistle-to-whistle' ban. They pointed out that, as a result, exposure had fallen by 70% during live sport programmes.	See 1(a)–2.5 above.

1(a) – 3.24	GHA	<p>The respondent considered that exposure to gambling advertising normalised participation in gambling and gambling-like activity. They believe that the public health approach to reducing harm from gambling should include tighter restrictions for gambling advertising to de-normalise it in order to protect young people and vulnerable individuals. They cited their response to the UK Government’s Gambling Act Review as full statement of their position.</p>	<p>The consultation document (see section 5.1) set out CAP and BCAP’s view on questions relating to normalisation; this is based on a more detailed regulatory statement on the matter. Ultimately, it was a foreseeable and understood consequence of the Gambling Act 2005 that gambling would become ‘normalised’, including through greater visibility in environments like advertising. As a legitimate leisure activity subject to a strict product licensing regime, gambling operators can promote products provided their advertising complies with the UK Advertising Codes. Where advertising ‘normalises’ irresponsible or potentially harmful gambling behaviour, the UK Advertising Codes have restrictions to prevent or mitigate the potential for harm to occur.</p>
1(a) – 3.25	GHA	<p>The respondent pointed to public health interventions in areas such as smoking and obesity and considered that advertising of such products was more tightly controlled than for gambling. They noted virtually all tobacco advertising and sponsorship had been prohibited by legislation. They also noted Government’s present obesity plan proposed significant new restrictions for high fat, salt and sugar food and soft drink advertising both on TV and online. They cited a World Health Organisation supporting the need for a total ban on tobacco advertising. While acknowledging that such advertising restrictions were not a ‘silver bullet’, they believed the measure contributed to a wider harm reduction approach and that controls on gambling advertising should be brought into line.</p>	<p>As set out in 1(a)–3.20 above, CAP and BCAP do not have the powers to implement an outright prohibition on gambling advertising. Moreover, the evidence base suggests that the present framework for controlling gambling advertising-related harms is, in large part, working.</p> <p>Noting the respondent’s comments on other product sectors, CAP and BCAP would point out that gambling advertising is, as an age restricted product, subject to tighter controls at product and advertising levels than advertising for foods high in fat, salt and sugar (HFSS). Furthermore, the parallels with tobacco advertising are limited owing to the widely accepted view that consumption of such products is inherently unsafe and harmful to health. As set out in 1(a)–2.11, gambling products legally available and may be promoted through a range of advertising and other promotional channels. Concerns over the permissiveness of legislation in relating to advertising can only be addressed in line with the respondent’s suggestion by revisions to legislation; that is a matter for Government.</p> <p>Noting the respondent’s point about HFSS advertising, see regulatory statement section 3.3 on the evaluation of responses to Question 3, which discusses the specifics of recent developments in Government policy on HFSS advertising.</p>
1(a) – 3.26	GHA	<p>The respondent cited Clean Up Gambling’s monthly tracker polling, which found that 75-85% of respondents were in favour of the statement “Children shouldn’t be exposed to gambling advertising at all”. They believe that indicated the public would go further than CAP and BCAP’s proposed restrictions based on ‘strong appeal’ possibly to ‘any appeal to children’ or at the very least ‘reasonable appeal to children’.</p>	<p>CAP and BCAP note the respondent’s point about indications of public opinion on gambling and its advertising and acknowledge that the availability and visibility of gambling is a subject of considerable public debate and concern. While this is important context, the UK Advertising Codes’ role is to control the advertising of licensed gambling activities ensuring that gambling advertising-related harms (see consultation</p>

			document section 3.3 for further detail) are identified and mitigated through proportionate, evidence-based restrictions.
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Question 1(b): Do respondents agree with the proposed amendments (set out in section 6.4.1 above) to CAP rule 17.13 (lotteries) and BCAP rule 18.5 (lotteries)? If not, please state why including any alternative approach(es) to achieving CAP and BCAP's policy aims.

	Responses in agreement with the proposals	Comments	CAP and BCAP's evaluation
1(b) – 1.1	AN, BU, BC, BV, GHA, WH	These respondents expressed general agreement with the proposal, although some gave the view subject to further considerations or questions.	
1(b) – 1.2	WH	The respondent welcomed the proposed changes provided that they were accompanied by clear guidance on their application to ensure consistency in enforcement.	See 1(a)–1.2 above.
1(b) – 1.3	GHA	The respondent supported proposal. They believed it might offer further protections to young adults aged 18 to 24 as marketing of 'strong appeal' might appeal to apply to that group also.	See 1(a)–3.19 above.
1(b) – 1.4	BC	The respondent urged CAP and BCAP to review past ASA decisions in light of the changes to the rules and guidance, and to use them as "worked examples" to show the effect of the proposed changes. They considered it vital to ensure that the expected impact of the changes was clearly understood by stakeholders.	See 1(a)–1.2 above.
1(b) – 1.5	BU	The respondent stated that they agreed with most of the proposal. However, for lottery advertising, they considered that the boundaries for emotional appeal were broadened by including depictions of parents or grandparents that could create a social climate of gambling	CAP and BCAP note the general evidence relating to role that family influences can play in forming gambling attitudes and behaviour. It is important to note ads for lottery products cannot depict a family environment, principally, because the existing rules restricting in the

		normalisation ² . They asserted that pro-gambling attitudes were likely formed within the family, and that sport and the lottery were considered family entertainment and socialisation activities directly linked to gambling. They urged CAP and BCAP to consider further changes to the proposal to use the current BCAP alcohol guidance on 'strong appeal', such as ensuring that advertising of lottery products should be less family related.	inclusion of anyone who is or appears under-25 preclude featuring children playing a significant role. Depictions of parents or grandparents who are likely to be identifiable as such must also be handled very carefully; such depictions will be subject to the new 'strong' appeal-based test. Ads that portray such characters in a way that could unduly influence under-18s run a significant risk of being found in breach of the Codes. See Annex A (see section 22) for further detail on how this content will be treated.
	Responses disagreeing with the proposals	Comments	CAP and BCAP's evaluation
1(b) – 2.1	EN	The respondent pointed to their response to question 1(a).	See 1(a) – 2.8 above.
	Other responses	Comments (including conditional views on the proposals, requests for further information on the rationale for change, comments on the evidence base and requests for further guidance).	CAP and BCAP's evaluation
1(b) – 3.1	CA	The respondent welcomed the continued distinction between lotteries and gambling provided by the separate sections of the UK Advertising Code. They considered the National Lottery distinct from gambling by its purpose, regulation and design. They added that maintenance of the distinction was key to its ability to raise funds for good causes. They highlighted the distinctions between lotteries and gambling in law, and the unique role of the National Lottery in raising money for Good Causes in areas such as the arts, sports and heritage. They also pointed to the differences in risk profiles between lotteries and other gambling products.	<p>The UK Advertising Codes have separate sections for gambling and lotteries advertising. This recognises the differing statutory frameworks controlling this category of gambling, the different level of risk generally involved and the role of lottery products in providing funds for good causes.</p> <p>It is generally acknowledged that lotteries themselves are not a significant risk factor for gambling-related harms. However, scratchcards are found to present more of a risk and are often available as lottery products. Moreover, data shows that lottery advertising is a significant component of under-18s exposure to gambling advertising, particularly on TV, and a significant proportion of youth participation (although this is often legitimate activity with tickets, for instance, purchased by parents or guardians). It is important to note the GambleAware research considered lotteries advertising alongside that for gambling more generally.</p>

² Sklar, A. and Derevensky, J.L., 2011. Way to play: Analyzing gambling ads for their appeal to underage youth. Canadian Journal of Communication, 35(4). Retrieved from: <http://youthgambling.mcgill.ca/en/PDF/Publications/2010/WaytoPlay.pdf>

			<p>CAP and BCAP consider that there continues to be an appropriate basis for common protections across the range of gambling and lotteries products, including the new proposals in this consultation. However, they acknowledge the need for reasonable and proportionate adjustments that recognise where lottery products are substantively different to other types of gambling. See 1(b)–3.3 below for details of the changes to the proposed wording of the lotteries ‘strong’ appeal rule to allow more scope to include persons who are recipients of good cause funding in ads.</p> <p>CAP and BCAP recently consulted on changes to the lottery-specific rules restricting the use of the under-25s to make clearer the scope for lottery operators to feature under-25s in advertising in order to depict the beneficiaries of good causes (for instance, a children’s hospice). For similar reasons, the new ‘strong’ appeal rules include an exemption from the new ‘strong’ appeal restrictions for depictions of good causes benefitting from lottery funds or references to lottery prizes.</p>
1(b) – 3.2	CA	<p>The respondent noted societal concerns around gambling and acknowledged that there was an argument that changes were necessary in relation to product advertising. However, they expressed concern that the new ‘strong’ appeal test would lead to a lack of certainty for advertisers. They were concerned about the impact that would have for both the National Lottery brand and its Good Causes. Given what they considered the subjective nature of the ‘strong appeal’ test, the respondent urged greater clarity on how the ASA would enforce it. They asked for examples in the guidance as to how a lottery advert could safely comply with a restriction on content of ‘strong’ appeal.</p>	<p>See 1(a)–1.2 above.</p>
1(b) – 3.3	CA	<p>The respondent urged CAP and BCAP to consider whether the guidance should include an acknowledgement of the difference between ‘product’ advertising (where there is a call to action to play a National Lottery game) and Good Cause advertising (where there is no direct call to action to play). They pointed out that, in respect of National Lottery Good Causes, there were specific requirements to communicate the benefits of National Lottery funding. They believed the proposals could hinder their use of advertising to achieve that. The respondent pointed to the example of funding for grassroots and elite sport, including support for Olympic and Paralympic athletes, which received one fifth of all National Lottery funding. They pointed out that beneficiaries of lottery funding were encouraged to display The National Lottery Logo. They also noted the GambleAware research had included examples of such logos featured on pitch-side media with logos of gambling operators when</p>	<p>CAP and BCAP note the respondent’s concerns over the status of good cause advertising under the new ‘strong’ appeal-based restriction and the exemption for lotteries products proposed in the consultation. There is a clear distinction between an ad that promotes specific products and one that is intended to highlight the benefits that a lottery brings to the causes it supports. In balancing the need for protections against irresponsible advertising, and the distinct nature and purpose of lotteries, CAP and BCAP consider that it is appropriate to revise the proposed rules and exemptions to better take this into account. See the section 2.4 of the regulatory statement for further details of the changes which will allow personalities of ‘strong’ appeal who represent good causes benefitting from a lottery to be included in some lotteries advertising.</p>

		assessing prevalence and exposure of gambling advertising. They believed that that did not recognise the fundamental differences between these two activities, and urged CAP and BCAP to be clear in making the distinction. The respondent was concerned that, as drafted, it was unclear whether advertising for good causes would be restricted by the proposed 'strong' appeal test. They gave the example of an ad featuring the recipients of a National Lottery grant that included an active Olympian with connections to the good causes.	
1(b) – 3.4	CA	The respondent pointed out that The National Lottery brand was used by a wider range of stakeholders than just them as the operator; these included distribution bodies, the Gambling Commission as regulator, the Department of Digital, Culture, Media and Sport, as the sponsoring Government department, and beneficiaries of National Lottery funding. They believed it important to ensure that implications of the proposals for these parties was made clear.	See 1(a)–1.2 above.
1(b) – 3.5	MPAC	The respondent pointed to their response to question 1 (a) and acknowledged that the proposal represented an improvement on the current rules, and in particular the recognition that a 'strong appeal' was a better standard to protect children from harmful advertising than 'particular appeal'.	CAP and BCAP note the response.

Question 1(c): Do respondents consider the intended application of the rules proposed in questions 1(a) and 1(b) and the guidance to support their application (set out in sections 6.4.2 and 6.4.3 above) are broadly proportionate to the intended purpose of preventing gambling ads from appealing 'strongly' to under-18s? If not, please state why.

	Responses in agreement with the proposals	Comments	CAP and BCAP's evaluation
1(c) – 1.1	BC, BF, BV, SK	These respondents expressed general agreement with the proposal, although some gave the view subject to further considerations or questions.	
1(c) – 1.2	BV	The respondent agreed with the proposal but asked CAP and BCAP for additional guidance on which sports would be considered of strong appeal to under-18s.	See 1(a)–1.2 above.

1(c) – 1.3	BF	The respondent agreed with the proposal subject to further clarity being provided by CAP and BCAP through guidance.	See 1(a)–1.2 above.
1(c) – 1.4	BC	The respondent urged CAP and BCAP to review past ASA decisions in light of the changes to the rules and guidance, and to use them as “worked examples” to show the effect of the proposed changes. They considered it vital to ensure that the expected impact of the changes was clearly understood by stakeholders.	See 1(a)–1.2 above.
1(c) – 1.5	SK	The respondent agreed with the proposal but urged CAP and BCAP to adopt appropriate exemptions to ensure proportionality in broadcast media, where children’s exposure to gambling advertising was, in their view, low (they cited ASA data on exposure levels). They maintained that was supported by existing broadcast regulation, voluntary rules on broadcast platforms (such as the introduction of a whistle-whistle ban), and the age verification and ad placement tools provided by broadcasters.	See 1(a)–3.18 above.
	Responses disagreeing with the proposals	Comments	CAP and BCAP’s evaluation
1(c) – 2.1	AN, BW, FL, GS	These respondents generally disagreed with the proposal including critical responses to parts of the proposed approach to guidance on the definition of ‘strong’ appeal.	
1(c) – 2.2	AN	The respondent considered that the envisaged exemptions weakened the proposal.	See evaluations of responses to question 1(d) below.
1(c) – 2.3	AN	The respondent was concerned that the proposals included no provision for the opinions of under-18s to be included in determining questions of ‘strong’ appeal. They pointed to the example from the BCAP alcohol guidance concerning “language commonly used by the young but rarely by an older generation; for example, slang or novel words” and asked how the ASA would make that determination. The respondent believed that independent research with a broad demographic range of under-18s should be conducted in order to determine what does and does not have ‘strong’ appeal and, in addition, social media research should be used to see what content young people like and share. The respondent also urged the ASA to set up a youth panel in order to adjudicate on cases involving the new restriction.	The UK Advertising Codes require that advertisers hold evidence to demonstrate their compliance. The ASA’s role is to assess whether the case for compliance presented by an advertiser satisfies the requirements of the Code. It takes into account the likely interpretation of the ad and the arguments made by complainants. While it might consider insights provided by consumer research, the ASA’s role is not to determine definitively the likely appeal or effect of an ad on those who see it. Advertisers who are unable to provide a sufficiently robust case that an ad is not likely to be of ‘strong’ appeal to under-18s risk being found in breach of the Codes. Annex A (see section 12) provides more detail of the ASA’s approach to enforcement. See also section 2.5 of the regulatory statement .

1(c) – 2.4	FL	<p>The respondent considered the proposed guidance provided in the consultation was not sufficiently clear and believed the simple transposition of guidance prepared for the alcohol industry did not take into account the disproportionate effect on the gambling industry. They added that the introduction of the new rules with the supporting guidance would create a high degree of regulatory uncertainty for a prolonged period.</p>	<p>As the consultation made clear, the intention was to use the BCAP alcohol guidance as a basis for developing new, gambling-specific guidance included in Annex A. Other sources of insight including, importantly, feedback from consultation respondents, have also been used to inform development of the guidance. CAP and BCAP are satisfied that it addresses concerns over the need for detailed, gambling-specific support to aid compliance with the new restrictions.</p> <p>CAP and BCAP consider it appropriate to have used the BCAP alcohol guidance as a basis of this work. The UK Advertising Codes' gambling and lottery rules were introduced in 2007 when the Gambling Act 2005 entered force. They were developed at the request of Department of Digital, Culture, Media and Sport and the Gambling Commission to provide appropriate protections for under-18s, other vulnerable groups and consumers in general responding to the greater scope for operators to advertise their products. They were based on the rules for alcohol advertising in recognition of the common, age-restricted nature of the product categories involved. Statutory age-restrictions on a product's sale nature means there must be protections in place to limit the exposure to and impact of advertising on those that cannot legally purchase them. Although the two sets of rules share this common basis, differences between the products themselves are reflected in several rules adapted to the particular circumstances of each. For example, the alcohol rules focus on the need to avoid depictions or messaging relating to consumption of alcohol and activities like driving or sports. See 1(a)–1.2 above for CAP and BCAP's more general comments on the proposals for new guidance.</p>
1(c) – 2.5	BW	<p>The respondent was concerned that the proposed approach was entirely subjective and, like the present 'particular' appeal-based restriction, was likely to lead to inconsistent interpretation and application. They noted the envisaged onus on advertisers to consider whether persons or characters used in ads were looked-up to and 'followed' by under-18s. They questioned how that was to be achieved in practice. Without further, clear guidance, they believed there was a risk of misapplication and misinterpretation.</p>	<p>See 1(a)–1.2 above.</p>
1(c) – 2.6	GS	<p>The respondent considered the proposal as it related to personalities was disproportionate. They believed the existing rules and supporting guidance effectively prohibited advertisers from including celebrities "associated with youth culture". They considered that the proposal's use</p>	<p>See 1(a)–2.2 and 1(a)–1.2 above.</p>

		of the term “personalities” was overly inclusive as it could potentially capture a very broad range of public figures. The respondent believed that, if the proposal was to be accepted much clearer guidance would be needed including a list of specific areas of the “celebrity” world it would capture, as well as the types of media – categories of programmes, shows, books, films etc.	
1(c) – 2.7	GS	Commenting on BCAP alcohol guidance part A, the respondent raised the scenario of common people becoming celebrities or personalities who appeal to children as a result of them being featured in advertising. They asked how such newly found appeal be assessed other than subjectively.	See 1(a)–3.9 and 1(a)–1.2 above.
1(c) – 2.8	GS	Commenting on BCAP alcohol guidance part A, the respondent was concerned that personalities from BAME communities, who originate from the worlds of the arts and who have a more urban culture-focused offering would effectively be excluded from advertising due to their potentially more natural appeal to younger audiences.	<p>BAME personalities or characters are not excluded from appearing in gambling advertising by the new restrictions. Compliance will be considered by the ASA in line with the approach to assessment of the appeal of persons and characters set out in CAP and BCAP’s new guidance (see Annex A for further detail).</p> <p>There is also no general restriction on the inclusion of content and themes relating to particular styles, such as ‘urban’ culture. CAP and BCAP’s content restrictions have always cautioned marketers against associations with youth culture. Aspects of ‘urban’ culture (like musical styles, clothing and language) can, of themselves or in combination, contribute to an ad giving an impression that is youth-oriented and likely to breach the ‘strong’ appeal rules. Marketers should therefore exercise caution especially when affording prominence to a particular feature of a person or character. The ASA will assess these on a case-by-case basis focusing on the overall impression given by an ad, including the behaviour and appearance of characters. The simple inclusion of a something associated with youth culture is unlikely to be sufficient to result in a breach of the Code. See Annex A (see section 21) for further detail on how this type of ad content will be treated.</p>
1(c) – 2.9	GS	Commenting on BCAP alcohol guidance part A, the respondent was concerned over the impact of the proposal on over-25s appearing in ads, who were likely to have strong appeal to under-18s. They also asked how the proposed rule would affect the existing exemption on under-25s appearing in ads on operator’s own websites, where the individual was the subject of the bet.	The Codes’ existing under-25s restrictions (they may not be featured playing a significant role unless provided for by narrow exemptions) have the effect of already prohibiting the use of many individuals likely to be of ‘strong’ appeal to under-18s by dint of their age. One of the key regulatory impacts of the new rules will be that the use of persons aged 25 and over who are of ‘strong’ appeal to under-18s will be restricted.

			<p>On the respondent's second point, the CAP Code includes an exemption for operator's websites from the under-25s restriction that allows such individuals to be used to illustrate bets that they are the subject of. Rule 16.3.14 states: "... 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." It was introduced following public consultation in 2013 after industry had raised concerns that CAP's extension of the Code's remit to cover marketers' own websites had resulted in the application of the under-25s restriction in spaces where previously, under Gambling Commission guidance, they had been allowed.</p> <p>The consultation stated: "the existing CAP and BCAP gambling rules include provisions banning the inclusion of personalities or characters who are or appear to be under 25; these rules remain unaffected by the proposals on 'strong appeal'." However, noting the emerging evidence's emphasis on persons and characters' influence on under-18s and information indicating that operators' sites can be accessed by non-signed-in users, there is a basis to reconsider the exemption. CAP and BCAP have decided that the new CAP 'strong' appeal rule will override the existing exemption for under-25s being used to illustrate a bet on a marketer's own website set out in rule 16.3.14 of the CAP Code. The exemption to rule 16.3.14 will continue to apply to personalities who comply with the 'strong' appeal rules exemptions and in online environments subject to strict age-verification in line with the relevant exemption. See section 2.5 of the regulatory statement.</p> <p>Also, see Annex A sections 5-9 for further detail on how this type of ad content will be treated. CAP and BCAP's general comments on the relationship of the under-25s rules to the new restrictions on 'strong' appeal are set out in 1(a)–2.10 above.</p>
1(c) – 2.10	GS	Commenting on BCAP alcohol guidance part B, the respondent believed the existing rules already prohibited advertisers from incorporating themes "associated with youth culture" effectively.	See 1(a)–2.2 above.
1(c) – 2.11	GS	Commenting on BCAP alcohol guidance part C, the respondent was concerned that the restriction on the use of fashion might be seen to curb	See 1(c)–2.8 above

		<p>a fully inclusive and diverse representation of Britain's community in advertising. They stated that urban culture was usually associated with Britain's BAME's communities. They believed new guidance, which prohibited an advertiser from using urban culture elements in most of its forms because it is deemed to have a blanket appeal to under-18s because of its popularity, would result in a less diverse representation of society and fewer opportunities for creativity promoting the inclusion of urban communities in all aspects of society. They believed the ASA should encourage diversity without the potential threat of new rules indirectly curbing it.</p>	
1(c) – 2.12	GS	<p>Commenting on BCAP alcohol guidance part C, the respondent asked what fashion items and clothing would fall under the character of clothing associated with those under the age of 18. They were concerned that the subjectivity created significant uncertainty. They asked what the difference between clothing for under-18s and that for those in the 20s or 30s was. Without evidence to base judgements, the respondent believed they would have to rely on subjective assessments only. They urged CAP and BCAP to provide a set of objective standards as a benchmark for advertisers.</p>	See 1(a)–1.2 above.
1(c) – 2.13	GS	<p>Commenting on BCAP alcohol guidance part D, the respondent pointed to comments made in relation part C. Additionally, given how quickly society and culture change, the appeal of different content or themes might shift quickly. They were concerned a campaign might include content that could later become non-compliant owing to how its appeal to a younger audience might change. They noted how legacy content from the past might again become popular with young people and requested clarity over how it would be dealt with. They added that, if any further qualifications were to be introduced, they would require clarification on the extent of the restriction; for example, whether it would apply not only to music, dance and fashion, but also other imagery, names, product, etc.</p>	See 1(a)–3.9 and 1(a)–1.2 above.
1(c) – 2.14	GS	<p>Commenting on BCAP alcohol guidance part E, the respondent pointed to comments made in relation parts C and D. Additionally, they were concerned that language was subject to nuances and trends, and a lot of older slang re-emerged and was used by the young. They believed the proposal would require continued monitoring, which would be difficult to implement. They maintained that because certain expressions, novel words or slang were used by under-18s it did not mean that those aged 18 or over did not use them or find them appealing. If the restrictions</p>	See 1(a)–3.9 and 1(a)–1.2 above.

		were to be introduced, the respondent asked for guidance on what was defined as usage by the “young” and the meaning of the term “older generation”.	
1(c) – 2.15	GS	Commenting on BCAP alcohol guidance part F, the respondent agreed with the intention of restricting child-oriented cartoons, rhymes or animation and imagery. They questioned, however, the introduction of a blanket restriction stopping advertisers from including any cartoons, rhymes or animation. They believed such a restriction was too broad.	See 1(a)–2.12 above.
1(c) – 2.16	GS	Commenting on BCAP alcohol guidance part F, the respondent pointed out that, due to the nature of a gambling product, animation was an important part of some advertisements. They considered it important to be able to showcase particular features or the products themselves. The respondent asserted that use of cartoons or animated images would not always result in under-18s finding them attractive or drawing their attention.	See 1(a)–2.12 above.
1(c) – 2.17	GS	Commenting on BCAP alcohol guidance part F, the respondent was concerned that there was no clear guidance on what animation would be captured and what the exemption for “mature themes” meant. They were concerned that extending the restriction from child-appealing content to cover types of cartoons, rhymes and animation not aimed at children (e.g. excerpts from games and other gambling tools, anime or manga aimed at adult audiences, workplace themes or holiday themes, etc.) further consideration of the nuances could significantly limit creative output. They urged CAP and BCAP to produce clearer guidance on the way the ASA was likely to interpret ‘strong’ appeal before any new restrictions were implemented.	See 1(a)–1.2 above.
1(c) – 2.18	GS	Commenting on BCAP alcohol guidance part F, the respondent believed the present approach was effective in protecting under-18s. They suggested that CAP and BCAP should, instead of the proposal, provide more guidance with illustrative examples and definitions of the concepts the existing rules covered to improve compliance.	See 1(a)–2.2 and 1(a)–1.2 above.
1(c) – 2.19	GS	Commenting on BCAP alcohol guidance part G, the respondent believed the present rules effective in providing protections for under-18s. They expressed concern over what they considered the lack of clarity around the treatment of virtual sports and whether they would be viewed similarly, for example, to video games, which used avatars and/or skins. They also believed there was an argument that extreme sports could be	See 1(a)–2.2 and 1(a)–1.2 above.

		much more appealing to adults than under 18-year-olds. The respondent urged that, if any further restrictions were introduced, CAP and BCAP should provide detailed guidance on what was meant by “extreme sports”, including the rationale for their stricter treatment.	
1(c) – 2.20	GS	Commenting on BCAP alcohol guidance part H, the respondent believed the present rules effective in providing protections for under-18s. They urged CAP and BCAP to provide further clarity on the existing restrictions including illustrative examples to aid compliance with the current rules. The respondent added that, for the proposed new rules to be implemented successfully, advertisers would require clarity on concepts such as “adolescent or childish humour”. They pointed out that the Codes already included rules that stating that people should not be shown behaving in a juvenile manner.	See 1(a)–1.2 above for detail of CAP and BCAP’s work to produce new, dedicated guidance to support the new rules. Additionally, the existing references to characters not behaving in a childish or juvenile manner (for example, see CAP Code rule 16.3.14) should be understood in the context of the rules restricting the inclusion of those who are or appear to be under 25. That a person featured in an ad behaves in such a manner could play a part in the ASA’s decision over whether an ad breaches these rules. CAP and BCAP acknowledge the overlap between this and the scope of the new ‘strong’ appeal-based rules; under the new rules, the behaviour of a person or character might be considered by the ASA to be of ‘strong’ appeal. See Annex A section 22 for further detail on how this type of ad content will be treated.
1(c) – 2.21	GS	The respondent was concerned that extending the restriction to a blanket inclusion of imagery and characters, and less tangible concepts such as themes, would not improve protections for under-18s and hinder creative efforts. They believed the assessment of characters’ behaviour, for example, appeared to be a subjective test and could lead to inconsistencies. They pointed to what they considered the disparity between the decisions referred in the consultation document: upholding the complaints against the use of a parrot puppet (2014) and ‘Kevin’ the Carrot (2018), but not against ‘Henry’ the Fox (2014), the actor dressed as a fox with a purple umbrella in the Foxy Bingo ad (2015) and several animated frogs (2017). The respondent believed that, if any a new restriction was to be introduced, it would require detailed guidance.	See 1(a)–2.2 above, discussing the basis for regulatory change, and 1(a)–1.2 above for detail of CAP and BCAP’s work to produce new, dedicated guidance to support the new rules. Additionally, noting concerns expressed by other respondents over the ASA’s decision in the case cited by the responded (see 1(c)–3.23 below) and, more generally, the commitment detailed in the consultation that the ASA will take a strict approach to the application of the new ‘strong’ appeal rules, CAP and BCAP’s new guidance cautions marketers that the ASA reserves the right to reconsider the precedents set should similar issues arise in future casework. The new guidance in Annex A (see section 12) sets out how the ASA will approach enforcement; see also section 2.6 of the regulatory statement .
1(c) – 2.22	GS	The respondent expressed concern that gambling and alcohol were two dissimilar products with the only similarity being that they were both age-restricted. They believe that that, of itself, did not warrant identical treatment. The products did not share any meaningful characteristics and evidence of potential risks for one was not necessarily relevant to the other. They pointed out that there was no clear link between the types of harm associated with gambling, as opposed to alcohol, which would justify applying the same threshold. The respondent believed the nature of the two products meant the products should not be treated in the same way. They maintained that animation formed an important part of gambling advertising as many products and games were animations in	See 1(c)–2.4 and 1(a)–2.12 above.

		themselves; there was no way to depict them other than through the means of animation.	
1(c) – 2.23	GS	The respondent pointed out that participating in gambling required consumers to take a number of steps that were stricter than the consumer journey required to purchase alcohol.	See 1(c)–2.4 above.
1(c) – 2.24	GS	The respondent pointed out that the CAP Code’s rule on alcohol advertising (based on a ‘particular’ appeal test) was not as strict as the BCAP Code’s referenced in the consultation as the basis of the proposal for new gambling advertising restrictions using a ‘strong’ appeal test. They questioned why gambling advertising covered by the CAP Code would be judged at a higher standard than alcohol advertising under the proposal. They noted the equivalent rule for electronic cigarettes was also based on a ‘particular’ appeal test. The respondent believed the proposal to have a more severe restriction on gambling was unjustified.	See 1(c)–2.4 above.
	Other responses	Comments (including conditional views on the proposals, requests for further information on the rationale for change, comments on the evidence base and requests for further guidance).	CAP and BCAP’s evaluation
1(c) – 3.1	ISBA	The respondent urged clarity over the final definition of the terms included in the proposal to use the BCAP alcohol guidance and clear guidance as to how they would be assessed. They were concerned that the concept of ‘strong’ appeal was subjective and requested specific examples of what would be considered content of ‘strong’ appeal, to allow them to better assess the implications and proportionality of the proposal.	The consultation provided significant detail on the objectives and specifics of CAP and BCAP’s proposals for new content restrictions based on a ‘strong’ appeal test. The consultation also made clear the proposed approach was a further development of existing content restrictions, based on a ‘particular’ appeal test, which advertisers have been required to comply with the latter restriction since 2007. CAP and BCAP consider that to be sufficient for respondents to give an informed view of the proposals and to provide input to aid the development of new guidance to accompany them (see also 1(a)–1.2 above).
1(c) – 3.2	EN	The respondent believed it would be challenging to determine whether a personality had a strong appeal to under-18s, if the assessment was based on factors other than metrics. They considered the present rules were effective in preventing the inclusion of the kinds of content specified in the BCAP alcohol guidance. They asked for further guidance specific to a ‘strong appeal’ test for gambling following the findings of the GambleAware study, if the proposed changes were to be adopted.	See 1(a)–2.2 and 1(a)–1.2 above.

1(c) – 3.3	BI	The respondent asked for clarity on how content of ‘strong’ appeal would be determined under the proposals. They believed the question was subjective and requested clear and concise guidance to support the new rules.	See 1(a)–1.2 above.
1(c) – 3.4	BI	The respondent requested clarity on whether the proposal applied to all ad copy including text or just imagery.	See 1(a)–1.2 above.
1(c) – 3.5	BI	The respondent noted the consultation document indicated that football players intrinsically linked to a licensed gambling product would be exempt from the proposed rule based on a ‘strong’ appeal test but that was contradicted by the proposals set out in section 6.4.4(b), which limited the proposed exemption by not including persons 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. The respondent considered that being unable to feature the subject of a gambling product would have a material impact on their ability to promote it. They noted consultation recognised that it was not the place of CAP, BCAP or the ASA to severely restrict a licensed operator’s ability to advertise products that complied with the licensing responsibilities under the Gambling Act 2005.	See 1(a)–2.7 and 1(a)–2.11 above.
1(c) – 3.6	ISBA	The respondent noted consultation’s assertion that the ASA would “take a strict line in its approach to the application of any new test of appeal”. As such, they considered it important to be as clear as possible about the definition of ‘strong’ appeal, to give clear, real-world examples of how it could apply, and also to be clear about how an advertiser could prove their case to the ASA; specifically, on what grounds could an advertiser make the case that a personality did not have ‘strong’ appeal.	See 1(c)-3.23 below and 1(a)–1.2 above.
1(c) – 3.7	ISBA	The respondent asked for more clarity on the metrics on which appeal of a personality to under-18s would be assessed. They noted the consultation referred to social media follower demographics as one example and asked what the thresholds would be. They also asked whether there were other potential metrics envisaged. They urged CAP and BCAP to be clearer in defining how to assess whether a “likely to be followed” by under-18s noting the scope for that to be assessed loosely.	See 1(a)–1.2 above.
1(c) – 3.8	ISBA	The respondent noted the proposal would likely prohibit specific types of advertising content, including the use of prominent footballers and other sportspeople, where those sports were likely to have ‘strong’ appeal to under-18s. They believed it would be extremely difficult for advertisers	See 1(a)–2.2, 1(a)–1.2 and 1(a)–2.11 above.

		<p>of sports betting to promote their products without the use of sports personalities, especially in sports like boxing or mixed martial arts where events themselves are often titled by the competitors' names. They questioned whether a sweeping restriction on the use of all sports-people when trying to promote a sports brand was reasonable or feasible, and whether it accorded with the consultation's recognition that it is not the role of CAP and BCAP to severely restrict a licensed gambling operator's ability to advertise its products or services.</p>	
1(c) – 3.9	ISBA	<p>The respondent asked CAP and BCAP to provide clarity on how the 'likelihood' of a sportsperson being followed by under-18s was to be defined. If it was to be decided solely on the basis of the person being a professional footballer, they questioned whether any such person – even an unknown person playing football – was likely to be caught by the provision, given the game's popularity with under-18s. They questioned whether the end result would be that football promotions were ruled out altogether, although they noted the exemptions set out in the consultation.</p>	<p>CAP and BCAP have not proposed a general prohibition on the use of particular promotional mechanics because of the inherent appeal of subjects associated with the promotion. As set out in 1(a)–2.2 above, the proposals apply proportionate limits to the content of gambling ads based on the emerging evidence. The policy incorporates finalised exemptions based on those proposed in the consultation; these are confirmed in section 2.6 of the regulatory statement. These provide scope for some content related, for instance, to a sport deemed to be of inherent 'strong' appeal, to appear in ads for promotions. Moreover, the proposals relate to the creative content of ads (imagery and graphics); they do not restrict the use of simple text or audio references. See Annex A section 15 for further detail on how this type of content will be treated (see also 1(a)–1.2 above).</p>
1(c) – 3.10	ISBA	<p>The respondent asked how retired footballers, or former senior people within the game, would be treated under the 'strong' appeal test. The believed such individuals might not have as wider an appeal to under-18s as more recently retired or current players. They also asked how former managers would be treated.</p>	<p>See 1(a)–1.2 above.</p>
1(c) – 3.11	BF	<p>Commenting on BCAP alcohol guidance part D, the respondent asked for further clarity. While they believed it was clear that if something came back into fashion it would be exempt, they asked about long-standing content that had broader appeal, like musicals, which children might be taken to see. They urged more robust guidance on that point.</p>	<p>See 1(a)–3.9 above and 1(c)–3.28 below.</p>
1(c) – 3.12	BF	<p>Commenting on BCAP alcohol guidance part E, the respondent asked how the language provision of the guidance would be future proofed. They stated that language was dynamic, and there were terms like abbreviations that both under-18s and adults used. The asked CAP and BCAP for more clarity on how such terms would be treated.</p>	<p>See 1(a)–1.2 above.</p>

1(c) – 3.13	EN	Commenting on BCAP alcohol guidance part F, the respondent considered that previous ASA rulings on the use of certain animated characters and puppets in broadcast alcohol advertising had varied in based on a variety of characteristics inclusive of likeness to children's toys and features related to children, humour used, colour schemes and relevance to an adult audience. They asked for further guidance on how a TV ad scheduled after 9pm, under the terms of the voluntary restriction in the IGRG code, would be assessed in terms of particular appeal. They gave an example of an ad including adult humour and themes used alongside animated or puppet characters.	As set out in 1(a)–1.2 above, drawing on consultation feedback. CAP and BCAP have produced detail guidance on the application of the new 'strong' appeal rules to the kinds of content highlighted by the respondent. This includes guidance on the factors that the ASA will take into consideration when making assessments. For reasons set out in 1(a)–2.5, 1(a)–3.18 and 1(a)–3.17, the voluntary 9pm restriction on the placement of has no bearing on the application of the new BCAP rule restricting gambling advertising of 'strong' appeal. The ASA will assess content appearing after this time in the same way as other content in media that reaches audiences that include under-18s.
1(c) – 3.14	ISBA	Commenting on BCAP alcohol guidance part F, the respondent asked how the proposals would apply to advertising which also conveyed a public health message. They gave an example of an advertiser that used animation to deliver a message on social distancing during the coronavirus crisis.	CAP and BCAP published their response to question 4 – concerning technical updates to the information provided to support users – in August as part of interim statement on progress with the consultation. This included minor amendments to further clarify the Codes' application. Safer gambling messaging and marketing by gambling operators must comply with the rules; this will now include the 'strong' appeal-based restrictions on creative content. While this does not preclude the use of animation in such advertising (or in ads generally), operators must exercise appropriate caution to avoid approaches or content likely to breach the new 'strong' appeal restrictions.
1(c) – 3.15	ISBA	Commenting on BCAP alcohol guidance part F, the respondent pointed out that some advertisers' brand identities were substantially or wholly built around animation. A blanket restriction would likely require an absolute reset of that identity with significant impacts on the brand's operation. They asked whether that was the intention of the proposed changes to the Codes.	CAP and BCAP acknowledge the respondent's point. To ensure the fairness to operators that use animation in this way, the consultation proposals now adopted include an exemption from the new restrictions for material relating to an advertiser's brand identity (for example, logos or livery). See Annex A section 15 for further detail on how this type of content will be treated. See also section 2.6 of the regulatory statement .
1(c) – 3.16	BF	Commenting on BCAP alcohol guidance part G, the respondent considered that, in light of the exception, the point should be removed from the guidance.	The BCAP alcohol guidance was included in the consultation as a basis for developing new, gambling-specific guidance on 'strong' appeal. For reasons set out in 1(a)–2.7 above, the new restrictions will be subject to an exemption for certain content relating to sports of inherent 'strong' appeal to under-18s. As explained in 1(a)–1.2 above, CAP and BCAP have developed the new, gambling-specific guidance accordingly. See Annex A for further detail of the finalised guidance.
1(c) – 3.17	FR	The respondent understood the proposed exemptions outlined in part (a) of section 6.4.4 meant advertising of lotteries and other gambling-related fundraising activity for charitable causes was exempt from the proposed 'strong appeal' rule. They noted that part (b), however, went on to state that the exemption would "not include any factor which ...	The consultation document (see section 6.4.4) set out the various exemption criteria proposed; part (b) stated: "Moreover, if an ad took advantage of one or more of the exemptions (i)-(v), the ad <u>could not include any other factor</u> which, judged in whole and in context, would be likely to render the ad of 'strong appeal' to under-18s <u>emphasis</u>

		would be likely to render the ad of “strong appeal” to under-18s”. They believed that that indicated that the proposed ‘strong appeal’ rule would still apply to ads meeting the exemption criteria outlined in part (a). They urged CAP and BCAP to clarify the scope and application of the proposed exemption.	<u>added</u> ”. CAP and BCAP consider that the wording underlined in the above makes clear that the exemptions granted are limited the themes and content specified. The final text of the lotteries rules is set out in section 2.4 of the regulatory statement , incorporating the exemptions proposed in the consultation, including those bearing out this point; several amendments to the wording have been made to improve clarity addressing several points by respondents.
1(c) – 3.18	GHA	The respondent agreed that the proposed rules were proportionate but urged greater clarification on their interpretation in relation to sports betting advertising. They noted the industry’s voluntary ‘whistle-to-whistle’ ban on gambling ads being scheduled around live sport but maintained that sport and gambling were inextricably linked, with sports personalities often used by gambling operators for promotional purposes. They highlighted the footballer Wayne Rooney’s sponsorship agreement with a gambling operator and the boxer Anthony Joshua’s work as a global ambassador for another operator. The respondent cited a study that questioned the effectiveness of the ‘whistle-to-whistle’ ban owing to how gambling sponsorship extends beyond commercial breaks during live sport.	The UK Advertising Codes do not cover sponsorship arrangements, such as those associated with sports resulting in logos and other commercial messaging appearing, for instance, on team clothing or at stadia. CAP and BCAP note wider concerns around the relationship between gambling and sport. Several sponsorship-related findings included in the GambleAware research suggest sponsorship arrangements have a prominent role in this. However, CAP and BCAP can only address matters falling within the scope of their remit over advertising. It should be noted that, while sponsorship agreements in general are outside the remit of the Codes, they do apply to instances where the agreement involves content being placed in advertising covered by the Codes (for example, an agreement that involves members of a sports team promoting a product or service in an ad).
1(c) – 3.19	GHA	The respondent cited research involving young people that found normalisation of gambling through sport to be a common theme. In response, they had recommended that Government introduce legislation preventing gambling operators from acting as title sponsors for sports clubs. They believed that, as many famous sports personalities and eSports players appeal to children and young people, all gambling advertising associated with sport, both real and virtual, should be banned. They added that the research cited showed how interlinked sport and gambling were for young people and that the notion of ‘strong’ appeal powerfully applied to sport.	See 1(a)–3.24, 1(a)–2.13 and 1(a)–3.21 above.
1(c) – 3.20	GHA	The respondent believed the research also raised the importance of consulting with young people directly to understand their perception of gambling and advertising. They suggested that young people be involved with defining what constituted ‘strong appeal’, for the purposes of the proposals and on an ongoing basis.	See 1(c)–2.3 above.

1(c) – 3.21	MPAC	<p>The respondent believed the proposals would go some way to making gambling advertising less appealing to children. However, they maintained that gambling advertising was designed to appeal to a range of audiences and that children were highly susceptible to the products marketed by gambling companies. They believed present levels of exposure to advertising had significant consequences for children's perceptions of gambling. They noted the very significant levels of gambling advertising spend measured in the GambleAware Final Synthesis Report and that the report had found only 4% of 11- to 24-year-olds reported having no exposure to gambling marketing in the last month.</p> <p>The respondent asserted that, given the reported levels of exposure and the high level of brand awareness among children, it was implausible that even advertising of moderate appeal would not have an impact on children normalising gambling as a recreational activity. They believed that was confirmed by the GambleAware report. Although they considered the proposal to restrict advertising that was highly appealing to children was welcome, the respondent believed it was unlikely to significantly reduce the harms experienced by children.</p>	See 1(a)–2.13, 1(a)–3.20 and 1(a)–3.24 above.
1(c) – 3.22	MPAC	<p>The respondent maintained that content not designed to appeal to children could still have a significant effect. They highlighted the association between football and gambling advertisements as a particular concern. They noted most children surveyed in one study, aged between 8-16 years, were able to recall the names 30 of sports betting brands, and male children aged 12-16 years who played football or attend matches were more likely to recall brand names than younger children, girls or those who played other sports.³ The respondent was concerned that the proposals would not reduce exposure to commercial messaging of those attending a football match or watching coverage.</p>	See 1(a)–3.20 and 1(c)–3.18 above.
1(c) – 3.23	MPAC	<p>The respondent raised concerns over the ASA ruling on 'strong' appeal of alcohol advertising cited in the consultation document. They believed the 2015 ruling involving David Beckham demonstrated a lack of consistency and clarity in approach. They believed that Beckham, even as a retired footballer, continued to have a significant impact on under-18s. They noted the ruling acknowledged Beckham's Facebook following at the time was 24% under 18, very close to the 25% threshold in CAP's</p>	CAP and BCAP acknowledge the respondent's point. They have had regard to the existing ASA rulings under the BCAP alcohol rules when developing the guidance to accompany the gambling and lotteries rules. However, noting concerns such as this and, more generally, the commitment detailed in the consultation that the ASA will take a strict approach to the application of the new 'strong' appeal rules, CAP and BCAP consider that it is appropriate for the ASA to consider scenarios

³ Thomas, S., L., Pitt, H., Bestman, A., Randle, M., Daube, M., Pettigrew, S., 'Child and parent 10 recall of gambling sponsorship in Australian sport,' May 2016, <https://responsiblegambling.vic.gov.au/resources/publications/child-and-parent-recall-of-gambling-sponsorship-in-australian-sport-67/>

		<p>policy for ad targeting. They noted that Beckham now was the 35th most followed Instagram account. The disagreed strongly with the ASA ruling's view that he was mostly known for being a retired footballer. The respondent was concerned over what they considered a serious lack of clarity over the criteria for judging 'strong' appeal.</p>	<p>similar to the precedent cases again. Accordingly, CAP and BCAP's new guidance cautions marketers that the ASA reserves the right to reconsider the precedents set should similar issues arise in future casework. Marketers should not simply rely on ASA rulings from the alcohol sector to ensure compliance with the new gambling rules; they should follow the relevant provisions of the new gambling-specific guidance in order to present the ASA with a clear case that their ad complies with the new appeal rules. The new guidance in Annex A (see section 12) sets out how the ASA will approach enforcement; see also section 2.5 of the regulatory statement.</p>
1(c) – 3.24	MPAC	<p>The respondent maintained that other forms of advertising were designed to increase brand association or to share content, which was not always widely understood by children to amount to advertising.⁴ They believed such marketing normalised gambling and led to high levels of brand awareness. They added that the use of humour, or close association with sports content consumed by children on the internet, carried a high level of appeal not addressed by the proposals. The respondent believed there was a strong case to go significantly beyond CAP and BCAP's proposals citing their further responses to question 3. They believed more attention could be given to the emerging evidence from Italy and Spain, both of which had responded to levels of gambling related harm with significant new restrictions on gambling advertising.</p>	<p>The CAP Code applies in full to marketing communications appearing in advertisers' own social media accounts. That consumers should be able to recognise advertising is a basic principle of the UK Advertising Codes. To a significant extent, this reflects underlying consumer protection law including the relevant requirements of the Consumer Protection from Unfair Trading Regulations 2008. The ASA cannot mandate that advertisements are labelled with disclosures as a matter of course. There has to be a basis to conclude that consumers are unlikely to be able to recognise that a specific ad is marketing. CAP has extensive policies on the application of its recognition rules to different kinds of media.</p> <p>The study cited by the respondent (one of the pieces of research that informed GambleAware's Final Synthesis Report) identified a significant amount of social media content by non-UK advertisers directed at non-UK audiences; such content is not within the remit of the Code. CAP assessed this as part of earlier work responding GambleAware's publication of its Interim Synthesis Report. CAP set out a more detailed response to various issues arising from this study in a letter to the Gambling Commission of April 2020. This work in turn fed into the proposals set out in this part of the consultation.</p> <p>The point relating to normalisation is addressed in 1(a)–3.24 above. See also 1(a)–3.20 and 1(a)–2.13 for CAP and BCAP's response to calls for more far-reaching restrictions on gambling advertising.</p>

⁴ Smith, J., Nairn, A., Rossi, R., & Sheng, J. (2019, Aug 19). 'Biddable Youth: Sports and eSports Gambling Advertising on Twitter. Appeal to Children, Young and Vulnerable People'. Demos.

1(c) – 3.25	BU	<p>The respondent believed the emotional category of the advertising appeal was not covered fully by the proposed rules or guidance. They maintained that it was often hard to regulate, but that such advertising manipulated emotional responses to strong imagery (i.e. status or cartoons), impactful text, and powerful music. They pointed out that such elements were not always be explicitly oriented to under-18s. They added that excitement was a primary emotional response and could deliver an appeal using imagination, humour and sound.⁵</p>	<p>CAP and BCAP cannot restrict advertising on the basis that its content has any level of appeal to under-18s. This would result in most gambling and lotteries advertising being prohibited. The UK Advertising Codes' restrictions on creative content set proportionate, evidence-based standards to limit advertising's impact. These restrictions work alongside placement, scheduling and targeting restrictions that reduce the amount of gambling advertising under-18s see. CAP and BCAP's decision to introduce new 'strong' appeal-based restrictions, in part, acknowledges the respondent's point; evidence suggests the content restrictions need to do more to control the effects of content that is not primarily oriented towards under-18s. However, as set out in 1(a)–2.13 above, the approach taken balances the weight of the emerging evidence with existing understanding of the impact of advertising on under-18s and the case for the effectiveness overall of the present regulatory framework. In this regard, it is notable that the study cited by the respondent is a content analysis with no direct research into under-18s' responses or attitudes to the ad content involved. The new rules will nevertheless further restrict the kinds of content acceptable. CAP and BCAP's new guidance on the application of the 'strong' appeal-based rules (see Annex A) sets out how the new restrictions operate in practice across the range of themes and kinds of content used in gambling and lotteries ads.</p>
1(c) – 3.26	BU	<p>The respondent believed youth appeal in advertising was a creatively challenging area where, for example, use of older adults might trigger interest among under-18s. They believed such creative and professional techniques in the advertising industry should be carefully considered. They cited an example of an ad for a chocolate bar where an elderly, mature actor was used to present health and psychology-related issues many older people experience. They believed such a creative narrative could appeal to under-18s who wanted to stay youthful or encourage the desire of those transitioning into adulthood to grow up and join in with adult activities. The respondent maintained that youth appeal was often evident in advertising for older adults' services and products like medication and vitamins. Similarly, they believed it was also important to reduce the appeal of activities associated with young adulthood, as adolescents particularly may be more sensitive to advertising including activities seen as 'grown-up'. They believed that was not articulated in CAP and BCAP's proposals.</p>	<p>See 1(a)–1.2 above. Also, CAP and BCAP agree that advertisers should exercise caution when presenting older characters in contexts that might result in undue appeal to under-18s. See Annex A section 22 for further detail on how this content will be treated.</p>

⁵ Sklar, A. and Derevensky, J.L., 2011. Way to play: Analyzing gambling ads for their appeal to underage youth. Canadian Journal of Communication, 35(4). Retrieved from: <http://youthgambling.mcgill.ca/en/PDF/Publications/2010/WaytoPlay.pdf>

1(c) – 3.27	BU	The respondent stated that a 'potential' appeal was often seen as mainly aimed at an audience of under-18s where aspects of imagination and the future were depicted. ⁶ They believed such creative visions could be quickly executed via a storyboard that did not include human actors and music integration. They expressed strong support for incorporation of those elements into the proposed guidance on 'strong appeal'.	See 1(c)–3.25 above.
1(c) – 3.28	BU	The respondent maintained that, many music-streaming platforms and music-integrating social media platforms were in demand and primarily consumed by children and young people (e.g., Apple Music, Spotify and TikTok). ⁷ They urged CAP and BCAP to amend BCAP alcohol guidance part d to remove the sentence: “... <i>But an advertisement that, for example, features an old recording that, perhaps as a result of its use in the advertisement, becomes popular with the young once again, will not necessarily be challenged.</i> ” They believed that highlighted the importance of understanding the audiences using such applications contained a diverse age range.	CAP and BCAP agree. It is likely that the effect of an old recording coming back into popularity with the young is similar to that of a new recording; both would appeal strongly to under-18s. This consideration has been incorporated into the process of drafting guidance to accompany the new rules. See Annex A section 26 for further detail on how this content will be treated and section 2.5 of the regulatory statement for detail of how the new guidance has been developed responding to consultation feedback.
1(c) – 3.29	BU	The respondent maintained that, with under-18s increasing exposure and experience of the adult world via gaming and unregulated content, meant there was scope to include seemingly adult-oriented advertising content and appeal to them. ^{8 9} They asserted that loot boxes and in-game items, status, the importance of financial means, social gambling activities within games, such as Minecraft, Fortnite, Roblox, and others led to normalisation of gambling amongst adolescents and therefore converted children into indirect and possibly direct target audiences for gambling products. ¹⁰ The respondent maintained that, since loot boxes and eSports had created an overlap between gaming and gambling, advertising must take particular care not to blur those boundaries. ¹¹ They	CAP and BCAP acknowledge the respondent's point, but it is important to note that features of video gaming like 'loot boxes' are not considered to be licensed gambling activities for the purposes of statutory controls. Their advertising is not therefore covered by the UK Advertising Codes' gambling sections. CAP and BCAP understand concerns around commercial aspects of videogames and have recently undertaken work to produce guidance to ensure in-game purchases are advertised responsibly. The question of whether loot boxes should be subject to the same statutory framework as gambling products is one for Government and

⁶ Sklar, A. and Derevensky, J.L., 2011. Way to play: Analyzing gambling ads for their appeal to underage youth. Canadian Journal of Communication, 35(4). Retrieved from:

<http://youthgambling.mcgill.ca/en/PDF/Publications/2010/WaytoPlay.pdf>

⁷ Nolsoe, E., 2020. Streaming services and video platforms popular with kids. YouGov. Retrieved from: <https://yougov.co.uk/topics/media/articles-reports/2020/07/02/streaming-services-and-video-platforms-popular-kid>

⁸ Sklar, A. and Derevensky, J.L., 2011. Way to play: Analyzing gambling ads for their appeal to underage youth. Canadian Journal of Communication, 35(4). Retrieved from:

<http://youthgambling.mcgill.ca/en/PDF/Publications/2010/WaytoPlay.pdf>

⁹ Parrado-González, A. and León-Jariego, J.C., 2020. Exposure to gambling advertising and adolescent gambling behaviour. Moderating effects of perceived family support. International Gambling Studies, pp.1-17. Retrieved from: https://www.tandfonline.com/doi/full/10.1080/14459795.2020.1712737?casa_token=tHOrjV55yYoAAAAA:kORbPg7KNShHT26DE6aZXcjW4C9j5rnTs7o1jKnFCYj4hNav7ISfEc7Qz_Vry6oVpwKTvKcWHM7e

¹⁰ S Zendle, D. and Cairns, P., 2018. Video game loot boxes are linked to problem gambling: Results of a large-scale survey. PloS one, 13(11), p.e0206767. Retrieved from:

<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0206767>

¹¹ Delfabbro, P., & King, D. L., 2020. Gaming-gambling convergence: evaluating evidence for the 'gateway' hypothesis. International Gambling Studies, 1-13. Retrieved from:

<https://doi.org/10.1080/14459795.2020.1768430>

		suggested that references and connections to video gaming and video game-type approaches should be avoided.	<p>is presently being considered as part of a review of the Gambling Act 2005. Notwithstanding these considerations, the respondent's point is relevant to instances where a licensed gambling operator makes reference to themes relating to video gaming.</p> <p>As set out in 1(a)–2.13 above, CAP and BCAP cannot restrict content on the basis that it has some level of appeal to under-18s. The UK Advertising Codes' restrictions on creative content set a proportionate, evidence-based stand to limit advertising's impact. However, it is clear that content relating video games and other online gaming (features like loot boxes are a strong example) should be treated carefully by advertisers owing to under-18s familiarity and general exposure to such content. While content cannot be prohibited outright, the new 'strong' appeal-based restrictions build on the significant constraints already placed on operators to protect under-18s. See Annex A (in particular, section 24) for further detail on how this content will be treated.</p>
1(c) – 3.30	BU	The respondent maintained that financial means were often seen as a path to achieving status and success. They believed that such associative responses could be created and achieved via implicit creative content meaning much gambling advertising content could be classified as potentially 'ageless' and hence of interest and appeal to under-18s. They cited a study that they considered showed that many gambling ads " <i>can be assumed to have strong appeal to adolescents</i> " despite them not being a target audience for such advertising. ¹² They considered it was essential to expand the currently proposed guidance on 'strong appeal'.	As set out in 1(c)–3.25, CAP and BCAP cannot reasonably restrict the advertising of licensed gambling products on the basis that it includes content of any level of appeal to under-18s. That would render most advertising approaches unacceptable. The new rules will seek to restrict ads of 'strong' appeal so that where under-18s are exposed, the ads 'speak' only to adults in an audience and not to younger groups. As noted above, the study cited by the respondent is a content analysis with no primary research involving under-18s. While it provides some basis to consider the risks associated with different types of messaging, it does not provide direct evidence of the impact of advertising content on under-18s. The GambleAware research provides a more relevant picture of content and themes of likely undue appeal to under-18s. It is on that basis that CAP and BCAP have decided to strengthen restrictions on the appeal of gambling ads adopting a 'strong' appeal-based test.
1(c) – 3.31	BU	The respondent recommended adding further examples around erroneous perceptions of risk and control to ensure gambling ads were prevented from appealing 'strongly' to under-18s. They noted such measures applied to all audiences and had been address in the part of the consultation on the protection of adults, but they believed more attention should be given to under-18s. They asserted that, in the	See 1(c)–3.25 above. It should also be noted that, although not directly relevant to the protection of under-18s, the adult-oriented protections in CAP and BCAP's Responsibility and problem gambling guidance have the effect of limiting the kinds of content of concern here (i.e. inappropriate messaging relating to risk and control). The question addressed by this part of the consultation process concerns the

¹² Sklar, A. and Derevensky, J.L., 2011. Way to play: Analyzing gambling ads for their appeal to underage youth. Canadian Journal of Communication, 35(4). Retrieved from: <http://youthgambling.mcgill.ca/en/PDF/Publications/2010/WaytoPlay.pdf>

		<p>process of their cognitive development, younger children might be more prone to cognitive biases regarding luck and skill due to their limited cognitive ability.¹³ They cited evidence suggesting that children tended to misunderstand odds advertising.¹⁴</p>	<p>appropriate level of restrictions on the appeal of gambling advertising to under-18s. Acknowledging concerns about children's understanding of gambling and related concepts, the ultimate aim of CAP and BCAP's restrictions is to limit the capacity of gambling advertising to attract their attention thereby controlling the potential for advertising to influence them.</p>
1(c) – 3.32	BU	<p>The respondent urged CAP and BCAP to include more detail on the guidance provision relating to endorsements and individuals and characters. They noted athletes were listed explicitly in the BCAP alcohol guidance but online influencers were not, even though they had significant under 18 audiences via platforms like YouTube, Instagram, Snapchat, TikTok and Twitch. They believed it was important to ensure age appropriateness of those who were advertising gambling products. They noted some influencers might look younger than their actual age and that adolescents often looked up to young adults as role models.</p> <p>The respondent cited content analysis of social media content posted by the UK's gambling operators, which showed social media enabled gambling companies to integrate athletes and influencers in their marketing through sharing and affiliate arrangements easily accessible and of interest to adolescents. They cited another study that focused on the impact of such advertising on children found that adolescents' exposure to gambling advertising directly affected their gambling frequency, leading to problem gambling. High exposure to gambling marketing and type behaviour was reported to have normalised gambling for children.</p>	<p>CAP notes the growing importance of influencers as a marketing channel using platforms like social media and video sharing to reach their followers with marketing content. The UK Advertising Codes' gambling rules apply in full to influencer marketing. The Codes already require that influencers must be 25 years old or above and that their audience comply with CAP's policies restricting the targeting of under-18s and their presence in the audience in general. Use of influencers must also apply with the new 'strong' appeal restrictions as they relate to the use of personalities and content in general. The study on the effect of gambling advertising examined circumstances in Spain with a sample of those aged 12-20; its relevance to the UK is limited. CAP and BCAP's view on the issue of 'normalisation' is set out in 1(a)–3.24 above.</p>
1(c) – 3.33	EN	<p>The respondent requested confirmation from CAP over whether the proposed 'strong appeal' restrictions and guidance would be applied across all age restricted products (including gambling and alcohol). The respondent also requested the CAP provide a rationale if additional or more stringent measures were included in the criteria to assess 'strong appeal' in relation to gambling adverts when compared to alcohol advertising. The respondent argued that a unified approach to</p>	<p>See 1(c)–2.4 above.</p>

¹³ Derevensky, J. L., Gupta, R., & Della Cioppa, G., 1996. A developmental perspective of gambling behavior in children and adolescents. Journal of gambling studies, 12(1), 49-66. Retrieved from: <https://link.springer.com/article/10.1007%2FBF01533189>

¹⁴ Newall, P. W., Moodie, C., Reith, G., Stead, M., Critchlow, N., Morgan, A., & Dobbie, F., 2019. Gambling marketing from 2014 to 2018: A literature review. Current Addiction Reports, 6(2), 49-56. Retrieved from: <https://link.springer.com/article/10.1007/s40429-019-00239-1>

		restrictions on the appeal of ads should apply to all sensitive product categories. They asserted that other age-restricted products, including, e-cigarettes, weight control and slimming products, tobacco products and high fat, salt and sugar foods were subject to restrictions based on a 'particular appeal' test.	
1(c) – 3.34	GS	The respondent urged CAP and BCAP, in the event that new restrictions were imposed, to develop a new test of ad appeal designed specifically for gambling advertising instead of relying on the "strong appeal" test, which they considered was tailored to alcohol advertising.	See 1(c)–2.4 above.
<p>Question 1(d): Do respondents agree with the proposal (set out in section 6.4.4 above) to exempt from the rules, proposed in questions 1(a) and 1(b), certain content inextricably linked to licensed gambling activity or the good causes that benefit from lottery funds? If not, please state why.</p>			
	Responses in agreement with the proposals	Comments	CAP and BCAP's evaluation
1(d) – 1.1	BC, BV, BF, SK, WH	These respondents expressed general agreement with the proposal, although some gave the view subject to further considerations or questions.	
1(d) – 1.2	SK	The respondent supported the proposed exemptions, but urged BCAP to consider a further broadcast-specific exemption for sports personalities not of particular appeal.	See 1(a)–3.18 above.
1(d) – 1.3	AN	The respondent supported the proposed exemption in relation to mentioning lotteries and good causes advertising. They considered that there was little evidence of the link between children's affiliation with a particular charity and their impulse to buy a lottery ticket.	CAP and BCAP note the respondent's point. It is generally understood that lotteries present a lower risk than other forms of gambling (see also 1(b)–3.1 above).
	Responses disagreeing with the proposals	Comments	CAP and BCAP's evaluation
1(d) – 2.1	AN, BW, FL, GHA, MPAC	Respondents disagreeing with the proposals.	

1(d) – 2.2	AN	The respondent was concerned that the proposed exemptions and the absence of input from under-18s meant the new restrictions were unlikely to go beyond the protections provided by the existing rules.	As set out in 1(a)–2.2 above, the new restrictions materially improve protections for under-18s strengthening the already significant interventions controlling the content of gambling advertising (see also 1(c)–2.3 above).
1(d) – 2.3	AN	The respondent noted several of the exemptions related to sports and esports. They asserted that the GambleAware Final Synthesis Report had highlighted the strong link between youth, gambling and sport. In particular, they believed eSports were unquestionably of strong appeal to under-18s. They pointed to the Final Synthesis Report’s findings on the number of children and young people following eSports-related betting accounts on social media and pointed out that a significant proportion of those were engaging (commenting, liking, sharing etc.) with the content. The respondent questioned why the proposals would allow gambling ads to feature eSports or other sports of strong appeal to children like football believing that that weakened the proposals considerably.	As set out in 1(a)–2.13 and 1(a)–3.20, CAP and BCAP consider the new rules are proportionate to the strength of the new evidence of advertising’s impact on under-18s recognising the legitimate right of advertisers to promote legally available products provided they comply with the protections set out in the UK Advertising Codes. The new rules strike an appropriate balance further limiting the potential for creative content relating to an activity of inherent appeal to under-18s to attract their attention and influence them. See section 2.6 of the regulatory statement .
1(d) – 2.4	AN	The respondent believed that further justification was required for the proposal’s focus on imagery, themes and characters. They believed there was no reason or evidence to support the implication that the sports, teams or players themselves were not themselves of strong appeal. The respondent noted the consultation document’s reasoning for the approach taken in the exemption; that prohibiting advertising of certain sports and eSports was not a question for CAP and BCAP. The believed the Gambling Commission should explain why it could not allow CAP and BCAP to prohibit all advertising of ‘strong’ appeal to children to ensure a joined-up response.	1(a)–2.11 and 1(a)–3.20 explain the legal constraints to which CAP and BCAP are subject; both in relation to imposing restrictions on advertiser’s freedom of commercial expression generally and the statutory position of gambling advertising. The Gambling Commission is constrained by the same considerations that the ASA and CAP are. The underlying framework permits advertising that meets standards set out in the Codes. CAP and BCAP have nevertheless made the Commission aware of the respondent’s point
1(d) – 2.5	MPAC	The respondent noted the proposal to exclude content inextricably linked with a licensed gambling activity advertised, and CAP and BCAP’s reasoning that it was the responsibility of the Gambling Commission to ensure provision of products was compatible with the Gambling Act 2005’s protections for children and young people. They considered this an abrogation of responsibility noting that it was not the Gambling Commission’s role to rule on whether the advertising of gambling products was harmful. They believed there was demonstrable evidence that the scale of advertising for gambling products in football was highly problematic. They cited research that reported males aged 12-16 years who played football or attended matches were more likely to recall brand	As set out in 1(a)–2.13 and 1(a)–3.20 above, CAP and BCAP consider the new rules are proportionate to the strength of the new evidence of advertising’s impact on under-18s recognising the legitimate right of advertisers to promote legally available products provided they comply with the protections set out in the UK Advertising Codes. The new rules strike an appropriate balance further limiting the potential for creative content relating to an activity of inherent appeal to under-18s to attract their attention and influence them. 1(a)–2.13 above also sets out CAP and BCAP’s view of the balance of the evidence base.

		names than younger children, girls or those who played other sports. ¹⁵ The respondent noted the industry's 'whistle-to-whistle' ban on scheduling gambling advertising around live sporting events did not apply to sponsorship. They noted a study that found there were more gambling advertisements during programming than in the commercial breaks. ¹⁶ They highlighted another study that found football supporters had become used to gambling being a central aspect of enjoying sport. ¹⁷ The respondent believed protections for children and vulnerable people were seriously undermined, if what they considered to be an out-of-control sector was allowed to advertise unchecked in an area with clear 'strong' appeal to under-18s.	
1(d) – 2.6	GHA	The respondent disagreed with the proposal exclude the logos of eSports games from the rules. They noted the British eSports Association found that 35% of eSports players in the UK are aged 18 to 24, and 93% of children in the UK play video games on average three hours a day. They believe that excluding eSports could allow a significant number of under-18s to see appealing gambling advertising. They reiterated their view that gambling advertising associated with virtual sport should be banned.	As set out in 1(a)–2.13 and 1(a)–3.20 above, CAP and BCAP consider the new rules are proportionate to the strength of the new evidence of advertising's impact on under-18s recognising the legitimate right of advertisers to promote legally available products responsibly. The new rules strike an appropriate balance further limiting the potential for creative content relating to an activity of inherent appeal to under-18s to attract their attention and influence them. 1(a)–2.13 above also sets out CAP and BCAP's view of the balance of the evidence base.
1(d) – 2.7	BW	The respondent disagreed with the proposal and pointed to their responses to question 1(a) and 1(c). They were concerned that the proposals effectively removed their ability to use current sports personalities in advertising, even if they were the subject of a licensed product offering.	1(a)–2.2 above
1(d) – 2.8	FL	The respondent noted CAP and BCAP's acknowledgement that they could not unreasonably infringe on an advertiser's right to promote products which meet the requirements of the Gambling Act 2005. They welcomed the exemptions proposed but considered them very narrow. The respondent noted the proposed exemption made no provision for featuring sports personalities. They maintained that gambling was inherently linked to sport and pointed out that that was a concern the alcohol industry shared as alcohol consumption was incompatible with participation in sport. They believed alcohol products could be easily advertised outside the context of sport. The respondent asserted that a	See 1(a)–2.2, (a)–2.5 and 1(c)–2.4 above.

¹⁵ Thomas, S., L., Pitt, H., Bestman, A., Randle, M., Daube, M., Pettigrew, S., 'Child and parent 10 recall of gambling sponsorship in Australian sport,' May 2016, <https://responsiblegambling.vic.gov.au/resources/publications/child-and-parent-recall-of-gambling-sponsorship-in-australian-sport-67/>

¹⁶ Cassidy, R., Ovenden, N., 'Frequency, duration and medium of advertisements for gambling and other risky products in commercial and public service broadcasts of English Premier League football,' Goldsmith: Research Online, August 10, 2017, <http://research.gold.ac.uk/20926/>

¹⁷ Dr Darragh McGee Conn, January 10, 2019

		‘strong’ appeal-based rule, when applied to the gambling industry, would severely hamper its ability to advertise products they were licensed to sell.	
1(d) – 2.9	FL	They also maintained that the existing rule restricting the use of people under 25 imposed what they considered was already a more significant requirement on gambling advertising than the equivalent rule was for alcohol advertising due to it restricting the use of sports people who were under 25. The respondent believed gambling advertisers were already more severely impacted by the current restrictions than other regulated industries operating under similar rules. They added that, while they supported the rationale behind existing Code requirements, the transposition of a ‘strong’ appeal test from the alcohol rules was disproportionate.	See 1(a)–2.2, 1(a)–2.5, 1(a)–2.10 and 1(c)–2.4 above.
1(d) – 2.10	FL	The respondent maintained that, although the proposed exemption allowed the use of logos of a sports team or event, advertisers would need to consider the implications of intellectual property law and image rights. They were concerned that, unless such imagery could be used appropriately (i.e. with the permission of third-party rights holders and (generally) the payment of a licence fee), advertisers were left with very little creative freedom.	CAP and BCAP’s new restrictions result in controls on the kinds of creative content that can be included in advertising. They do not have a direct impact on arrangements between advertisers and rights-holders for the use of such content.
1(d) – 2.11	FL	The respondent believed CAP had not considered direct exemptions for individuals or sports which were the subject of the bet offered. They pointed to the existing exemption in the ‘under 25 rule’ (rule 16.3.14) of the CAP Code. As a result, they asserted that sports betting operators might only be able to advertise products they were permitted and licensed to sell through simple text or audio references. The respondent considered that such a measure would undoubtedly severely restrict operators’ ability to advertise at all, leaving no room for any level of creative freedom.	As set out in 1(c)–2.9 above, the new rule will take precedence over in situations where the existing exemption for individuals who are under the age of 25 but being used on an operators’ site to illustrate a bet offered for sale directly. CAP notes the vast majority of offers of bets are in simple text or basic graphic form – these are unaffected by the changes – and that, under the exemptions incorporated into the new ‘strong’ appeal-based rule, operators will be able to advantage of the under-25s exemption in content visible to customers who have signed in.
1(d) – 2.12	FL	The respondent urged that, if the proposal to introduce rules based on a ‘strong’ appeal test were to go ahead, CAP and BCAP should consider much wider exemptions for socially responsible advertising of products deemed appropriate for sale under the Gambling Act.	See 1(a)–3.17 above.
1(d) – 2.13	FL	The respondent asked CAP and BCAP to clearly set out why the industry’s voluntary restriction on TV scheduling before 9pm was not a sufficient method of targeting broadcast content to those likely to be over 18.	See 1(a)–3.18 above.

<p>1(d) – 2.14</p>	<p>EN</p>	<p>The respondent stated that they would agree with the proposed exemptions, if the ‘strong’ appeal restrictions were implemented. However, they considered the proposals too broad and inadequately supported by guidance. They also questioned why a ‘strong’ appeal restriction would only be applied to gambling and alcohol products whilst other age-restricted product advertising would remain under content restrictions based on a ‘particular’ appeal test. The respondent believed the existing restrictions, coupled with industry voluntary initiatives were sufficient to minimise the exposure of young people to gambling advertisements. They considered the proposed ‘strong’ appeal restriction too expansive and were concerned about the detrimental effects it could have on well-established brand identities in the industry. They cited the example of Foxy Bingo’s <i>Foxy</i> character and asked whether the proposed changes would affect its use and that of associated images. They asked what content would be covered by the proposed exemption brand-related content and specific parameters for how its scope would be defined.</p>	<p>CAP and BCAP’s commitment to produce dedicated guidance to support the new rules is discussed in 1(a)–1.2 above. With regard to the respondent’s point about the controls on content applied to other product categories, CAP and BCAP have considered the evidence emerging from the GambleAware research and concluded there is a case for regulatory change. They will consider developments in the evidence relating to other product categories in a similar way. As set out in 1(a)–2.2 above and 1(a)–2.5, there is a basis for action; the present UK Advertising Code rules and industry voluntary initiatives do not address the issues identified in this consultation.</p> <p>In relation to brand identities, to ensure the fairness to operators that use animation in this way, the consultation proposals now adopted include an exemption from the new restrictions for material relating to an advertiser’s brand identity (for example, logos or livery). Given the weight of evidence relating to personalities and characters, the scope of the exemption does not extend equity brand characters. See Annex A section 15 for further detail on how this type of content will be treated.</p>
<p>1(d) – 2.15</p>	<p>GS</p>	<p>The respondent was concerned that the proposal could place gambling advertisers not promoting sports betting (e.g. casino and bingo-led gambling operators) at a competitive disadvantage. They believed such advertisers had fewer creative options available to them due to their product portfolio; for example, they might be limited to the use of creative and/or game tiles, which in themselves were animated, feature bright colours and themes that could be child-friendly. The respondent was also concerned that they would be at a competitive disadvantage, if they ran a campaign or promotion that was related to a sporting event but was not for a sports betting product. The questioned whether they would be able to use the same kinds of imagery that sports betting advertisers would be able to use in a similar scenario. The respondent urged CAP and BCAP to provide clear guidance on how the exemptions would relate to operators advertising products other than sports betting.</p>	<p>As set out in 1(a)–2.12 above, CAP and BCAP have developed their proposals further to incorporate a specific reference in the exemptions for gaming products as distinct from betting products. This recognises the difference between gaming products being an ‘activity’ in their own right and betting products, which involve external activities (like sports) upon which bets are placed. CAP and BCAP consider that it would be disproportionate for new rules to have an impact that made marketing of either kind of product very difficult. However, this must be balanced with the fact that a significant proportion of online gaming products include themes and imagery that are child-oriented; the ASA has ruled on several occasions against ads illustrating these products under the existing restrictions on content of ‘particular’ appeal to under-18s. Such products are already subject to considerable restrictions on the content that can appear in ads.</p> <p>In line with this, the proposed exemptions have been further developed to draw a clear distinction between depictions of products themselves (for instance, an online gaming product) and of external activities that are the subject of a product (for example, a bet on football). Both may use limited, mainly generic content in ads when referring to a particular product. The new guidance (see Annex A section 15) sets out how advertisers of gaming products can advertise in line with the</p>

			exemption. See regulatory statement section 2.6 for confirmation of the outcome relating to the proposed exemptions.
1(d) – 2.16	GS	The respondent pointed out that Government’s ongoing review of the Gambling Act had prompted a separate debate around shirt sponsorships, which could result in them being banned because of their mass appeal and presence of gambling advertising on the shirts and around football grounds. They maintained that, if the ASA was to exempt content linked to activities of ‘strong’ appeal to under-18s, it could contradict wider changes.	As out in 1(c)–3.18 above, sponsorship agreements (and commercial messaging resulting such as logo appearing on sports team shirts) are outside the remit of the CAP Code. As set out in 1(a)–2.2 above, CAP and BCAP consider the new restrictions and associated exemptions strike an appropriate and evidence-based balance increasing protections for under-18s while allowing legally available and licensed products to be advertised. The question of future statutory controls on commercial activities such as shirt sponsorships is one for Government as it carries out a review of the Gambling Act 2005. CAP and BCAP will monitor the outcomes of that process and consider any implications for its rules in due course.
1(d) – 2.17	GS	The respondent questioned whether the proposed exemptions would be fixed or whether they would continue to evolve. They believed that introducing a rigid list of initial exemptions might not meet the aim of protecting under-18s because the industry was constantly evolving.	CAP and BCAP Advertising Guidance evolves to reflect ASA decisions on individual ads as it interprets the rules. It is also reviewed periodically to update it to accommodate insights from new and emerging evidence (see also 1(a)–1.2 above).
1(d) – 2.18	BGC	The respondent said the content-linked exemption went some way to address the issue of sports being inextricably linked with gambling products and services. However, they noted personalities were not included in the exemption and believed that curtail a licensed operators from advertising products which it is licensed to offer. They noted the proposal suggested that text itself could be included and believed the effect of the rule would be to remove images completely, which would have a significant impact on advertisers’ ability to advertise effectively. They also believed that, given that that type of advertising was already prevented from being targeted at under-18s through the selection of media, there was nowhere to advertise such offers other than to already age-verified, existing customers.	On the initial point, see 1(a)–2.2 and 1(a)–3.17 above. In relation to the point about the removal of images from ads, the new rules include exemptions intended to allow reasonable illustration of the subject of a licensed gambling product (see 1(a)–2.7 above). On the point relating to ad targeting, see 1(a)–3.15, 1(e)–1.2 and 1(e)–1.4.
	Other responses	Comments (including conditional views on the proposals, requests for further information on the rationale for change, comments on the evidence base and requests for further guidance).	CAP and BCAP’s evaluation
1(d) – 3.1	BU	The respondent agreed with most of the proposal but suggested that CAP consider applying a ‘strong’ appeal restriction to licensed gambling activities (i.e. football and eSports). They maintained that sport was an important part of youth culture and the inclusion of sport-related content,	As set out in 1(a)–2.13 and 1(a)–3.20 above, CAP and BCAP consider the new rules are proportionate to the strength of the new evidence of advertising’s impact on under-18s recognising the legitimate right of advertisers to promote legally available products responsibly. The new

		<p>individuals and characters could create immediate appeal.¹⁸ They pointed to evidence that suggested the same was true of eSports.¹⁹ They stated that evidence suggested exposure to gambling advertising amongst adolescents was greatest during live sport events.²⁰ They asserted that many sports were considered ‘family-friendly’ leisure activities that might appeal to under-18s irrespective of the actual messaging and imagery. They added that such advertising might not directly influence children to gamble, but could form favourable attitudes towards gambling.^{21 22}</p>	<p>rules strike an appropriate balance further limiting the potential for creative content relating to an activity of inherent appeal to under-18s to attract their attention and influence them.</p>
1(d) – 3.2	BU	<p>The respondent believed that under-18s accessing adults’ devices and social media accounts challenged the use of age-based targeting to prevent the exposure.</p>	<p>While it is not possible to control for such scenarios fully, there are significant protections in place, which mitigate the likely level of risk in practice. CAP’s rules on the targeting and placement of online advertising require that gambling ads must not appear in or around content for under-18s (for instance, a video sharing platform channel with content for younger children like nursery rhymes) or content where they are likely to comprise more than 25% of the audience. If a child, for example, views content for children on an adult’s device, these exposure restrictions apply. This is irrespective of adult’s browsing history or interests that may be used to direct advertising legitimately to them in other, adult-oriented online environments (see CAP’s Advertising Guidance, Media placement restrictions: protecting children and young people Advertising Guidance). While under-18s might have some potential access to a parent or guardian’s online accounts, there is little evidence to suggest that that is protracted or significant; that is to say, to an extent to that would result in them being exposed to the range of advertising adults see. Moreover, the exemption included in the CAP ‘strong’ appeal-based rule applies only to a narrow range of media where ads can be addressed directly to</p>

¹⁸ Sklar, A. and Derevensky, J.L., 2011. Way to play: Analyzing gambling ads for their appeal to underage youth. Canadian Journal of Communication, 35(4). Retrieved from: <http://youthgambling.mcgill.ca/en/PDF/Publications/2010/WaytoPlay.pdf>

¹⁹ Jenny, S. E., Manning, R. D., Keiper, M. C. and Olrich, T. W., 2017. Virtual(ly) athletes: where eSports fit within the definition of “Sport”. Quest, 69(1), 1-18. Retrieved from: https://www.tandfonline.com/doi/full/10.1080/00336297.2016.1144517?casa_token=KT2lw-ZW-KQAAAAA%3A5INJ8W-y6Z9Tqk-eVLECoISkRsnQi5kmRgGK5qOdiFR6i-6ShZt0gJUXaovBdw3LhbEzHbkz8DdE

²⁰ Parrado-González, A. and León-Jariego, J.C., 2020. Exposure to gambling advertising and adolescent gambling behaviour. Moderating effects of perceived family support. International Gambling Studies, pp.1-17. Retrieved from: https://www.tandfonline.com/doi/full/10.1080/14459795.2020.1712737?casa_token=tHOrjV55yYoAAAAA:kORbPg7KNShHT26DE6aZXcjW4C9j5rnTs7o1jKnFCYj4hNav7ISfEc7Qz_Vry6oVpwKTvKcWHM7e

²¹ Sklar, A. and Derevensky, J.L., 2011. Way to play: Analyzing gambling ads for their appeal to underage youth. Canadian Journal of Communication, 35(4). Retrieved from: <http://youthgambling.mcgill.ca/en/PDF/Publications/2010/WaytoPlay.pdf>

²² Parrado-González, A. and León-Jariego, J.C., 2020. Exposure to gambling advertising and adolescent gambling behaviour. Moderating effects of perceived family support. International Gambling Studies, pp.1-17. Retrieved from: https://www.tandfonline.com/doi/full/10.1080/14459795.2020.1712737?casa_token=tHOrjV55yYoAAAAA:kORbPg7KNShHT26DE6aZXcjW4C9j5rnTs7o1jKnFCYj4hNav7ISfEc7Qz_Vry6oVpwKTvKcWHM7e

			known individuals or others whose age can be verified to a very high degree of confidence. This means under-18s using an adult's device are still unlikely to encounter gambling advertising that includes content of 'strong' appeal during casual browsing or app use (see also 1(e)–2.2 below).
1(d) – 3.3	MPAC	The respondent noted Government's recent announcement that that minimum age of lottery participation would be raised to 18. They believed that reflected the precautionary principle acknowledging the potential links between lotteries and gambling-related harms. They maintained that it was hard to permit exceptions to the rules on advertising where there are good causes that benefit; either lotteries posed a risk to children or they did not.	The UK Advertising Codes' gambling and lotteries sections have a common approach to protections. As such, the former already apply protections to under-18s. As set out in 1(b)–3.1, lotteries are subject to a distinct legal framework than other gambling products, they commonly considered lower risk in terms of harms and, uniquely, they involve raising funds for good causes. CAP and BCAP consider that it is proportionate to the nature of the products, the risks involved and the evidence base (including new insights from the GambleAware research) to allow lotteries an exemption that allows the use of otherwise restricted content to illustrate the good causes that benefit from lottery funds (see also 1(b)–3.3 above).
<p>Question 1(e): Do respondents agree the rules proposed in questions 1(a) and 1(b) should not apply to advertisements restricted on the basis of robust age-verification measures (set out in section 6.4.5 above), which, for all intents and purposes, exclude under-18s from the audience? If not, please state why</p>			
	Responses in agreement with the proposals	Comments	CAP and BCAP's evaluation
1(e) – 1.1	BC, BF, BV, EN, FL, GS, SK, WH	These respondents expressed general agreement with the proposal, although some gave the view subject to further considerations or questions.	
1(e) – 1.2	BF	The respondent agreed with the proposal and that advertisers should be allowed to advertise freely within the secure environment provided by verified audiences. They pointed out, however, that in some circumstances advertisers were reliant upon third parties to complete age verification. They maintained that, although steps were taken to ensure checks were completed, there were individuals who intentionally tried to circumvent the checks. The respondent believed there should be allowances made for such circumstances.	<p>Further to 1(a)–3.15 above, the ASA will expect marketers to provide evidence demonstrating they have taken all reasonable steps to exclude under-18s from an audience. Assessments will be made on a case-by-case basis, but the expectation is that systems are robust and that advertisers can provide a very high level of assurance that under-18s are not included in the audience.</p> <p>In practice, the exemption will be for media environments where advertisers can direct ads to known, age-verified recipients. In general, approaches based on data derived from license requirements on age</p>

			<p>verification are likely to be acceptable. These require operators to complete robust age verification and identity checks before a customer is allowed to gamble for money. As a result, a list of verified customers is very unlikely to contain individuals who are under 18 years old.</p> <p>More general marketing data, such as that inferred from user behaviour online, can provide a high degree of accuracy in directing ads to a chosen audience, but it cannot provide the level of assurance necessary to allow the inclusion of content that would otherwise breach the Codes in circumstances where under-18s might see ads. 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.</p> <p>It is also important to note the exemption is based on an existing ASA policy, which allowed for content considered of 'particular' appeal under the present rules to be included in media where the audience can be tightly controlled. CAP nevertheless 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 marketers innovating to find new ways to meet the policy objectives.</p> <p>See Annex A for more detail of the application of this exemption in practice and also 1(e)–1.4 for key evaluations of other responses relating to the targeting exemption.</p>
1(e) – 1.3	BW	The respondent agreed with the proposal but believed it would be very limited in application because the majority of advertising took place on third party platforms.	See 1(a)–3.15 and 1(e)–1.4 above.
1(e) – 1.4	BV	The respondent agreed with the proposal but asked for clarification on age-gating on social media platforms; whether it be sufficient to age-gate using the controls on social media accounts on platforms like Facebook and Twitter.	<p>The exemption for narrowly targeted advertising will apply to media environments where advertisers can use techniques that, for all intents and purposes, exclude children from the audience of their advertising. This includes circumstance where an online platform provides advertisers with functionality that enables them to target specific users or groups of users that can be age-verified to a very high degree of accuracy.</p> <p>In general, approaches based on data derived from license requirements on age verification are likely to be acceptable. More general marketing data, such as that inferred from user behaviour, can provide a high degree of accuracy in directing ads to a chosen</p>

			<p>audience, but it cannot provide the level of assurance necessary to allow the inclusion of content that would otherwise breach the Codes in circumstances where under-18s might see ads. For dynamically targeted advertising, using age-verified data held by an operator to target a specific individuals' accounts on an online platform is likely to be acceptable under the exemption whereas targeting on the basis of inferred data or a user's interests is not. For one-to-many advertising, the exemption would apply to online environments subject to strict age-verification; for instance, content available to signed-in users, age-verified using robust indicators like payment details in the recipient's name.</p> <p>See Annex A sections 28-30 for more detail of the application of this exemption in practice, and also 1(a)–3.15 and 1(e)–1.2 for key evaluations of other responses relating to the targeting exemption.</p>
1(e) – 1.5	SK	<p>The respondent agreed that the proposed rules should not apply to advertisements restricted on the basis of robust age-verification that excluded under-18s from the audience. They noted some online targeting tools had been criticised for what they regarded as an apparent lack of effectiveness. They contrasted those with what they considered the numerous robust age verification methods and ad placement tools used across broadcast TV, which prevented children from accessing adult content and contributed to children's low exposure to TV gambling advertising. The respondent set out these controls in summary detail.</p>	<p>See 1(a)–3.18 above. Additionally, regarding the respondent's comments about the efficacy of online targeting, the exemption proposed in the consultation did not envisage the use of online targeting techniques, such as behavioural advertising based on a user's interests or browsing history. Although when used properly they provide a high degree of accuracy, this is unlikely to be sufficient to exclude under-18s from an audience. Ultimately, it is for advertisers using different broadcast and non-broadcast media to make a case to the ASA that the controls they have used meet the bar envisaged in the exemption allowing content of 'strong' appeal to be included. That the targeting controls in place have the effect of creating an online environment where under-18s are, for all intents and purposes, excluded from the audience.</p>
	Respondents disagreeing with the proposals	Comments	CAP and BCAP's evaluation
1(e) – 2.1	AN, BU, GHA	<p>Respondents that disagreed with the proposals.</p>	

<p>1(e) – 2.2</p>	<p>AN</p>	<p>The respondent disagreed with the amendment because they believed there were no fool-proof age-verification systems. They noted evidence of children giving false ages on social media platforms, how ads served to individual profiles were not easily controlled and that organic content could be shared outside the control of the advertiser.</p> <p>The respondent maintained that there was no specific provision in the CAP Code for social media, although the way it worked was quite different from other advertising media.</p>	<p>The exemption applies only to online environments where under-18s are, for all intents and purposes, excluded from the audience for a gambling ad. In most circumstances, this will involve ads being addressed only to ‘known’ individuals. As set out in 1(e)–1.4, 1(a)–3.15 and 1(e)–1.2, the ASA will expect to see strong evidence that advertisers have placed their ads in environments that meet these requirements. It is unlikely that approaches such as interest-based targeting or use of inferred data will be acceptable. Although these allow high levels of accuracy to assure the targeting of gambling advertising away from under-18s in general, they are not sufficient to allow the use of content considered by the Codes to be of undue appeal to under-18s. See Annex A sections 28-30 for more detail on the application of this exemption in practice.</p> <p>Advertising in social media, including social networking sites and video sharing platforms, in subject to the full range of protections in the CAP Code, including those for gambling. This applies both to paid ads (where an advertiser uses the platform’s ad targeting systems to direct ads at users) and advertising content appearing in a marketer’s own social media space. Although media neutrality is an important principle, the Code and the ASA’s enforcement approach take into account the features of social media. For instance, CAP’s targeting restrictions have regard to the various capabilities of online media with requirements that facilities like personalisation of ads will be used for regulatory purposes, in particular, the protection of under-18s from sensitive category advertising.</p> <p>Online media undoubtedly present several new challenges to all regulators. However, CAP is confident that the present system serves as an effective basis for consumer protection. Nevertheless, the ASA and CAP continue to be pro-active in developing new approaches to further develop the regulation of advertising in online media.</p>
<p>1(e) – 2.3</p>	<p>GHA</p>	<p>The respondent disagreed with the proposal because they believed online age-verification was not robust enough to prevent under-18s accessing gambling activities. They highlighted research that found one in ten young gamers had used their parent’s debit or credit card to purchase loot boxes. They acknowledged that loot boxes were not covered by the legal definition of gambling but believed that using a parent’s card and identification online was a potential loophole for under-18s to engage in gambling activity. The respondent also asserted that, because of the presence of advertising cookies, individuals would</p>	<p>1(e)–2.2 sets out CAP’s general response to objections to the proposed targeting exemption.</p> <p>On the respondent’s concern about under-18s use of loot boxes, CAP would point out that such activities are not considered gambling for the purposes of the Gambling Act 2005. They are therefore not subject to controls, such as requirements for age-verification. As such, the evidence cited here is of limited relevance to licensed gambling activities and the proposal to allow an exemption from the new ‘strong’ appeal restriction to highly targeted ads.</p>

		continue to receive gambling marketing after accessing such material online.	
1(e) – 2.4	GHA	The respondent pointed out that the proposed exemption provided no protection for young people over the age of 18 who might be vulnerable to gambling-related harm. They suggested that restrictions should be applied on the ‘strong appeal’ basis rather than age-verification.	See 1(a)–3.19 above.
1(e) – 2.5	BU	The respondent disagreed with the proposed exemption because they believed age-verification and age-targeting approaches to marketing did not account for circumstances where under-18s had access to adults’ devices and social media accounts.	See 1(d)–3.2 above.
1(e) – 2.6	AN	The respondent questioned whether the proposal was unrealistic and commercially undesirable. They asked why, if there were no under-18s in an audience (e.g. a direct mailing list), would an operator want to use content of ‘strong’ appeal to under-18. The respondent suggested that the precautionary principle be applied to apply a ‘strong’ appeal restriction in all contexts. They believed no advertisers would be disadvantaged by that approach.	Some gambling products include content or features like gameplay that can be child-oriented, even though they are intended for adults (for instance, a slots game with fairy tale themes). The aim of the new rules is to deliver greater protections for under-18s. In the interest of proportionality, the new restriction is not necessary in environments where, for intents and purposes, that group are not part of the audience for an ad featuring content of ‘strong’ appeal.
	Other responses	Comments	CAP and BCAP’s evaluation
1(e) – 3.1	EN	<p>The respondent asked for further clarification around the use of ‘robust age targeting’ and CAP’s existing ‘25% test’ for non-broadcast advertising to mixed audiences in relation to advertising content that might be assessed under the proposed ‘strong’ appeal rule. They asked if content targeted directly to social media accounts of existing, age-verified customers was covered by the exemption.</p> <p>They also asked if the current age targeting controls provided by Facebook, and associated platforms such as Instagram, were sufficient in targeting a predominantly adult audience, when combined with the IGRG Code requirement to target paid social adverts to individuals aged 25 and over. They noted that independent studies had shown that Facebook age-targeting was 97% accurate, and Instagram 92% accurate compared to an industry average of 71%.²³</p>	See 1(e)–1.4 above.

²³ Nielsen Digital Ad Ratings, UK from 07/01/2016 through 12/31/2019

<p>1(e) – 3.2</p>	<p>GS</p>	<p>The respondent expressed concern that, unless social media providers and other platform providers could guarantee (or at least improve their tools) that their age-gating and targeting tools operate effectively, advertisers could fall foul of stricter requirements in the absence of appropriate exemption. The respondent believed the current approach of relying on the gambling ads recipients' age verification should remain in force without the transition to a 'strong' appeal test. The respondent added that, if the Gambling Commission was open to the idea of data based on financial information (for example, credit card possession), it would be important to understand what else they could accept, and whether they would consider Google and/or Facebook's age categorisation algorithms sufficient.</p> <p>They asserted that Google put all consumers into an age bracket based on data they could amalgamate without disclosing what the data actually was. It could include credit cards, browsing history, date of birth specified in Gmail accounts or interactions like Facebook friends who wished someone a 'happy 30th birthday' on a particular day. They asked whether a Google, Facebook or app store data would be sufficiently robust to meet the requirements of the proposals and if registration to those accounts had self-certified age declaration and its own un-disclosed means of verifying that age information. They pointed out that the industry's Ad Tech work stream included requirements around making use of filters when they were available. They asked whether there could be any specific provisions around content and targeting which would cover instances where a child viewed an ad which was not of 'strong' appeal to them on a platform which had imperfect targeting. They maintained that had been treated as a breach in some cases because the targeting was held to a higher standard than it could achieve in practice.</p>	<p>See 1(e)–1.4 above.</p>
<p>1(e) – 3.3</p>	<p>BGC</p>	<p>The respondent believed the robustness of age-verification meant the exemption was of limited use owing to the limitations of third-party advertising platforms. They disagreed with the consultation document's assertion that the age-verification exemption in place for the existing, 'particular' appeal rule was widely applied. They believed it would only apply where under-18s had been entirely removed from the audience by the use of operator-standard verification tools. They maintained that, given that the overwhelming majority of advertising was on third party platforms and not using an operator's own data, and was targeted at prospective customers, the exemption proposed was of very limited application.</p>	<p>See 1(a)–3.15 above.</p>

<p>1(e) – 3.4</p>	<p>AVPA, VE</p>	<p>The respondent asserted that it was now technically possible to ensure that all online gambling adverts were seen by only adult audiences. They maintained that there was no need to apply rules on the content of gambling adverts to protect children, if those ads were only ever displayed to adults. While ‘ad tech’ techniques could be used to reduce the risk of children seeing gambling ads, they were not sufficiently effective.</p> <p>The respondent believed it was straightforward for social media platforms and online advertising networks to implement robust, standards-based, independent age-verification for all their users. They stated that age checks could be applied on account opening, and for those who open accounts when below the age of 18, on their 18th birthday as recorded by their claimed date of birth. That would allow platforms to curate a subset of their user-base age-verified as over 18.</p> <p>The respondent pointed out that such age checks would need to be conducted to the BSI Standard PAS 1296:2018 (to which the Department of Digital, Culture, Media and Sport was sponsoring an upgrade and update process). They added that CAP could specify that level of assurance based on the options within PAS 1296. The respondent maintained that platforms might claim to apply age-assurance, but unless it was to a defined standard, and subject to external audit and certification, the public could have little confidence that platforms were applying robust age-assurance measures. That was in the context of age-verification already becoming widely applied in day-to-day online activities, not least for remote gambling itself, but also for the purchase of age-restricted goods such as alcohol and vaping products.</p> <p>The respondent believed it made the application of age-verification by social media and advertising platforms straightforward. They pointed to the new online harms legislation, which increased the need to widespread age-verification, and the Age Appropriate Design Code and the Audio-Visual Media Services Directive, which, they pointed out, were already driving the application of age verification for any websites that might pose a risk of harm to children.</p> <p>The respondent asserted that there was no need to continue the situation where it was acceptable to allow up to 25% of a gambling ads audience to be children; the rule could feasibly be 0%. They believed the approach would be more straightforward than the existing arrangement and proposals in the consultation and that it would have benefits for industry</p>	<p>The ASA will assess the effectiveness of these means of age-verification against its policy on exempting media from the Codes’ appeal rules where they can provide appropriate assurance that under-18s are unlikely to form any part of the audience. In principle, the kind of described by the respondent offer the potential for compliance with these requirements. As set out in the regulatory statement on the evaluation of responses to Question 3 (see section 3.3), there is no substantive case to consider new interventions that aim to dramatically reduce the spaces where exposure to gambling ads might occur. The underlying policy of reducing exposure through placement and targeting restrictions and limiting the impact of ads under-18s do see though content restrictions is proportionate to the evidence base.</p>
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		in excluding those not legally of age to gamble from receiving marketing and their reputation more generally.	
1(e) – 3.5	WH	The respondent welcomed Government's commitment, as set out in the Online Harms White Paper, to explore options for greater accountability of online service providers to improve the safety of users online with a particular focus on the protection of children and other vulnerable persons. The respondent asked CAP and BCAP the degree to which online service providers would be held accountable under the Government's proposals when the balance of responsibility under the proposed changes to the gambling rules. They believed it important to create a level playing field with other aspects of online regulation in relation to harm aligning with the five statutory principles of good regulation: transparency, accountability, proportionality, consistency and targeting.	<p>The process of introducing a new statutory framework for controlling online harms is still underway and is the responsibility of Ofcom as the designated regulator. The ASA and CAP will cooperate with these efforts in ensuring the self-regulatory system's role accords with the new requirements involved.</p> <p>The CAP Code places the primary liability for compliance with its gambling rules on advertisers. It is their responsibility to ensure that media used to carry their advertising are appropriate. For example, they should ensure as necessary that media owners are able to provide audience data need to demonstrate compliance with the Code's rules on placement and targeting.</p>
1(e) – 3.6	MPAC	The respondent believed that the proposed exemption was problematic because the Gambling Commission's ability to enforce robust age verification was, in their view, lacking. They cited data that showed thousands of children each year took part in age-restricted gambling activities. ²⁴ They noted William Hill had been revealed, alongside PaddyPower and Betfair, as having adverts for their products in mobile phone apps approved for use by seven-year-olds. ²⁵	See 1(e)–2.2 above in relation to concerns over the effectiveness of age-verification. The data cited by the respondent from Gambling Commission reporting shows that the vast majority of participation in gambling activities by children and young people relates to activities like private betting and legal play of lotteries or bingo products. The trend over time has been quite a significant decline (see consultation document section 3.3). The level of underage play of licensed gambling activities is very small and, as the report relies on self-reported activity, this cannot be verified. The ASA cases cited by the respondent illustrate how advertising (as opposed to actual participation) can be irresponsibly directed to under-18s. They also show how the ASA has taken action where this has occurred.

²⁴ Gambling Commission, 'Young people and Gambling 2018: A research study among 11- 16 year olds in Great Britain,' Gambling Commission, November 2018, <https://www.gamblingcommission.gov.uk/pdf/survey-data/young-people-and-gambling-2018-report.pdf>

²⁵ Davies, R., 'William Hill and Paddy Power ads appeared in app aimed at children,' The Guardian, June 19, 2019, https://www.theguardian.com/media/2019/jun/19/william-hill-andpaddy-power-ads-appeared-in-app-aimed-at-children?CMP=share_btn_tw

	Other responses	Comments not specific to a particular aspect of the proposals.	
5.1	WH	The respondent considered the evidence presented in the consultation demonstrated that the existing framework was sufficiently solid and did not require amendments beyond the proportionate adjustments proposed. They believed the risks that overly restrictive rules on marketing by licensed gambling operators could potentially have the unintended consequence of incentivising consumers to use unlicensed, black-market gambling providers. They stated that they had identified and reported a substantial number of such unlicensed gambling sites to the Gambling Commission. They also cited evidence from Sweden, which, they maintained, showed how significant restrictions on legitimate operators could result in competition from unlicensed alternatives	For reasons set out in 1(a)–2.2 above, CAP and BCAP conclude that there is a reasonable basis to introduce new appeal restrictions. At the same time, they recognise the importance of ensuring that the new ‘strong’ appeal-based restrictions are proportionate; the new rules include several exemptions to ensure that they do not make it unduly difficult for advertisers to promote licensed gambling activities (see 1(a)–2.7 and 1(a)–2.11 above). Notwithstanding this, CAP and BCAP note the respondent’s concerns about the potential for unlicensed gambling sites to attempt to reach UK consumers. Controlling unlicensed operators is the responsibility of the Gambling Commission. The ASA assists in this by seeking to refer complaints it receives relating to such advertisers to the Commission for action. CAP’s letter to the Gambling Commission of April 2020 provides more detail of how the ASA will seek to address such issues with a particular focus on eSports betting-related marketing by non-UK operators.
5.2	CA	The respondent urged CAP and BCAP to adopt a reasonable implementation period for any changes to the lotteries rules. They considered it imperative that they had sufficient time to properly plan to ensure compliance with any new provisions.	As the proposed changes develop existing policies restricting ad content appeal to under-18s, CAP and BCAP consider a six-month transitional period to be adequate for industry to implement the required changes to both the gambling and lotteries rules and guidance. See regulatory statement section 4 for confirmation.
5.3	PR1	The respondent expressed concerned that children were exposed to excessive advertising for gambling such as lotteries, bingo and betting at inappropriate times, such as TV and inappropriate places like YouTube videos aimed at children and young people, including sites aimed at lockdown related educational subjects. They considered the style of advertising unrealistic, portraying a screen based fundamentally solitary game as a social event giving impressionable children and young people an unrealistic impression of those games. The respondent believed gambling advertising should, similar to alcohol, focus on its target market only.	The UK Advertising Codes include strict rules on the placement of gambling advertising. It must not appear in media for under-18s or in programming or other content where under-18s form a significant part of the audience. ASA reporting on TV exposure, for example, found that children in 2019 saw on average, under three gambling ads per week. The ASA’s online monitoring and enforcement work has found instances of non-compliance, but these do not suggest a serious and systemic problem. Nevertheless, CAP is taking action improve its approach to ad tech-based targeting in online media. See regulatory statement section 3.3 on the evaluation of responses to Question 3.

5.4	GWL	<p>The respondent asserted that gambling advertising and sponsorship in sport was overwhelmingly unpopular. They noted a Football Supporters Association survey showed that only 13% of fans were happy to have a gambling shirt sponsor. They also cited opinion polling indicating that: a third of fans were put off buying their team's shirt if it has a gambling sponsor; two-thirds said there was too much gambling advertising; and nearly half backed a ban on gambling-based shirt sponsors.</p> <p>The respondent stated that they did not want to impinge on people's freedom to gamble but the long-term public health of young people should be a priority. As such, gambling should be tolerated but not promoted. They believed regulators should not wait to see if gambling advertising exposure caused gambling harm. They maintained that evidence was already there and urged that any gambling-based regulation should be based on the precautionary principle.</p> <p>The respondent made a series of proposals; to:</p> <ul style="list-style-type: none"> • Not permit gambling sponsorship of sports clubs or sports league. • Not permit gambling advertising in stadiums, around the pitch or on club merchandise. • Not permit gambling advertising during TV broadcasts of sporting events, at any time. • Not permit gambling promotion through sports clubs' social media platforms. • Not permit any endorsement of gambling by sportspeople or celebrities. • Not permit sports clubs signing gambling partnerships and therefore prevent direct gambling marketing to its fan base. • Promote sports clubs adopting a public health approach to preventing and reducing gambling harms including appropriate health messaging about the risks of gambling, and actively sign-posting treatment and practical tools. 	<p>See regulatory statement section 3.3 on the evaluation of responses to Question 3.</p>
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