

## **ASA System response to the APPG on Gambling Reform's consultation on the future of gambling regulation in the UK**

### **1. Background and introduction**

- 1.1.** This submission is provided by the Advertising Standards Authority (ASA), the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) – the 'ASA system.'
- 1.2.** The ASA system is providing this written submission in response to the APPG's consultation on the future of gambling regulation in the UK. Our response will focus on the regulatory landscape of gambling advertising in the UK.
- 1.3.** The ASA is the UK's independent advertising regulator. We have been administering the non-broadcast Advertising Code (written and maintained by CAP) for over 60 years and the Broadcast Advertising Code (written and maintained by BCAP) for 20, with our remit further extended in 2011 to include companies' advertising claims on their own websites and in social media spaces under their control.
- 1.4.** We are the UK's independent frontline regulator of ads by legitimate businesses and other organisations in all media, including online. Our work includes undertaking proactive projects and acting on complaints to tackle misleading, harmful or offensive advertisements. We are committed to evidence-based regulation, and we continually review new evidence to ensure the rules and our application of them remain fit-for-purpose.
- 1.5.** As the UK's frontline advertising regulator, the ASA brings together different statutory, co-regulatory and self-regulatory enforcement mechanisms so they appear seamless to people and businesses. Our system involves the active participation of a range of legal backstops in the consumer protection landscape. We work closely with a network of partners including the Gambling Commission, Competition and Markets Authority, Information Commissioner's Office, Ofcom, Trading Standards, the Medicines and Healthcare products Regulatory Agency and the Financial Conduct Authority.
- 1.6.** We call our model of partnering with businesses and other regulators 'collective ad regulation.' The ASA's independence and the buy-in and support we receive through collective ad regulation delivers faster, more flexible, more joined-up and proportionate regulation.
- 1.7.** The UK Advertising Codes include rules reflecting specific legal provisions and rules developed through separate regulatory process, which in combination ensure ads don't mislead, harm, or seriously offend their audience. The inclusion of the rules in the UK Advertising Codes has enormous benefits for responsible businesses and for consumers, who benefit from the protection the rules afford.

### **2. The ASA's role and remit on gambling advertising**

- 2.1.** The ASA is the UK's frontline regulator for gambling advertising across all media. The legal framework for gambling, including the requirements for licensed gambling operators, is set out in the Gambling Act 2005 which applies to Great Britain. Since the Gambling (Licensing and Advertising) Act 2014 we've also regulated remote gambling advertising in Northern Ireland.

**2.2.** In response to the Gambling Act 2005, CAP publicly consulted on and created strict new rules that govern UK gambling ads across media including online. The ASA's role is to administer the rules which are designed to ensure gambling advertising is responsible.

**2.3.** Gambling is an extremely important area of advertising regulation because of the potential for harm. This means that we consult on, and update the Codes (where necessary), provide guidance and training services to help businesses stick to the rules, undertake proactive monitoring using our AI-based Active Ad Monitoring system and undertake investigations that usually lead to published rulings. A list of gambling rulings over the past two years can be found [here](#).

**2.4.** In administering the gambling rules, we're supported by expert statutory backstops, Ofcom for broadcast gambling ads, and the Gambling Commission for non-broadcast gambling ads, who can assist us, where necessary, to bring non-compliant advertisers into compliance.

**2.5.** Gambling is subject to a strict product licensing regime and gambling operators can promote their services provided their advertising complies with the UK Advertising Codes. Our role is to create a framework in which gambling can be advertised responsibly and to take action if the rules are being broken.

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

### The rules

**2.7.** The Advertising Codes contain gambling rules that sit on top of general Code provisions that require ads not to mislead, harm or cause serious or widespread offence. The dedicated gambling sections of the UK Advertising Codes ensure that ads are socially responsible and have a particular regard to protecting under-18s and other vulnerable people from harm. Ads must not encourage gambling in ways that harm or exploit children, young people or vulnerable adults.

**2.8.** As an ad targeting and ad content regulator, it is important to note that we do not regulate sponsorship, and we cannot control the volume of gambling ads. To date, the ASA has not seen evidence of harm from gambling advertising to which volume restrictions (as opposed to scheduling, placement, or content restrictions) are likely to be an appropriate response.

**2.9.** It is important to acknowledge that the potential risks, harms and mitigations associated with gambling advertising differ from those associated with actual participation in gambling. The 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. Advertising may legitimately seek to persuade individuals to gamble, but advertisements compliant with the UK Advertising Codes must not do so in a way that is likely to encourage or condone harmful behaviour.

**2.10.** For adults, we understand there are recognised vulnerable groups as well as individuals who can be vulnerable (exceptionally or periodically) at particular points

in their life. Gambling advertising related harm involves advertisements that: encourage or condone problem gambling or risky gambling behaviours; adversely influence other vulnerable persons (for example, those exhibiting impaired judgement when it comes to gambling, mental health concerns, substance abuse or low financial acumen); or take advantage of or otherwise exploit individuals' particular circumstances (for example, presenting gambling as a means to resolve financial concerns or address issues of self-esteem).

- 2.11.** For children and young people, gambling advertising-related harm involves: directly influencing children or young people (who are legally prevented from gambling) to participate in gambling; affecting attitudinal change that is likely to result in participation later in life (either while the individual is underage or when they become of an age to gamble legally); or influencing longer term attitudes that could result in irresponsible or harmful gambling behaviour when an individual comes of age and can gamble legally.
- 2.12.** Crucially, gambling ads must not be directed at children. CAP has detailed guidance covering the full range of media scenarios which can be found [here](#).
- 2.13.** Our strengthened 'strong appeal' (2022) rule significantly restricts the imagery and references that gambling ads are allowed to use and decreases the potential for gambling ads to attract the attention of under-18s in an audience. Following a [study](#) published earlier this year into the media habits and sporting interests of young people, we are considering the findings and what they mean in terms of updated guidance for advertisers and a stricter approach in our decision making in this area.
- 2.14.** The ASA System is aware of concerns that gambling advertising 'normalises' gambling behaviour. However, it is important to distinguish between the normalisation of gambling and the normalisation of irresponsible gambling. It is the ASA's role to prevent gambling advertising that 'normalises' irresponsible or potentially harmful gambling behaviour.
- 2.15.** It's also important to recognise that the rules are not designed to prohibit children from ever seeing gambling ads, as such a restriction would entail a level of media restriction out of proportion with the evidence of potential harms arising from gambling advertising.

### **3. Monitoring and enforcement**

- 3.1.** While we regulate ads wherever they appear, we are focused on further increasing the effectiveness of our regulation of online advertising. Harnessing innovative tech including [child avatars](#), [web scraping tools](#) and [metering software](#), we proactively monitor online advertising and [undertake compliance sweeps](#) to make sure ads, especially age-restricted ones such as gambling, are responsible and targeted responsibly.
- 3.2.** Our [Active Ad Monitoring System](#) deploys AI in current high-priority advertising areas like gambling, green claims, vaping, cosmetic tourism and prescription-only medicines. It processed 28 million ads in the last year, giving us much greater visibility of ads appearing online.
- 3.3.** In 2024, we published our [latest report](#) into the online supply pathway of ads for gambling and other age-restricted ads. The findings of this report shine a light on the several steps and procedures that the advertising industry follows to ensure age-restricted ads, including gambling, are directed away from children.

#### 4. Jurisdiction

- 4.1. Many gambling operators who advertise to UK consumers are registered outside the UK. The ASA has identified a 'grey area' of non-paid for ads on the social media feeds of gambling operators targeting UK consumers, but which do not have a UK-registered address.
- 4.2. The ASA and CAP have worked together with the Gambling Commission to ensure consistent protections for consumers, which led to a review of how arrangements could be improved. Consequently, CAP has brought these ads into remit.
- 4.3. Our Regulatory Statement, [published](#) on 1 September 2025, explains the extension of the Scope of the CAP Code to include non-paid-for online ads targeting UK consumers, by advertisers who are subject to licensing conditions from a UK public authority or other UK public body which requires compliance with the CAP Code – even if the advertiser does not have a UK-registered company address. In practice, this will bring content- marketing social media posts by overseas gambling operators into remit and enable the ASA to regulate such ads, including in jurisdictions that do not have a suitable cross-border complaints system (such as Malta and Gibraltar).
- 4.4. CAP is committed to reviewing the impact of the extended remit three months after the implementation of the extension.

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