

# Scheduling and targeting of National Lottery products

Committee of Advertising Practice and Broadcast Committee of Advertising Practice statement on changes to the rules for scheduling and targeting ads for National Lottery products



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## 1. Executive summary

Following public consultation, the Committee of Advertising Practice (CAP), author of the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (the CAP Code), and the Broadcast Committee of Advertising Practice (BCAP), author of the UK Code of Broadcast Advertising (the BCAP Code), are introducing changes to increase the age on which the targeting and scheduling restrictions for National Lottery products are based.

CAP and BCAP received no responses challenging their proposal to increase the age basis for the targeting and scheduling rules for National Lottery products from 16 to 18, and four responses in favour. Two of these responses also recommended raising the age to 25 and amending other aspects of the lottery and gambling rules. A summary of these responses can be found in part 3 below and a detailed evaluation can be found in the accompanying evaluation.

CAP and BCAP consulted on the following to rules 17.14 (CAP Code) and 32.4.1 (BCAP Code) to increase the age on which the targeting and scheduling restrictions were based from 16 to 18 for National Lottery products.

The wording of the original rules was

### CAP

#### 17.14

*Marketing communications for lotteries should not be directed at those aged under 16 years through the selection of media or context in which they appear.*

### BCAP

#### 32.4.1

*[These products may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to persons below the age of 16:]*

*Lotteries*

The amended wording of the rules is:

### CAP

#### 17.14

*Marketing communications for lotteries should not be directed at those aged under 16 years (or 18 years for National Lottery products) through the selection of media or context in which they appear.*

### BCAP

#### 32.4.1

*[These products may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to persons below the age of 16:]*

*Lotteries, except National Lottery products*

### **32.2.8**

*[These may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 18:]*

*National Lottery products*

CAP and BCAP are mindful of the need to avoid unintended consequences of amending the wording of rules and to ensure that changes are effective. As such, the amended rules will be subject to review after 12 months.

These changes take effect from **1 October 2021**

## 2. Background

It is CAP and BCAP's common practice to use, for the advertising of age-restricted products, the minimum age of purchase or participation to determine the age of the audience at which marketers can direct their marketing through targeting or scheduling. For lottery products, the minimum age of 16 has been the basis for these rules.

In December 2020, the Department for Culture, Media, and Sport announced that, as of 1 October 2021, they would raise the minimum age of sale for all National Lottery products. Online sales to 16 and 17 year olds stopped in April 2021. CAP and BCAP consider that it is reasonable and desirable to reflect the change in the minimum age of participation by raising the age basis for targeting and scheduling to 18 for National Lottery products. Not to do so would, in effect, allow advertisers to direct marketing for these products at consumers who are unable legally to purchase them and who, according to the evidence considered by DCMS, are potentially at risk of harm from them.

The DCMS announcement applies only to National Lottery products; other lotteries (known as 'society lotteries') will still have a minimum participation age of 16, and the targeting and scheduling rules will continue to reflect that. Should the legal status of these products change in future, CAP and BCAP will consider the matter further.

### 3. Consultation responses

The consultation received four responses, none of which challenged the proposal to raise the targeting and scheduling age for ads for National Lottery products from 16 to 18. All four of the responses supported the proposal, and two of these provided further comments.

CAP and BCAP have published the non-confidential responses they received, and carried out a detailed evaluation of all significant points made in these responses. One response, from an organisation connected to the lottery industry, was regarded by the respondent as commercially sensitive and has therefore not been published or included in the evaluation; this response was in favour of the proposal. The chief points raised in the other responses, which were both from organisations concerned with the potentially harmful effects of problem gambling, are as follows:

#### *The need to protect 18-24 year olds*

Two respondents stated that the targeting and scheduling age should be raised to 25, rather than 18. CAP and BCAP noted that the scope of the consultation was to amend the rules to keep in step with the legislative background to the lotteries sector and avoid targeting ads at those who were too young to participate. Although CAP and BCAP recognised the concerns raised by the respondents, to extend the rules beyond the minimum age of purchase would require analysis of evidence as to whether the risk of harm outweighed the rights of advertisers to target their marketing at people who are legally able to purchase the product. This is a different policy question, which forms part of CAP and BCAP's ongoing work in this area and may, therefore, be revisited at a later date.

#### *Similarity between 16 and 18 year olds*

These respondents raised concerns that, since 16 and 18 year olds were very close in age, in attempting to target or appeal to 18 year olds marketers may inadvertently also target or appeal to under-18s. CAP and BCAP noted the concerns about the practicalities of assessing appeal in this manner, but that it also reflected existing practice in other rules. BCAP have published dedicated guidance on the topic, which is available [here](#). With regard to 'appeal' of the content of an ad, rather than scheduling/targeting, CAP and BCAP recognise that, in some circumstances, what appeals to an 18 year old may indeed also appeal to a 16 year old; in such cases, that imagery would already be unacceptable. Although marketers may include content that appeals to 18 year olds, they must take care that doing so does not also appeal to those under 18.

#### *Concerns about gambling*

Both respondents raised concerns about gambling more generally, including their recommendation that lottery and gambling advertising be more tightly restricted or banned entirely. While these comments fall outside of the scope of the consultation, they are part of ongoing policy work in this area.

The ASA system operates within the framework set by the Gambling Act 2005, which removed advertising prohibitions previously in place for many gambling products, and reflects advertisers' legal ability to market properly regulated gambling and lottery products as legitimate leisure activities. 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 UK Advertising Codes set standards to prevent

harm arising from the advertising of products that have met these requirements. In the event that the law changes, CAP and BCAP will give full consideration to how the Codes should also be changed to reflect it. This consultation process is an example of changing the Codes to keep in step with tightening legislation.

## 4. Outcome

In light of the reasons set out in the consultation proposal, and the evaluation of consultation responses, CAP and BCAP will make the following changes to the wording of rules 17.14 (CAP Code) and 32.4.1 (BCAP Code):

Original wording:

CAP

### 17.14

*Marketing communications for lotteries should not be directed at those aged under 16 years through the selection of media or context in which they appear.*

BCAP

### 32.4.1

*[These products may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to persons below the age of 16:]*

*Lotteries*

Amended wording:

CAP

### 17.14

*Marketing communications for lotteries should not be directed at those aged under 16 years (or 18 years for National Lottery products) through the selection of media or context in which they appear.*

BCAP

### 32.4.1

*[These products may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to persons below the age of 16:]*

*Lotteries, except National Lottery products*

### 32.2.8

*[These may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 18:]*

*National Lottery products*



## 5. Implementation

The amended rules will come into effect on **1 October 2021**; the ASA will enforce the revised rules from this date. Advertisements published or broadcast from this date must comply with the amended rules.


CAP and BCAP are mindful of the need to avoid unintended consequences of amending the wording of rules and to ensure that changes are effective. As such, the amended rules will be subject to review after 12 months from 1 October 2021.

## Contact us

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