

# Compliance Survey

**Gambling 2007**

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## 1 Summary

The Advertising Standards Authority (ASA) has undertaken a survey into the compliance of gambling advertisements with the British Code of Advertising, Sales Promotion and Direct Marketing (the CAP Code) and with BCAP's Radio Advertising Standards Code and TV Advertising Standards Code.

We assessed gambling advertisements that appeared in September and October 2007 in a sample of the national press, consumer magazines, outdoor posters, direct mailings, circulars and the Internet and on TV and radio against the relevant Codes. The survey was timed to coincide with the recent Code changes related to advertisements for gambling products and services.

The survey targeted ads across all media, identifying problems and specifically any obvious breaches of the Codes. The Compliance team found that seven of the 784 advertisements (1%) seemed to breach the CAP or BCAP Codes, a compliance rate of 99%.

During the survey the ASA received complaints about a TV advertisement. The ASA investigated the complaints and adjudicated that the advertisement was acceptable.

If it found a probable breach, the Compliance team contacted the advertiser, told it to ensure all advertisements complied fully with the relevant Code and to withdraw the advertisement. It also advised non-broadcast advertisers to use the CAP Copy Advice team in future.

The Compliance Team noted that most of the advertisements that seemed to breach the Codes appeared on television. The team judged that six TV advertisements seemed to breach the BCAP TV Code; four of those six were part of the same campaign. The only other probable breach occurred on the Internet (a pop-up advertisement). No Code breaches were identified in the press, magazines, direct mailings, circulars, radio or outdoor advertising. The Compliance team will continue to monitor gambling advertisements to ensure a continuing high compliance rate.

## 2 Introduction

### 2.1 Background

The Advertising Standards Authority (ASA) is the independent body that endorses and administers the CAP and BCAP Codes, which apply to the content of non-broadcast and broadcast marketing communications. It is responsible for ensuring that the self-regulatory system works in the public interest and it achieves that by investigating complaints, identifying and resolving problems through research and by promoting and enforcing high standards in marketing communications by ensuring that advertisers observe the CAP and BCAP Codes.

The Committee of Advertising Practice (CAP) is the body that created and revises the CAP Code. It represents advertisers, promoters and direct marketers, their agencies, the media and trade and professional organisations in the advertising, sales promotion and direct marketing industries. CAP provides a pre-publication copy advice service and co-ordinates the activities of its members to achieve the highest degree of compliance with the CAP Code. CAP's Broadcast Committee (BCAP) is contracted by the broadcast regulator, Ofcom, to write and enforce the codes that govern TV and radio advertisements. BCAP comprises representatives of broadcasters licensed by Ofcom, advertisers, agencies, direct marketers and interactive marketers.

The Compliance team works to ensure that marketing communications comply with the CAP and BCAP Codes and with ASA adjudications. The team follows-up ASA adjudications, monitors both broadcast and non-broadcast marketing communications and takes immediate action to ensure advertisements that breach the Codes are removed from the media. One of the team's objectives is to create a level-playing field for marketers within each sector and it ensures that by communicating decisions that have sector-wide ramifications. The Compliance team conducts surveys to assess compliance rates in particular industries, sectors or media; those surveys help to identify marketing trends and to anticipate subjects of concern that need to be addressed by the ASA and CAP.

CAP and BCAP introduced new gambling rules on 1 September 2007 after detailed discussion with the independent regulator of the gambling industry, the Gambling Commission. The new rules were published in March 2007 after public consultation. They are designed to ensure that all gambling advertisements are socially responsible and do not harm or exploit children, young people or vulnerable adults. This survey has been timed to coincide with those changes. Before then the CAP Code stated that ads could not encourage excessive gambling, exploit the young, immature or mentally or socially vulnerable, be directed at under-18s, either through targeted media (25% of audience under-18s) or by the style, content or context of advertisement showing under-25s gambling. More importantly, licensed casinos could advertise only in classified advertisement spaces and provide only factual information. Ads for off-shore remote gaming were permitted in non-broadcast media.

Broadcast advertisements for betting and gaming were not permitted. Advertisements for lotteries, pools, bingo (and arcades on radio) could not be directed at under-16s (18 for bingo) or use treatments likely to be of particular appeal to them, feature a personality whose example children under-16 (18 for bingo) are likely to follow or who has particular appeal to under-18s; show or encourage excessive or reckless playing or present those products as an alternative to work or a way out of financial difficulties.

The introduction of the Gambling Act 2005 has resulted in changes to the legal framework as well as the CAP and BCAP Codes. All gambling operators must abide by the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) under the Gambling Act. The Commission's LCCP makes clear that licensed gambling operators should comply with the CAP and BCAP Codes.

If serious or recurring breaches of the advertising rules are committed by licensed gambling operators, the ASA will refer them to the Gambling Commission who can take regulatory action. The Commission will continue to work closely with the ASA to ensure effective regulation.

The Gambling Act gives the Commission powers to remove the licence of an operator that does not comply with the Licence Conditions and Codes of Practice and to introduce other licence conditions on operators if necessary.

In consultation with the Gambling Commission, the gambling industry has produced its supplementary Code for Socially Responsible Advertising to complement the Gambling Commission Codes.

The new legislation, introduced in September 2007, replaced existing laws and gave new scope to bookmakers, betting exchanges, casinos and lotteries to advertise. The general principles of the new CAP and BCAP rules for advertisements for gambling products is that the advertisements should not portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm.

Advertisements for those products should not exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons and other vulnerable persons. Casinos may now advertise in the general non-broadcast media as opposed to merely classified advertising space.

Broadcast advertisements for gaming and betting were permitted after 1 September 2007. The gambling industry self-imposed a voluntary pre-9pm restriction for TV advertisements for gambling products. The restriction means that TV advertising for gambling products, except for advertisements for football pools, bingo, lotteries and sports betting around sports programming, may be shown only after 9pm. We understand the exception for sports betting is intended to cover football and rugby matches, for example, but not ballroom dancing, ice-skating or sports quizzes.

Since 1 September 2007, only advertisers based in the UK (including advertisers based in Northern Ireland), advertisers based in the European Economic Area (EEA) and Gibraltar, advertisers based in "white-listed" countries (Tasmania, Isle of Man

and Alderney) may advertise in Great Britain (consult the CAP Copy Advice team for information about other restrictions). The legislative framework for gambling, including gambling advertisements, differs in Northern Ireland and the Channel Islands; CAP and BCAP recommend taking legal advice when considering the advertising of a gaming or gambling product there.

The CAP Code applies only to ads in UK media; the BCAP Codes apply to all Ofcom TV and radio licensees. Complaints about non-broadcast ads in some foreign media can be referred through the European Advertising Standards Alliance (EASA) to the relevant country's self-regulatory organisation.

## **2.2 CAP and BCAP Rules**

The purpose of the Codes is to maintain, in the best and most flexible way possible, the integrity of marketing communications in the interests of both the consumer and the industry. All advertisements should be legal, decent, honest and truthful. They should be prepared with a sense of responsibility to consumers and society and be in line with the accepted principles of fair competition.

The BCAP Television and the Radio Codes both set out the rules that govern advertisements on television and radio channels licensed by Ofcom.

Section 7.1 lists the relevant Code Clauses for broadcast and non-broadcast media. They apply to advertisements for "play for money" gambling products and advertisements for "play for free" gambling products that offer the chance to win a prize or explicitly or implicitly direct the consumer to a "play for money" gambling product.

## **2.3 Survey Objectives**

The purpose of the survey was to:

- Assess compliance rates for advertisements for gambling products or services in the national press, a selection of consumer magazines, outdoor media, direct mailings, circulars, internet pop-ups and broadcast media;
- Identify potential problems and resolve them;
- Contact the advertiser responsible for advertisements that seem to break the Codes and obtain an assurance that future advertisements would comply fully with the Code's requirements;
- Act as a deterrent to bad practice and an encouragement to good practice.

## 3 Methodology

### 3.1 Method

The Compliance team monitored all advertisements that appeared in broadcast media between 1 September 2007 and 30 October 2007. It also monitored press, magazines and internet pop-up advertisements between 24 September 2007 and 30 September 2007. The decision was taken to monitor a sample of one week only for these types of media because of the high volume of gambling advertisements. It also monitored advertisements that appeared in outdoor media, circulars and direct mail between 1 September 2007 and 30 September.

If it identified a probable breach of the Code, the Compliance team wrote to the advertiser and asked for a written assurance that the questionable advertisement would be withdrawn from the relevant media.

### 3.2 Media examined in the survey

Between 24 September and 31 September the Compliance team surveyed these newspapers:

- Daily Record Scottish Edition
- Daily Star
- Mirror
- Sun
- Daily Star Sunday
- Independent on Sunday
- Mail on Sunday
- Observer
- Sunday Telegraph
- Sunday Times
- Metro
- The London Paper
- London Lite
- Independent
- Daily Mail
- Belfast Telegraph
- Daily Telegraph
- Evening Standard
- Express
- Financial Times
- Guardian
- Manchester Evening News
- News Of The World
- People
- Racing Post
- Scotsman
- Sunday Mirror

- Sunday Tribune
- Sunday Business Post
- Times

And these magazines:

- Bella
- Best
- Chat
- Pick Me Up
- Take a Break
- That's Life
- Woman's Own
- Loaded
- GQ
- Arena
- Heat
- Nuts
- Zoo.

The team surveyed advertisements broadcast on television or radio between 1 September and 31 October on these television stations:

- ABC1
- Animal Planet
- Animal Planet +1
- At The Races
- B4
- Bravo
- Bravo +1
- Bravo 2
- C4 (all networks)
- Carlton Network
- Carlton Network Too
- Channel 4
- Challenge TV
- Chart Show TV
- Channel 4 Midlands
- Classic FM TV
- Crime and Investigation Network
- Discovery
- Discovery +1
- Discovery Civilisations
- Discovery Health
- Discovery Real Time
- Discovery Real Time +1
- Discovery Real Time Extra
- Discovery Science



- Discovery Travel & Living
- Discovery Wings
- E!
- E4
- E4 +1
- Eurosport
- Extreme Sports Channel
- Film 4
- Film 4 +1
- Five (all networks)
- Flaunt
- Fox News
- FTN
- FX
- GMTV
- Granada ITV
- Hallmark
- ITV (all networks)
- Kerrang
- Kiss TV
- Living TV
- Magic TV
- More 24
- More 4
- Motors TV
- Movies 24
- MTV
- National Geographic
- Paramount
- Performance Channel
- Premiership Plus
- Q
- Reality TV
- S4C
- Sci- Fi + 1
- Sci Fi Channel
- Scottish ITV
- Scuzz
- Setanta Sports
- Sky News
- Sky Movies +1
- Sky Movies Comedy
- Sky Movies Drama
- Sky Movies Family
- Sky Movies Indie
- Sky Movies Premiere
- Sky Movies Premiere + 1

- Sky Sports 1,2,3
- Smash Hits
- The Amp
- The Biography Channel
- The Box
- The History Channel
- The Hits
- The Travel Channel
- The Vault
- TMF
- Turner Classic Movies
- UK Living
- UKTV (all channels)
- VH1
- Zone Reality
- Zone Reality Extra

And these radio stations:

- BRMB
- Capital 95.8 FM
- Century 105.4 FM
- Classic FM
- Clyde 1 102.5
- Clyde 2 1152 AM
- Cool FM
- Essex FM
- Galaxy Birmingham
- Galaxy Manchester
- Galaxy Yorkshire
- Gold London
- Heart 100.7
- Heart 106.2 FM
- Invicta FM
- Key 103 FM
- Kiss 100 FM
- LBC 97.3
- LBC News 1152
- Magic 105.4
- Mercia 97.0 FM
- Metro Radio
- Power FM
- Radio City
- Radio Wave 96.5
- Real Radio Wales
- Real Radio Scotland
- Red Dragon FM

- Smooth London
- TalkSPORT
- Virgin AM
- Virgin FM
- XFM Scotland
- XFM London

And these internet websites:

- [www.lottery.co.uk](http://www.lottery.co.uk)
- [www.comparestoreprices.co.uk](http://www.comparestoreprices.co.uk)
- [www.shopperuk.com](http://www.shopperuk.com)
- [www.50connect.co.uk](http://www.50connect.co.uk)
- [www.cricinfo.com](http://www.cricinfo.com)
- [www.racingpost.co.uk](http://www.racingpost.co.uk)
- [www.pricerunner.com](http://www.pricerunner.com)
- [www.blueyonder.co.uk](http://www.blueyonder.co.uk)
- [www.dooyoo.co.uk](http://www.dooyoo.co.uk)
- [www.motorstoday.co.uk](http://www.motorstoday.co.uk)
- [www.oddschecker.com](http://www.oddschecker.com)
- [www.propertytoday.co.uk](http://www.propertytoday.co.uk)
- [www.supanet.com](http://www.supanet.com)
- [www.tiscali.co.uk/mobile](http://www.tiscali.co.uk/mobile)
- [www.virginmedia.com](http://www.virginmedia.com)
- [www.manutd.com](http://www.manutd.com)
- [www.guardian.co.uk](http://www.guardian.co.uk)
- [www.skysports.com/Other](http://www.skysports.com/Other)
- [www.closerdiets.com](http://www.closerdiets.com)
- [www.orange.co.uk](http://www.orange.co.uk)
- [www.tiscali.co.uk](http://www.tiscali.co.uk)
- [www.blueyonder.co.uk](http://www.blueyonder.co.uk)
- [motors.ebay.co.uk](http://motors.ebay.co.uk)
- [www.blueyonder.co.uk](http://www.blueyonder.co.uk)
- [www.investorchronicle.co.uk](http://www.investorchronicle.co.uk)
- [www.arsenal.com](http://www.arsenal.com)
- [www.myoffers.co.uk](http://www.myoffers.co.uk)
- [www.channel4.co.uk](http://www.channel4.co.uk)
- [www.findarticles.com](http://www.findarticles.com)
- [www.gmtv.com](http://www.gmtv.com)
- [www.thetimes.co.uk](http://www.thetimes.co.uk)
- [www.itv.com](http://www.itv.com)
- [www.imdb.co.uk](http://www.imdb.co.uk)
- [www.uknetguide.co.uk](http://www.uknetguide.co.uk)
- [www.sundaymail.co.uk](http://www.sundaymail.co.uk)
- [www.thesun.co.uk](http://www.thesun.co.uk)
- [www.allinlondon.co.uk](http://www.allinlondon.co.uk)

- [www.city-visitor.com](http://www.city-visitor.com)
- [www.about.co.uk](http://www.about.co.uk)
- [www.scotsman.com](http://www.scotsman.com)
- [www.onthebox.com](http://www.onthebox.com).

### 3.3 Gambling product categories

The Compliance team considered only advertisements for gambling products.

Each of the advertisements was categorised by advertiser, medium and product. Each of the products was categorised as one of these:

- Bingo
- Bookmakers
- Casino
- Football Pools
- Lotteries
- Online Gambling: Bingo
- Online Gambling: Betting Exchanges
- Online Gambling: Bookmakers
- Online Gambling: Casinos and Poker
- Online Gambling: Digital TV Bookmakers
- Online Gambling: Gambling Supermarkets.

In terms of categories, the team defined bingo and online bingo as separate entities covering bingo services provided by traditional bingo hall services and internet websites. The same applied to traditional bookmaker services (betting on horse racing, snooker, football, tennis, rugby, American football and golf) and internet bookmaking services.

Digital TV Bookmakers are providers of digital television channels (for example, Sky Bet) in which consumers can, via their red buttons, bet on sporting outcomes.

Because many websites seem to offer the two products together, the team classified advertisements for casinos in two ways: traditional casino establishments and online casinos and poker.

A separate category was created for Gambling Supermarket websites that offer a myriad of gambling products such as “who wants to be a millionaire” games, skittles and fruit machine games as opposed to poker games or straight classic casino games such as craps, blackjack and the like. Finally, the team included a category for online betting exchanges. Those services involve gambling websites acting as a broker for the placement of bets. The concept is similar to that of a stock exchange or a futures exchange, except the commodity being traded is a bet, not a stock or futures contract.

## 4 Findings

### 4.1 Compliance rate

The survey sought to establish the proportion of gambling product advertisements that appeared between 1 September 2007 and 31 October 2007 that complied with the Codes.

The Compliance team considered 784 advertisements of which seven (1%) seemed to breach the Code.

### 4.2 Compliance by media

The team noted that of the seven advertisements that seemed to breach the Code (86%) six appeared on TV; the other was an Internet Pop Up advertisement. No other non-broadcast advertisement or radio advertisement seemed to breach the Code.

**Table. 1** Number of advertisements by medium

<b>Medium</b>	
Press, Magazine	312
Internet Banner Ads or Pop Ups	344
TV	56
Radio	31
Direct Mailing	28
Circulars	8
Outdoor	5
<b>TOTAL</b>	<b>784</b>

**Table. 2**

#### Compliance by Media

	<b>Press, Mags</b>	<b>Television</b>	<b>Radio</b>	<b>Internet</b>	<b>DM</b>	<b>Circular</b>	<b>Outdoor</b>
<b>No of Ads</b>	312	56	31	344	28	8	5
<b>Breach</b>	0	6	0	1	0	0	0
<b>No breach</b>	312	50	16	343	28	8	5
<b>% in breach</b>	0%	11%	0%	0.3%	0%	0%	0%

### 4.3 Compliance by product

The team placed products into 11 categories: bingo, bookmakers, casino, football pools, lotteries, online bingo, online betting exchanges, online bookmakers, online casinos and poker, online digital TV bookmaker services and online gambling supermarkets.

We noted that most of the probable breaches were for online casino and poker services.

**Table. 3 Breaches by product category**

<b>Product Category</b>	<b>Breaches</b>
Online Casino and Poker	5
Online Gambling Supermarket	1
Bingo	1

We considered that four advertisements produced by one advertiser for an online casino and poker service seemed to breach the Code. The advertisements featured three different scenarios that depicted juvenile behaviour among people with dwarfism. One advertisement featured characters dressed in giant dice costumes and rolling down a hill into a wall, imitating a game of craps. Another advertisement featured three characters ringing church bells, only to be pulled up into the rafters and fall down mimicking a winning formation from a slot machine. The final two advertisements featured characters painted with card patterns and imitating a winning hand dealt in a Blackjack card game rolling around on grass. The four advertisements seemed to break BCAP TV Code Clause 11.10.2 (b) and (c).

We considered that all four advertisements would have particular appeal to children and young persons, contrary to the Code.

Another TV advertisement featured a theme of colourful animations for solitaire, trivia games and a pinball sequence. We considered that the colourful animations would have particular appeal to children and young persons, contrary to the Code.

The final TV advertisement that we considered problematic was for a bingo service. It featured a woman buying items such as a diamond necklace and shoes and driving away in a chauffeur-driven car. All the items were marked with an oversized bingo pen. The advertisement finished with the woman buying a mansion for her relatives before spotting a jogger with surgically enhanced breasts. After looking at the breasts with envy, the woman pushed her chest out and the bingo pen hovered over the jogger's breasts. We considered the ad had probably broken the TV code because it seemed to suggest that gambling can improve self-image or self-esteem and achieve financial security.

An internet advertisement for an online casino and poker service seemed to breach the CAP Code. The advertisement featured an image of a man surrounded by women stroking and kissing him on either side of his face. His head had been

substituted with the face of the King playing card. We considered that the advertisement linked gambling with sexual seduction or success.

The main problem category was broadcast advertisements for online casino and poker services.

Advertisements for internet bookmakers and online casino and poker services formed the bulk of gambling advertisements surveyed. See table 6:

**Table.6 Non-breaches by Product Category**

<b>Product Category</b>	<b>Non-Breaches</b>
Bingo	34
Bookmakers	69
Casinos	7
Football Pools	21
Lotteries	85
Online Gambling: Betting Exchanges	24
Online Gambling: Bookmakers	260
Online Gambling: Bingo	75
Online Gambling: Casinos and Poker	134
Online Gambling: Digital TV Bookmakers	16
Online Gambling: Gambling Supermarkets	52

#### **4.4 Complaints**

The ASA has investigated a complaint about one of the surveyed 56 television advertisements.

In December 2007, the ASA published an adjudication about a series of TV advertisements for a bookmaker. The advertisement featured four football pundits debating the results of football matches and teams. The advertisement finished with the line “Everybody’s got an opinion, what’s yours worth?”

The ASA considered whether the advertisements suggested gambling was a way to gain recognition, whether they linked gambling with toughness, whether they were irresponsible because they showed grown men acting in a juvenile way and whether they could exploit the susceptibilities of young children. The ASA exonerated the advertiser and the broadcaster. The ASA judged that, because the men in the advertisements were middle-aged, viewers were likely to see their behaviour as light-hearted banter, as opposed to adolescent or juvenile behaviour, and that the actions of the men in the advertisement were unlikely to be interpreted as associating gambling with toughness or bravado. See section 7.2 in the Appendix for the adjudication.



## 5 Conclusions

The survey found that 1% of the gambling product advertisements that appeared between 1 September and 31 October seemed to breach the Code, an exceptionally high compliance rate.

We are concerned that six of the advertisements for gambling products or services that appeared on TV did not seem to comply. Four of the six advertisements can be attributed to one advertiser.

We are encouraged that only 0.3% of internet advertisements (one pop up) seemed to breach the Code.

The Compliance team has contacted the advertisers whose advertisements seemed to breach the Code and sought an assurance that they would not place the same advertisements again.

The team will continue to monitor across all media to ensure a continuing high level of compliance with the Codes.

## 6 Pre-publication advice

Seeking advice from the CAP Copy Advice team is the best way to ensure that non-broadcast marketing communications do not break the CAP Code and advertisers are urged to use that service. The team can draw on ASA research and previous ASA adjudications and is experienced at advising on the likely reaction of both the public and competitors. Consult the team on 020 7492 2100 (telephone), 020 7242 3696 (fax) or e-mail [copyadvice@cap.org.uk](mailto:copyadvice@cap.org.uk). The team responds to almost all written enquiries within 24 hours.

Also, advertisers, their agencies and the media can stay the right side of the line by using AdviceOnline, an up-to-date database of advice that tells advertisers what they can and cannot do and links users to relevant Code clauses, Help Notes and past ASA decisions. CAP encourages users to subscribe to Update@CAP, its e-mail newsletter. Both services are free and available on [www.cap.org.uk](http://www.cap.org.uk).

For TV or radio pre-clearance advice, advertisers are urged to consult Clearcast ([www.clearcast.co.uk](http://www.clearcast.co.uk)) for TV advertisements or the RACC ([www.racc.co.uk](http://www.racc.co.uk)) for radio advertisements.

## **7 Appendix**

### **7.1 Relevant CAP and BCAP Code Clauses**

#### **7.1.1 CAP Code Clauses referred to in the survey**

##### **GAMBLING**

###### **57.1**

The term "gambling" means gaming, betting, and participating in a lottery, as defined in the Gambling Act 2005, and spread betting. This section does not apply to the UK National Lottery. The UK National Lottery is, however, subject to the rest of the Code.

The Gambling Act does not apply outside Great Britain. Specialist legal advice should be sought when considering advertising any gambling products in Northern Ireland or the Channel Islands.

Spread Betting may be advertised as an investment under the Financial Services and Markets Act (FSMA) 2000, the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 and other FSA rules and guidance (see clause 53.1 above). A "Spread Bet" is a contract for differences that is a gaming contract, as defined in the glossary to the FSA Handbook.

The clauses in this section apply to marketing communications for "play for money" gambling products and marketing communications for "play for free" gambling products that offer the chance to win a prize or that explicitly or implicitly direct the consumer to a "play for money" gambling product, whether on-shore or off-shore.

For the purposes of this Section, "children" are people of 15 and under and "young persons" are people of 16 or 17.

###### **57.2**

Marketing communications for gambling should be socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited by advertising that features or promotes gambling.

###### **57.3**

a) In line with clause 2.8, the spirit as well as the letter of the clauses in this section apply whether or not a gambling product is shown or referred to.

b) These clauses are not intended to inhibit marketing communications to counter problem gambling that are responsible and unlikely to promote a brand or type of gambling.

c) Unless they portray or refer to gambling, these clauses do not apply to marketing communications for non-gambling leisure events or facilities, for example hotels,

cinemas, bowling alleys or ice rinks, that are in the same complex as, but separate from, gambling events or facilities.

#### 57.4 Marketing Communications:

- a) should not portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm
- b) should not exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons or other vulnerable persons.
- c) should not suggest that gambling can provide an escape from personal, professional or educational problems such as loneliness or depression.
- d) should not suggest that gambling can be a solution to financial concerns, an alternative to employment or a way to achieve financial security.
- e) should not portray gambling as indispensable or as taking priority in life, for example over family, friends or professional or educational commitments.
- f) should not suggest that gambling can enhance personal qualities, for example that it can improve self-image or self-esteem, or is a way to gain control, superiority, recognition or admiration.
- g) should neither suggest peer pressure to gamble nor disparage abstention.
- h) should not link gambling to seduction, sexual success or enhanced attractiveness.
- i) should not portray gambling in a context of toughness or link it to resilience or recklessness.
- j) should not suggest gambling is a rite of passage.
- k) should not suggest that solitary gambling is preferable to social gambling.
- l) should not be likely to be of particular appeal to children or young persons, especially by reflecting or being associated with youth culture.
- m) should not be directed at those aged below 18 years (or 16 years for lotteries, football pools, equal chance gaming (under a prize gaming permit or at a licensed family entertainment centre), prize gaming (at a non-licensed family entertainment centre or at a travelling fair) or Category D gaming machines) through the selection of media or context in which they appear.
- n) should not include a child or young person. No-one who is, or seems to be, under 25 years old may be featured gambling or playing a significant role. No-one may behave in an adolescent, juvenile or loutish way.
- o) for family entertainment centres, travelling fairs, horse racecourses and dog race tracks, and for non-gambling leisure facilities that incidentally refer to separate

gambling facilities e.g. as part of a list of facilities on a cruise ship, may include children or young persons provided they are accompanied by an adult and are socialising responsibly in areas that the Gambling Act 2005 does not restrict by age. Marketing communications for a lottery product may include children or young persons. No-one who is, or seems to be, under 25 years old may be featured gambling or playing a significant role.

p) that exclusively feature the good causes that benefit from a lottery and include no explicit encouragement to buy a lottery product may include children or young persons and they may be featured playing a significant role.

q) should not exploit cultural beliefs or traditions about gambling or luck.

r) for events or facilities that can be accessed only by entering gambling premises should make that condition clear.

s) should not condone or encourage criminal or anti-social behaviour.

t) should not condone or feature gambling in a working environment. An exception exists for licensed gambling premises.

### **7.1.2 BCAP Radio Code Clauses referred to in the survey**

#### 21 Gambling

Central copy clearance is required. Gambling advertisements must comply with the minimum standards set out here, as well as the appropriate scheduling restrictions (see Section 2, Rule 8).

These Rules apply principally to advertisements for gambling products. However, incidental portrayals of gambling in advertisements for other products and services must always be carefully considered to ensure that they do not contradict the spirit of these Rules.

The term “gambling” means gaming, betting, and participating in a lottery, as defined in the Gambling Act 2005, and spread betting. This section does not apply to the UK National Lottery (see Section 2 Rule 26).

The Gambling Act does not apply outside Great Britain. Licensees should ensure that specialist legal advice is sought when considering advertising any gambling products in Northern Ireland or the Channel Islands.

Spread Betting may be advertised as an investment activity under the Financial Services and Markets Act (FSMA) 2000, the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 and other FSA rules and guidance. Spread betting may be advertised on specialised financial stations or in specialised financial programming only (see Section 1 Rule 1.3). A “Spread Bet” is a contract for differences that is a gaming contract, as defined in the glossary to the FSA Handbook.

These Rules apply to advertisements for “play for money” gambling products and advertisements for “play for free” gambling products that offer the chance to win a prize or that explicitly or implicitly direct the consumer to a “play for money” gambling product, whether on-shore or off-shore.

Unless they portray or refer to gambling, these Rules do not apply to advertisements for non-gambling leisure events or facilities, for example hotels, cinemas, bowling alleys or ice rinks, that are in the same complex as but separate from gambling events or facilities.

These Rules are not intended to inhibit advertisements to counter problem gambling that are responsible and unlikely to promote a brand or type of gambling.

For the purposes of these Rules, “children” are people of 15 and under and “young persons” are people of 16 or 17.

### 21.1 Protection of Children and Young Persons

a) Advertisements for gambling must not be likely to be of particular appeal to children or young persons, especially by reflecting or being associated with youth culture.

b) No child or young person may be included in a gambling advertisement. No-one who is, or seems to be, under 25 years old may be featured gambling or playing a significant role. No-one may behave in an adolescent, juvenile or loutish way.

c) Advertisements for family entertainment centres, travelling fairs, horse racecourses and dog race tracks, and for non-gambling leisure facilities that incidentally refer to separate gambling facilities e.g. as part of a list of facilities on a cruise ship, may include children or young persons provided they are accompanied by an adult and are socialising responsibly in areas that the Gambling Act 2005 does not restrict by age. Advertisements for a lottery product may include children or young persons. No-one who is, or seems to be, under 25 years old may be featured gambling or playing a significant role.

d) Advertisements that exclusively feature the good causes that benefit from a lottery and include no explicit encouragement to buy a lottery product may include children or young persons and they may be featured playing a significant role.

### 21.2 Unacceptable Treatments

a) Advertisements for gambling must not portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm.

b) Advertisements for gambling must not exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons or other vulnerable persons.

- c) Advertisements for gambling must not suggest that gambling can provide an escape from personal, professional or educational problems such as loneliness or depression.
- d) Advertisements for gambling must not suggest that gambling can be a solution to financial concerns, an alternative to employment or a way to achieve financial security.
- e) Advertisements for gambling must not portray gambling as indispensable or as taking priority in life, for example over family, friends or professional or educational commitments.
- f) Advertisements for gambling must not suggest that gambling can enhance personal qualities, for example that it can improve self-image or self-esteem, or is a way to gain control, superiority, recognition or admiration.
- g) Advertisements for gambling must neither suggest peer pressure to gamble nor disparage abstention.
- h) Advertisements for gambling must not link gambling to seduction, sexual success or enhanced attractiveness.
- i) Advertisements for gambling must not portray gambling in a context of toughness or link it to resilience or recklessness.
- j) Advertisements for gambling must not suggest gambling is a rite of passage.
- k) Advertisements must not suggest that solitary gambling is preferable to social gambling.
- l) Advertisements for gambling products must not exploit cultural beliefs or traditions about gambling or luck.
- m) Advertisements for events or facilities that can be accessed only by entering gambling premises must make that condition clear.
- n) Advertisements for gambling products must not condone or encourage criminal or anti-social behaviour.
- o) Advertisements for gambling products must not condone or feature gambling in a working environment. An exception exists for licensed gambling premises.

### **7.1.3 BCAP TV Code Clauses referred to in the survey**

#### **11.10 GAMBLING**

Notes to 11.10:

1) The rules in this section are designed to ensure that gambling advertisements are socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited by advertising that features or promotes gambling.

2) The term “gambling” means gaming, betting, and participating in a lottery, as defined in the Gambling Act 2005, and spread betting. This section does not apply to the UK National Lottery. See Rule 11.6.

3) The Gambling Act does not apply outside Great Britain. Licensees should ensure that specialist legal advice is sought when considering advertising any gambling products in Northern Ireland or the Channel Islands.

4) Spread Betting may be advertised as an investment activity under the Financial Services and Markets Act (FSMA) 2000, the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 and other FSA rules and guidance. Spread betting may be advertised on specialised financial channels or in specialised financial programming or on interactive or additional TV services (including text services) only (see Section 9 Rule 9.5). A “Spread Bet” is a contract for differences that is a gaming contract, as defined in the glossary to the FSA Handbook.

5) The rules in this section apply to advertisements for “play for money” gambling products and advertisements for “play for free” gambling products that offer the chance to win a prize or that explicitly or implicitly direct the consumer to a “play for money” gambling product, whether on-shore or off-shore.

6) For the purposes of this section, “children” are people of 15 and under and “young persons” are people of 16 or 17.

#### 11.10.1 – Rules for all advertisements

Rule 11.6.1 is not intended to inhibit advertisements to counter problem gambling that are responsible and unlikely to promote a brand or type of gambling.

(a) Advertisements must not portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm.

(b) Advertisements must not suggest that gambling can provide an escape from personal, professional or educational problems such as loneliness or depression.

(c) Advertisements must not suggest that gambling can be a solution to financial concerns, an alternative to employment or a way to achieve financial security.

(d) Advertisements must not portray gambling as indispensable or as taking priority in life, for example over family, friends or professional or educational commitments.

(e) Advertisements must neither suggest peer pressure to gamble nor disparage abstention.



(f) Advertisements must not suggest that gambling can enhance personal qualities, for example that it can improve self-image or self-esteem, or is a way to gain control, superiority, recognition or admiration.

(g) Advertisements must not link gambling to seduction, sexual success or enhanced attractiveness.

(h) Advertisements must not portray gambling in a context of toughness or link it to resilience or recklessness.

(i) Advertisements must not suggest gambling is a rite of passage.

(j) Advertisements must not suggest that solitary gambling is preferable to social gambling.

#### 11.10.2 – Rules for gambling advertisements.

Advertisements for events or facilities that can be accessed only by entering gambling premises must make that condition clear.

Unless they portray or refer to gambling, rule 11.10.2 does not apply to advertisements for non-gambling leisure events or facilities, for example hotels, cinemas, bowling alleys or ice rinks, that are in the same complex as but separate from gambling events or facilities.

(a) Advertisements for gambling must not exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons or other vulnerable persons.

(b) Advertisements for gambling must not be likely to be of particular appeal to children or young persons, especially by reflecting or being associated with youth culture.

(c) No child or young person may be included in a gambling advertisement. No-one who is, or seems to be, under 25 years old may be featured gambling or playing a significant role. No-one may behave in an adolescent, juvenile or loutish way.

(d) Advertisements for family entertainment centres, travelling fairs, horse racecourses and dog race tracks, and for non-gambling leisure facilities that incidentally refer to separate gambling facilities e.g. as part of a list of facilities on a cruise ship, may include children or young persons provided they are accompanied by an adult and are socialising responsibly in areas that the Gambling Act 2005 does not restrict by age. Advertisements for a lottery product may include children or young persons. No-one who is, or seems to be, under 25 years old may be featured gambling or playing a significant role.

(e) Advertisements that exclusively feature the good causes that benefit from a lottery and include no explicit encouragement to buy a lottery product may include children or young persons and they may be featured playing a significant role.

(f) Advertisements for gambling products must not exploit cultural beliefs or traditions about gambling or luck.

(g) Advertisements for gambling products must not condone or encourage criminal or anti-social behaviour.

(h) Advertisements for gambling products must not condone or feature gambling in a working environment. An exception exists for licensed gambling premises.

## 7.2 Adjudication

Ladbrokes plc

Number of complaints: 4

Ad

Two TV ads, for Ladbrokes, featured several well known football pundits dressed up as builders. They were sitting in a cafe discussing which team was likely to win the football league.

a. the first TV ad showed Ally McCoist, dressed in overalls, walking into the cafe and greeting the others, who were reading newspapers. He said "Afternoon salad dodgers. How are we today? ... What you doing, are you just looking at the pictures". The others all laughed. Ian Wright said "So I'm going Liverpool" and Ally McCoist replied "no chance". Ian Wright said "with the new signings and everything. I'm not an expert". Chris Kamara said "you're definitely not an expert" ... Ian Wright said "The thing about it is at least I've got an opinion, you lot ain't got an opinion". Ally McCoist said "I'll give you my opinion, I'll tell you Chelsea", to which Ian Wright responded "Liverpool" again. Ally McCoist said "I tell you your problem you're all that" and made a talking gesture with his hand. He continued "Why don't you put a few quid on it?" Ian Wright said "Well I am going to, I'm going to have a cheeky punt, because I put my money where my mouth is" and he pointed at a Ladbrokes shop across the road from the cafe. The other characters all said "oooooooooh" and mimicked carrying handbags. Lee Dixon said "You know who else'll go well don't you ... Newcastle". Kirsty Gallagher, who was dressed as a waitress, responded "Newcastle, are you kidding". The others all laughed. A voice-over and on-screen text stated "Ladbrokes Everybody's got an opinion, what's yours worth?" The ad cut to the kitchen of the cafe and showed Jimmy Hill dressed as a cook. He said "They know nothing these days".

b. the second TV ad was a shorter version of ad (a) and did not feature Kirsty Gallagher.

Issue

Viewers challenged whether the ads were irresponsible, because:

1. they suggested gambling was a way to gain recognition or admiration,
2. they suggested peer pressure to gamble,
3. they linked gambling with toughness, in particular because of the claim "I put my money where my mouth is",
4. they featured celebrity football pundits who might appeal to children or young people and

5. they could exploit the susceptibilities or inexperience of children, young or vulnerable people.
6. The ASA challenged whether the ads were irresponsible, because they showed characters acting in an adolescent and juvenile way.

#### Response

Ladbrokes strongly denied the suggestion that the ads were irresponsible. They said they took their social responsibilities very seriously and wholeheartedly supported the objectives of the Gambling Commission to ensure that children and other vulnerable people were neither harmed nor exploited by gambling. They said they had worked closely with their agency and the Broadcast Advertising Clearance Centre (BACC) to ensure they fully met the requirements of the CAP (Broadcast) TV Advertising Standards Code.

Ladbrokes said they had not received any complaints or negative comments about the ads directly. They said competitors and consumers alike had thought the ads were light-hearted, in keeping with their brand image and sensitively prepared. Ladbrokes said they were conscious of the fact that they were the first bookmaker to take advantage of the change in regulation and that they had a responsibility to the wider industry to ensure that they took the greatest care to embrace the spirit and substance of the regulations. They believed they had done that when preparing the ads and were disappointed that complaints had been received.

M & C Saatchi, Ladbrokes advertising agency, said Ladbrokes was an 'everyman' brand with a sense of humour. They said it had always communicated to consumers in a light-hearted way and that was what consumers expected from the brand. They said to make the ads memorable they had used football pundits and placed them in an everyday, 'everyman' situation. They said that served to remove them from a 'celebrity' world and ensured they were representing good honest blokes who liked nothing more than a bit of friendly football banter. They said the exchanges in the ads were a very real take on everyday life; they were middle aged men gently ribbing each other and having a laugh. They therefore believed the ad did not portray a glamourised world designed to suck in the young and vulnerable with promises of recognition, admiration and peer acceptance. They believed the context of the ads was crucial and they needed to be judged as a whole, not broken down into their constituent parts and taken out of context. They addressed each of the points in turn:

1. They believed there was nothing in the ads that suggested someone could increase their status by gambling. They pointed out that they had actually relegated and de-glamourised the role of the pundits by dressing them as builders to make clear that they represented the 'everyman'. Furthermore, they believed the ads did not suggest that Ian Wright was more admired as a result of having a bet. In fact they believed it was the opposite, because his friends reacted dismissively and mocked the fact that he was going to have a bet.
2. They pointed out that Ian Wright was not forced into having a bet because he had volunteered that information during a good natured debate. They believed there was

no suggestion that he needed to bet to conform to the behaviour of the others. In addition, they considered that the actions of Ian Wright were unlikely to be construed as forcing his friends to have a bet as well. On the contrary, his friends positively undermined the fact that he was going to have a bet by their mocking, dismissive reaction.

3. They said the literal meaning of "I put my money where my mouth is" was "I'm right" rather than "I'm tough". They said the context was important; the conversations were all good natured debates over football and the colloquial language, for example "I put my money where my mouth is" and "cheeky punt" merely epitomised that. In addition, they highlighted again the other characters reaction to Ian Wright's bet as a demonstration that his gambling was not portrayed as a "tough" activity.

4. & 5. They pointed out the pundits shown were middle aged ex-footballers. They said they had deliberately avoided current footballers, and more importantly footballers that were worshipped by young people. They pointed out that the featured pundits had been in their prime and playing football at least ten to twenty years ago. They said those characters could not be described as "pin-up" material for children and teenagers and maintained that they were likely to be admired by viewers who were now in their 30s.

6. They said the use of humour in the ads was right for the brand. They said there was a clear distinction between real banter and childish or silly behaviour. They maintained that humour was the fabric of the football world and it was therefore credible that those pundits engaged in light-hearted banter. They believed their exchanges reflected the real-life conversations occurring in the nation's cafes, bars and workplaces right now. They said it was difficult to see how the behaviour in the ads could be considered 'juvenile'; nobody was hurt, the language was clean, and the behaviour was nothing but good natured and friendly. The ads simply portrayed a group of middle aged builders joining in the fun.

The BACC said the gentle good natured humour and tone of the ads meant that they did not suggest toughness, peer pressure or that gambling was a way to gain recognition. They believed the sharp and humorous adult banter featured in the ads was a long way from juvenile behaviour. They said the featured celebrities were well known for their humour on programmes such as 'A Question of Sport'. They said it was grown up humour and therefore would not appeal to children. They said they also believed the characters shown were unlikely to appeal to young people or children and none of them were likely to feature in a poster on a teenager or child's wall. They maintained that children and teenagers tended to focus on current footballers not ex-players, managers or presenters. They believed the ad portrayed harmless banter used to engage the audience and gently suggest that if a consumer wanted to bet they should think of Ladbrokes.

## Assessment

### 1. Not upheld

The ASA noted the other characters' mocking reaction to Ian Wright's declaration that he was going to place a bet and considered that viewers were unlikely to infer that his actions had gained admiration from the other characters or that his status

had been enhanced because he was going to place a bet. We therefore considered that viewers were unlikely to infer from the ads that gambling was a way to gain recognition or admiration and we concluded that, on this point, the ads did not breach the Code.

On this point, we investigated the ads under CAP (Broadcast) TV Advertising Standards Code rules 11.10.1(f) (Gambling) but did not find them in breach.

## 2. Not upheld

We noted Ian Wright declared that he would be placing a bet in response to the comments from the other characters, in particular Ally McCoist's comment "I tell you your problem, you're all that. Why don't you put a few quid on it?" We noted the other characters did not suggest they were also going to place bets or that Ian Wright would not be accepted by them if he did not bet. We considered that viewers were unlikely to interpret the ad to mean that Ian Wright had been pressured into placing a bet to conform with the group; rather he was placing a bet to back up his conviction that Liverpool would win. We concluded that the ads did not suggest peer pressure to gamble.

On this point, we investigated the ads under CAP (Broadcast) TV Advertising Standards Code rules 11.10.1(e) (Gambling) but did not find them in breach.

## 3. Not upheld

We noted the ads were intended to portray a light-hearted, good-natured debate about football and we considered viewers were likely to view the ad in that context. We noted Ian Wright used the phrase "I put my money where my mouth is" in response to the challenge from Ally McCoist. We considered viewers were likely to understand the phrase as a demonstration of Ian Wright's conviction in his opinion that Liverpool would win. We considered viewers were unlikely to interpret Ian Wright's actions as a demonstration of toughness or bravado, especially because of the other characters' mocking reaction. We concluded that the ads did not show gambling in the context of toughness and therefore did not breach the Code.

On this point, we investigated the ads under CAP (Broadcast) TV Advertising Standards Code rules 11.10.1(h) (Gambling) but did not find them in breach.

## 4. & 5. Not upheld

We noted the characters depicted were all ex-footballers who had been in their prime between ten and twenty years ago. We acknowledged that Ian Wright was a well known TV celebrity but considered that, in the context of the whole ad, the characters depicted were unlikely to be of particular appeal to children or young people. We also considered that because the ads showed adults engaging in a discussion about football in an everyday situation, and because the characters were unlikely to appeal to children, the ads were unlikely to exploit the susceptibilities or inexperience of children, young or vulnerable people.

On this point, we investigated the ads under CAP (Broadcast) TV Advertising Standards Code rules 11.10.2(a) & (b) (Gambling) but did not find them in breach.

## 6. Not upheld

We noted the characters in the ads were all middle aged and some were well known for their use of humour in the TV programmes in which they appeared. Although we noted the ads depicted the characters mocking each other, we considered that viewers were likely to see their behaviour as light-hearted adult banter and were unlikely to consider it as adolescent or juvenile. We concluded that the ads were not irresponsible.

On this point, we investigated the ads under CAP (Broadcast) TV Advertising Standards Code rules 11.10.2(c) (Gambling) but did not find them in breach.

Action

No further action required.

# CopyAdvice

## **For non-broadcast advertisements, sales promotions and direct marketing**

Copy Advice is CAP's consultation service that offers marketers, agencies and media help with ensuring marketing communications comply with the CAP Code. Copy Advice is fast, free and confidential. Every adviser has a thorough understanding of the CAP Code and up-to-date knowledge of ASA adjudications so they can spot potential problems and explain them to you.

Using Copy Advice can help you avoid investigation by the ASA and costly changes to your campaigns.

Contact us at any stage of your campaign production process: whether you are devising concepts, copy or artwork or deciding on media, the earlier you contact us the more time you could save yourself in the long run.

The quickest way to get advice is to call **020 7492 2100** and speak to an adviser. Alternatively, e-mail [copyadvice@cap.org.uk](mailto:copyadvice@cap.org.uk), fax or post your draft materials to us. We respond to 90% of e-mail and fax enquiries within 24 hours.

### **Keep up-to-date with gambling ad regulation**

If you're involved in making ads in the gaming sector, make sure you're on top of your game with the gambling ad rules and sign up for CAP's gambling e-mail news alerts. To subscribe, simply e-mail us at [gambling@cap.org.uk](mailto:gambling@cap.org.uk). For a run down of the things you need to know visit and bookmark [www.cap.org.uk/gambling](http://www.cap.org.uk/gambling)

Advice on specific TV ad campaigns can be sought from Clearcast [www.clearcast.co.uk](http://www.clearcast.co.uk). For radio ad advice you should contact the RACC [www.racc.co.uk](http://www.racc.co.uk).