

Guidance on depiction of under-25s in lottery ads

Advertising Guidance
(broadcast and non-broadcast)

Foreword

The Committee of Advertising Practice (CAP) offers guidance on the interpretation of the UK Code of Advertising (the CAP Code) in relation to non-broadcast marketing communications.

The Broadcast Committee of Advertising Practice (BCAP) offers guidance on the interpretation of the UK Code of Broadcast Advertising (the BCAP Code) in relation to broadcast marketing communications.

Advertising Guidance is intended to guide advertisers, agencies and media owners how to interpret the Codes but is not a substitute for those Codes. Advertising Guidance reflects CAP's and/or BCAP's intended effect of the Codes but neither constitutes new rules nor binds the ASA Councils in the event of a complaint about an advertisement that follows it.

For pre-publication advice on specific non-broadcast advertisements, consult the CAP Copy Advice team by telephone on 020 7492 2100 or you can log a written enquiry via our [online request form](#).

For advice on specific radio advertisements, consult [Radiocentre](#), and for TV advertisements, [Clearcast](#).

For the full list of Advertising Guidance, please [visit our website](#).

Background

In 2020 CAP and BCAP amended two rules in the Lotteries section of each Code to update and clarify how it is reasonable for under-25s to be depicted in lottery advertising. This document acts as guidance for how those rules should be understood.

CAP Code rules

- 17.15** Marketing communications for lotteries must not feature anyone who is, or seems to be, under 25 years old participating in gambling.
- 17.16** Marketing communications for lotteries which include any reference to scratchcards or online instant-win lottery products must not feature anyone who is, or seems to be, under 25 years old in a significant role. Other marketing communications for lotteries must not feature anyone who is, or seems to be, under 25 years old in a significant role unless either:
- 17.16.1** they are featured solely to depict the good causes supported by the lottery and there is no explicit encouragement to purchase a lottery product; or
 - 17.16.2** they are representative of the primary beneficiaries of the lottery and the lottery primarily benefits under-25s (including in a family setting) .

BCAP Code rules

- 18.6** Advertisements for lotteries must not feature anyone who is, or seems to be, under 25 years old participating in gambling.
- 18.7** Advertisements for lotteries which include any reference to scratchcards or online instant-win lottery products must not feature anyone who is, or seems to be, under 25 years old in a significant role. Other advertisements for lotteries must not feature anyone who is, or seems to be, under 25 years old in a significant role unless either:
- 18.7.1** they are featured solely to depict the good causes supported by the lottery and there is no explicit encouragement to purchase a lottery product; or
 - 18.7.2** they are representative of the primary beneficiaries of the lottery and the lottery primarily benefits under-25s (including in a family setting).

Guidance on key terms

Under 25s

Limiting the situations in which under-25s can be shown in some kinds of advertising helps ensure that ads for age-restricted products don't appeal unduly to those too young to purchase them. As well as those under the age restriction, CAP and BCAP extend the age range to include those who are old enough to (in this instance) participate in lotteries but are still close enough in age for under-age children to look up to.

For the avoidance of doubt, the restriction covers those who are, *or who seem to be*, under the age of 25. This means that a 25-year-old who could be reasonably seen to look younger is also subject to the limitation.

Participation in gambling

No ads for lotteries may feature any person who is, or seems to be, under the age of 25 participating in gambling. This includes activities such as signing up to a lottery syndicate, using a scratchcard, or purchasing a lottery subscription.

Significant role

Whether or not imagery of a person who is, or seems to be, under the age of 25 is likely to be acceptable is partly dependent on how significantly they are featured. Broadly speaking, this imagery will either be 'incidental' or show someone in a 'significant role'. Although there may be borderline cases between these two categories, the following may be a helpful guide:

Incidental

- Individuals playing a minority part in a larger mixed-age group, where the focus is on the group as a whole (e.g. a family dinner)
- Those in the background of a shot that focuses on older subjects

Significant

- Speaking parts (or written equivalents in non-broadcast advertising)
- The sole or primary focus of a shot, or being singled out in some way
- Individuals holding promotional materials, such as a sign for the cause or lottery

Images of young people being cared for or shown benefitting from the funds raised are highly likely to be regarded as in a 'significant role'. Advertisers trying to avoid this may wish to use broader imagery (such as pictures of equipment or older patients).

Scratchcards and instant win products

Unlike standard lottery products, scratchcards and other instant win products have a higher risk profile because the result is immediate and there is a higher potential for loss-chasing. Therefore, rules about ads for these products are stricter; they may not feature a person who is, or seems to be, under the age of 25 in a significant role.

Featured solely to depict the good causes supported

Lottery ads in general may feature a person who is, or seems to be, under the age of 25 but they must be shown only in the context of the good cause supported by the lottery. For example, their role should not be integrated into a wider narrative of the ad unrelated to the good cause.

Explicit encouragement to win

Lottery ads in general may feature a person who is, or seems to be, under the age of 25 in a significant role, provided that the ad does not explicitly encourage a lottery purchase (with an additional carve-out for some causes, explained below). Although there may be borderline cases between these two categories, the following may be a helpful guide:

Likely to be considered explicit encouragement

- “Join now”
- “Visit our website to sign up”
- “Call [number] to join”
- “You can help our cause by joining our lottery”
- “Buy a ticket to help support them”

Unlikely to be considered explicit encouragement

- Information about ticket cost
- Information about prizes amounts and schedules
- Inclusion of a web address
- “Our lottery supports these children”
- Examples of ways the money raised will help
- Information about the cause

Statements such as “for information about joining, visit our website” are less clear cut, so marketers should take care.

The ASA will consider the ad as a whole, so marketers should bear in mind that for the purposes of this rule the question is whether there is *any* explicit encouragement to

purchase; it is not mitigated by being placed, for example, on the other side of a leaflet from significant imagery of under-25s.

For the avoidance of doubt, there is no general prohibition on lottery ads containing explicit encouragements to purchase a ticket. The limitation is on the degree to which a person who is, or seems to be, under the age of 25 can be featured in ads that include these messages. For lotteries that do not fall into the exception outlined below, their ads can either use explicit encouragement messaging *or* feature a person who is, or seems to be, under the age of 25 in a significant role.

Causes primarily benefitting under-25s

Some lotteries are set up specifically to benefit those under the age of 25. In this limited set of circumstances, it is acceptable for ads to feature a person who is, or seems to be, under the age of 25 in a significant role and contain an explicit encouragement to purchase a lottery product (except in the case of scratchcards and other instant win products).

The wording “primarily benefits under-25s (including in a family setting)” means that lotteries eligible for this exclusion must be able to demonstrate that **at least 50% of the funds raised by the lottery benefit persons under the age of 25**. This includes services that benefit an under-25’s whole family (such as places for parents to stay while children are receiving medical treatment, or initiatives to provide whole-family education around food). Lotteries supporting adult-only services that would indirectly benefit children or young people in a family (such as adult education centres or debt relief charities) would not be eligible for this exclusion.

Representative of primary beneficiaries

Where persons who are, or seem to be, under the age of 25 are featured in significant roles as a result of the above exclusion, they must be representative of the beneficiaries of the lottery. For many lotteries, this will be straightforward – imagery might be of (or use models representative of) patients at hospices, members of youth clubs, or families supported by the fund. However, a lottery raising funds for (for example) a school in another country should not use images of UK schoolchildren because they are not representative of the actual beneficiaries of the lottery.

Appeal to children

Notwithstanding the new wording of these rules, there are additional rules to ensure that advertising for Lotteries is socially responsible.

The following must be avoided:

- exploiting the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons or other vulnerable persons
- being likely to be of strong appeal to children or young persons, especially by reflecting or being associated with youth culture
- being directed at those aged under 16 years through the selection of media or context in which they appear

Marketers featuring a person who is, or seems to be, under the age of 25 in a significant role should take care that, in doing so, they do not breach compliance with the above. Thought will need to be given to the activities that the under-25s are engaged in and the setting in which they are shown.

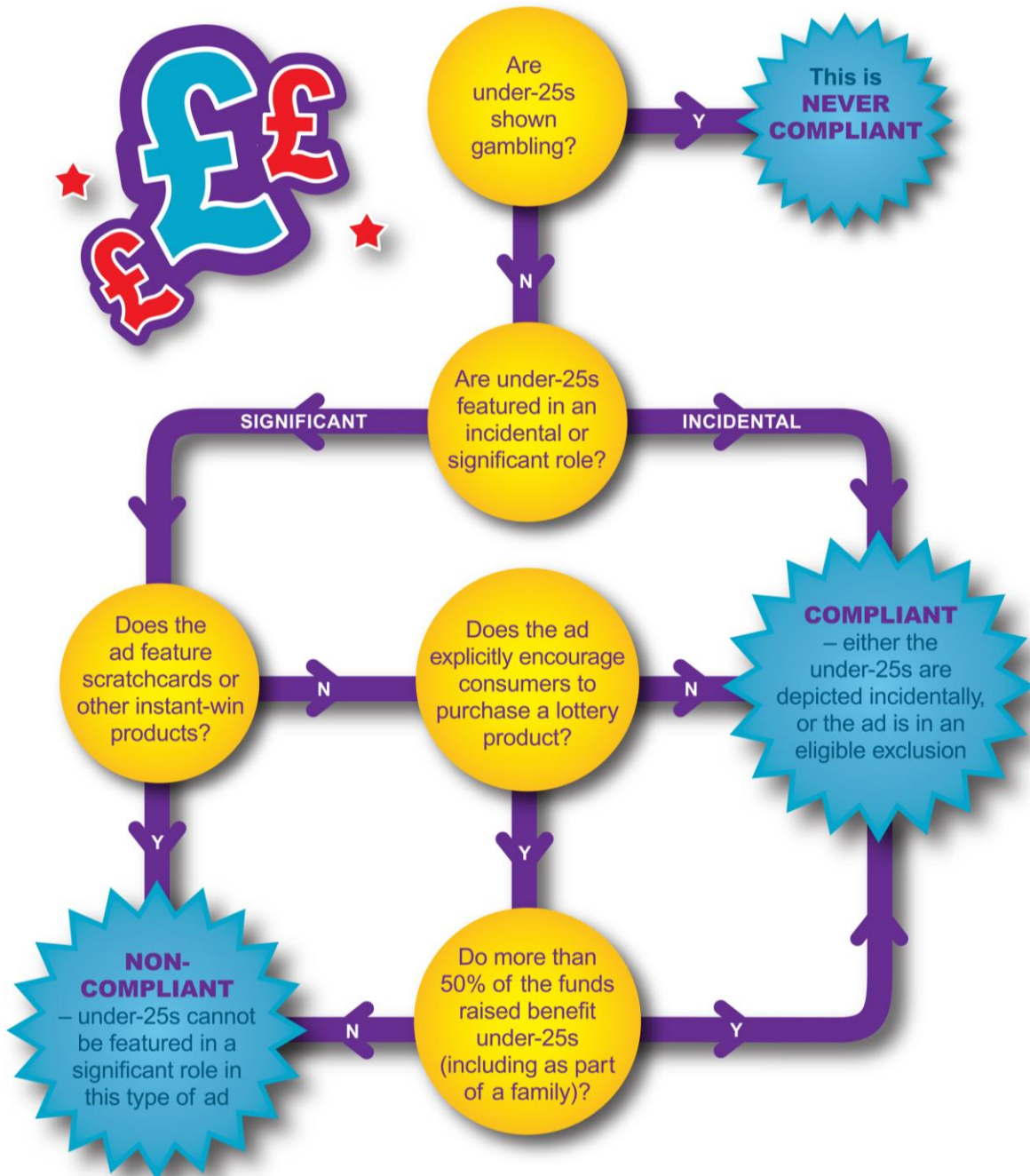
CAP and BCAP have produced further guidance on the protection of under-18s alongside this document – see [Gambling and lotteries advertising: protecting under-18s](#).

Published: October 2020

Revised: July 2023

Overview of likely compliance:

When can under-25s be featured in lottery ads?



Committee of Advertising Practice

Castle House, 37-45 Paul Street

London EC2A 4LS

Telephone 020 7492 2200

Email: enquiries@cap.org.uk

 [@CAP_UK](https://twitter.com/CAP_UK)

Legal, decent, honest and truthful

