

Regulatory statement: gambling advertising guidance

Protecting children and young people

Annex A

– Gambling advertising: protecting children and young people



Gambling advertising: protecting children and young people

Advertising Guidance
(non-broadcast and broadcast)

Legal, decent, honest and truthful



Foreword

The Committee of Advertising Practice (CAP) offers guidance on the interpretation of the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (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 advertisements.

Advertising Guidance is intended to guide advertisers, agencies and media owners on 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 marketing communications, consult the CAP Copy Advice team by telephone on 020 7492 2100, by fax on 020 7404 3404 or you can log a written enquiry via our [online request form](#).

For advice on specific TV advertisements, please contact [Clearcast](#).

For clearance advice on specific radio advertisements, please contact [Radiocentre](#). Please also note that BCAP Code rule 17.1 requires that radio broadcasters must ensure that advertisements for gambling are centrally cleared.

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

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1. Introduction

This guidance is intended to help marketers and agencies interpret CAP and BCAP's gambling rules as they relate to the protection of children (aged 0-15) and young people (16 and 17). It applies to marketing communications appearing in all media, including online channels such as social media.

Underage participation in gambling is illegal and presents a significant risk of harm.

The Codes limit children's exposure to gambling advertising and ensure that, where they see ads directed at adults, marketing communications are not likely to influence them detrimentally. They require that marketers take all reasonable steps to:

- ensure that advertising is not targeted at under-18s, either through the selection of media or the ad's content; and
- prevent advertising being directed at adult audiences posing a risk to under-18s.

This guidance builds on those protections by providing greater detail on approaches that are likely to be unacceptable in individual marketing communications.

CAP and BCAP consider that the evidence base does not suggest gambling advertising that complies with the UK Advertising Codes is likely to cause harm to under-18s. However, the guidance underscores the importance of marketers behaving diligently and with a due sense of caution when preparing communications to ensure they abide by the standards set.

2. Scope

CAP and BCAP have developed this guidance based on ASA rulings and a review of the evidence around advertising's impact on children and young people.

It neither constitutes new rules nor binds the ASA Council when it considers complaints about a marketing communication. It is intended to bear out in greater detail the interpretation of the rules in section 16 of the CAP Code and section 17 of the BCAP Code, including examples of approaches that are likely to be problematic. It is also relevant to the portions of section 32 of the BCAP Code that deal with the scheduling of broadcast advertisements for gambling.

Marketers should note the rules apply in spirit as well as in letter and whether or not a gambling product is shown or referred to (see CAP rule 16.2).

Marketers should take particular care when preparing campaigns using social media; the rules and this guidance apply in full in such spaces. Gambling operators should also note it is their responsibility to ensure that affiliates or other third parties acting on their behalf to publish or otherwise disseminate marketing communications comply with the Codes.

The rules and this guidance are not intended to restrict legitimate responsibility messaging and marketing campaigns.

Lotteries are regulated under a different statutory framework to other gambling activities. As such, the UK Advertising Codes have separate sections for lotteries (CAP section 17 and BCAP section 18). Many of the rules in these sections are similar to those in the gambling sections. Although this guidance focuses on gambling advertising, the ASA may draw insights from it to inform its interpretation of those rules where appropriate.

The Gambling sections of the CAP and BCAP Codes also ensure the protection of audiences in general and other vulnerable groups, such as those with problem gambling issues. Guidance on those rules is available [here](#).

3. Definitions

For the purposes of CAP and BCAP's gambling rules, "children" are under-16s (those aged 15 and under) and "young persons" are those aged 16 or 17.

Gambling in Great Britain is regulated under the Gambling Act 2005. Specialist legal advice should be sought when considering advertising any gambling product in Northern Ireland or the Channel Islands.

Although there are some variations for specific activities, it is generally illegal for under-18s to participate in gambling.

For the purposes of the gambling sections of the UK Advertising Codes, the term "gambling" means gaming and betting, as defined in the Gambling Act 2005, and spread betting.

Spread betting may be advertised as an investment under the Financial Services and Markets Act 2000, the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 (as amended) and other Financial Conduct Authority (FCA) rules and guidance (see Background, Section 14, Financial Products in the CAP and BCAP Code). A "spread bet" is a contract for difference that is a gaming contract, as defined in the glossary to the FCA Handbook.

The gambling rules 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 explicitly or implicitly direct the

consumer to a “play for money” gambling product, whether on-shore or offshore.

4. General responsibility and under-18s

The Codes require all gambling advertising to be socially responsible. In particular, marketers should take all reasonable steps to protect children and young people from being harmed or exploited by advertising that features or promotes gambling.

The CAP Code states:

- 16.1** Marketing communications for gambling must be socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited.
- 16.3.2** Marketing communications must not ... exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons or other vulnerable persons

The BCAP Code states:

- 17.3.1** Advertisements must not ... portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm
- 17.4.4** Advertisements for gambling must not ... exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of under-18s or other vulnerable persons

The Codes include principle-based provisions that give the ASA broad scope to act where marketing communications are likely to be considered irresponsible because they pose a risk to under-18s.

As a first principle, marketing communications are likely to be irresponsible and breach these rules, if they:

- feature under-18s playing a significant role;
- are directed at under-18s by being placed in media for that group or any sub-age category (e.g. younger children or teenagers);
- address under-18s directly through their content; or
- otherwise encourage under-18s directly to engage in potentially harmful behaviour.

Marketing communications targeted at adults may be seen by under-18s. In order to protect under-18s from harmful exposure, such communications should conform to the guidance outlined in the following sections.

Breaches of the rules on targeting, content and inclusion of under-25s are also likely to be in breach of the general responsibility provisions described above.

5. Non-broadcast targeting restrictions

Most forms of gambling are subject to statutory age restrictions on participation. These are mainly set at 18 but there are forms of gambling where the age limit is 16. It is therefore inherently irresponsible and a breach of the Codes for gambling advertising to be directed at an underage group through the selection of media.

The CAP Code states:

16.3.13 Marketing communications must not ... be directed at those aged below 18 years (or 16 years for 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

5.1 General principles

CAP's placement restriction applies to marketing communications appearing in all media, including online media such as social networking, video sharing or targeted display advertising.

In selecting media, marketers must take appropriate steps when planning their campaigns to understand the likely audience of media where they intend to place ads. They should also take steps to exclude under-age groups from an audience where tools to do so are available.

Gambling advertising must not appear in media:

- for children or young people; and
- where children or young people make up a significant proportion – more than 25% – of the audience.

5.2 Children or young people's media

Identifying media for children or young people is usually straightforward. Primarily, the ASA will consider indicators of the media's intended audience. These are often overt; for instance, a website that describes itself as offering games for children.

Marketers must ensure that any such media are excluded from their media plan.

5.3 Other media

Broadly, marketing communications can be targeted:

- i) on the basis of the audience composition of the media or specific piece of content around which a marketing communication appears; and/or
- ii) through the use of data, when creating the audience for a marketing communication.

It is the responsibility of marketers to satisfy the ASA by providing robust evidence that they have been diligent in forecasting the likely audience for a marketing communication and complied with CAP's rules.

Marketers should take steps to ensure that they are confident of the likely audience composition of media around which their ads appear. Where this is not the case, they should exercise caution.

Marketers must also ensure that they take all reasonable steps to use the data available to include or exclude individuals on the basis of their age or other relevant criteria. No under-18s or individuals who, due to their online behaviour, are likely to be under 18 should be targeted directly with gambling advertising.

5.4 CAP guidance

Marketers should have regard to the extensive and detailed guidance resources CAP has made available on the targeting of non-broadcast advertising for sensitive product categories, including gambling. These elaborate on the principles above with examples and case studies, and include:

- The [guidance](#) on non-broadcast ad placement outlines CAP's general approach to targeting issues across all non-broadcast media.
- Additionally, CAP has produced [guidance](#) on how marketers should use the tools available on social network platforms – systems that allow advertisers to define their target audience(s) using data from users' accounts or from other behaviour or interactions – to ensure as far as possible that under-18s are excluded from groups of users targeted with gambling advertising.

The ASA has regard to CAP's guidance when ruling on cases.

5.5 Targeting marketing communications for gambling

The following examples are intended to bear out the principles outlined in CAP's targeting guidance through several gambling-related scenarios:

- **Social media** – Marketers must demonstrate to the ASA that they have used all the tools available to them on a social network platform to prevent under-18s from being targeted. This includes both ad targeting facilities provided directly by the platform and tools that restrict under-18s' access to marketers' own social media content.
- **Parts of websites for under-18s** – The ASA will assess the general audience of websites where a marketing communication appears in line with the guidance in this section above. However, marketers should take particular care to avoid placements on parts of sites dedicated to under-18s. For example, a football club's website might have a strongly adult audience in general, but it is inappropriate to place an advertisement in pages dedicated to younger supporters. They are considered children's media for the purposes of the CAP Code rule on the basis of their intended audience.
- **Social and online gaming** – Gambling-like games or games that feature elements of simulated gambling activity are often popular with children and young people. Such games should not be used to promote real-money gambling products, for instance, by offering a trial version that plays a similar role to an advergame. Where social and online games feature marketing communications for gambling games, they should not be directed at under-18s. In line with the approach outlined in this section, the ASA will assess the marketer's efforts to understand the audience of the game and the steps taken to exclude underage groups.
- **Direct marketing lists** – If an individual who is known to be under-18 is included in a direct marketing list, any gambling marketing communication sent to that list will breach the CAP Code. Marketers should administer lists appropriately to exclude under-18s.
- **Influencers** – Marketers should take particular care when identifying influencers to promote their products or brands. They should identify the influencer's likely appeal and obtain audience data (for instance, the age-breakdown of a follower or subscriber-base) to ensure that under-18s are not likely to comprise more than 25% of the audience. Where such data is not available or incomplete, marketers should exercise caution.
- **Affiliates** – Responsibility lies with gambling operators to ensure that affiliates or other third parties acting on their behalf to publish or otherwise disseminate marketing communications comply with the Codes. Marketers should ensure affiliates comply with CAP's gambling-specific guidance as well as its more general targeting guidance.

6. Broadcast targeting restrictions

Broadcast gambling advertising should not appear in programming or other broadcast content that is commissioned for or principally directed at children and young people or likely to appeal particularly to them. Section 32 of the BCAP Code controls the scheduling of broadcast advertising and includes several dedicated provisions covering various forms of gambling advertising:

Scheduling of television and radio advertisements

32.2 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: [...]

32.2.2 gambling except 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 (see rule 32.4)

32.4 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: [...]

32.4.2 football pools

32.4.3 equal-chance gaming (under a prize gaming permit or at a licensed family entertainment centre)

32.4.4 prize gaming (at a non-licensed family entertainment centre or at a travelling fair)

32.4.5 Category D gaming machines [...]

Placement of television text and interactive advertisements

32.20 Broadcast television text and interactive television advertisements for these product categories must not:

- be directly accessible from programmes commissioned for, principally directed at or likely to appeal particularly to children
- be directly accessible from advertisements that are adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to children
- appear on editorial pages (text or interactive) that are likely to be of particular appeal to a significant audience of children [...]

32.20.11 gambling ...

6.1 General principles

Compliance with the broadcast scheduling restrictions is the responsibility of broadcasters.

It is usually straightforward for broadcasters to identify a programme commissioned for or principally directed at a particular age group. Primarily, broadcasters should consider the intended audience at commissioning or acquisition stage. For other programming, broadcasters use audience data to predict what programmes are likely to attract a significant proportion of children and/or young people in audiences with a mixed age profile.

6.2 Guidance resources and clearance

Additionally, BCAP has produced [detailed technical guidance](#) on the scheduling of TV advertising. This advises broadcasters on how to make scheduling decisions using audience indexing derived from Broadcast Audience Research Board (BARB) data.

Most broadcast advertising is pre-cleared through:

- [Clearcast](#), for TV advertising; and
- [Radiocentre](#), for radio advertising.

7. Content likely to appeal particularly to under-18s

When under-18s see gambling advertising intended for adult audiences, content or marketing approaches must not appeal unduly to them.

The CAP Code states:

16.3.12 Marketing communications must not ... be likely to be of particular appeal to children or young persons, especially by reflecting or being associated with youth culture

The BCAP Code states:

17.4.5 Advertisements for gambling must not ... be likely to be of particular appeal to under-18s, especially by reflecting or being associated with youth culture

7.1 General principles

These rules give the ASA broad scope to act against marketing communications where their content appeals unduly to under-18s.

‘Particular appeal’ is a test of whether content appeals more to under-18s than to those aged 18 and over. This means an ad featuring content that appeals to many adults could still breach the Code because it appeals particularly to under-18s.

When assessing complaints, the ASA will have regard to the likely appeal of an ad or piece of content to under-18s in general or sub-categories, for instance, younger children or older teenagers.

7.2 Licensed characters

Licensed characters are used by marketers with permission from third parties who own the character. They can be from film, television, literature and video games; for example, the ASA has ruled on several ads featuring super heroes. The use of characters from media for or targeted in large part at under-18s is likely to be unacceptable.

In assessing whether other characters or their use appeals particularly to under-18s, the ASA will have regard to factors like:

- the audience and likely appeal of the media from which the character originates;
- the comic book nature of the character; and
- the availability of toys related to the character.

7.3 Animated characters

Marketers should avoid the use of colourful and exaggerated animated characters especially those that are common in children's cartoons such as animals, pirates or fairy-tale characters. For example, the ASA has ruled against the use of:

- characters based on common fairy tales, like *Little Red Riding hood* and *Hansel and Gretel*; and
- a young female character with exaggerated features that created a strong resemblance to characters from princess-themed films targeted at under-18s, particularly young children.

The ASA has also ruled that the use of traditional characters is unlikely to appeal particularly to under-18s unless they are presented in a way that makes the character or context in which they appear more child-oriented. For example, stylizing the character with exaggerated features or accompanying it with 'cute' cartoon animals.

7.4 Other characters

The ASA is likely to take a similar approach to that outlined in the sections immediately above in assessing the acceptability of other types of character appearing marketing communications; for example, puppet animals and other characters listed in the sections above or children's toys.

7.5 Overall themes and imagery

The ASA will also assess wider themes of a marketing communication for its appeal to under-18s. That may be in isolation or in conjunction with other ad content such as characters. Marketers should exercise caution when including child-like imagery or narratives, such as those common in nursery rhymes or children's stories. For example, the ASA has ruled against an advertisement that gave the impression that characters were on an adventure in a child-like fantasy world. The ASA noted such general themes were common in children's stories and games and in combination with other features of an ad made it likely to appeal particularly to children.

7.6 Game tiles

Game tiles are frequently used on gambling operators' websites and often feature the types of character listed above. Where such tiles are visible to users who have not been age-verified by suitably robust means, the ASA is likely to find them in breach of the CAP Code.

Marketers should also avoid using names incorporating specific characters familiar to children, as well as more general tropes, themes and imagery from

stories or other media directed at children. The ASA has ruled against the use of names such as *“Piggy Payout”*, *“Fluffy Favourites”*, *“Pirate Princess”*, *“Jack and the Beanstalk”*, *“Candilicious”* and *“Transformers”* in conjunction with animated imagery and characters of likely particular appeal to under-18s.

7.7 Sports people and celebrities

Gambling operators sometimes feature sports people or celebrities in marketing communications. This can often be through an endorsement agreement between the operator and the individual.

Such individuals who are or appear to be under 25 are explicitly prohibited from appearing in gambling marketing communications by CAP Code rule 16.3.14 and BCAP Code rule 17.4.6 (see section 8 below for more details).

For older individuals, marketers should be cautious where they are likely to have a significant profile among under-18s, for instance, sports or reality TV stars.

7.8 Youth culture

Marketers should avoid the use of themes or content associated with youth culture, including music, video games, fashion, language and other cultural references. The ASA will assess the intended and likely audience and appeal of each when considering the extent of any association with youth culture. For example, a piece of older music that has a broad age range of listeners is unlikely to have an association with youth culture, while new music targeted at young people is more likely to.

7.9 Humour

When using humour in marketing communications, marketers should avoid styles or approaches likely to have particular salience for under-18s; for example, slapstick or juvenile humour.

7.10 Mitigating effects of suitably robust age targeting

The ASA will consider whether advertisers have taken all reasonable steps to prevent under-18s from viewing ads; for example, through the:

- use of effective age-gating in online environments; or
- targeting ads to completely exclude under-18s from those receiving them, for instance, by using a well-administered direct marketing list.

If the ASA is satisfied that marketers have taken such steps and that under-18s are highly unlikely to have received a marketing communication, the use of the types of characters listed above may be acceptable.

8. Inclusion of under-25s

To ensure that children and young people do not identify by age with them, characters featured that are or appear to be under-25s may not play a significant role in gambling advertising. By the age of 25, people clearly look and sound more adult than adolescent giving more certainty to practitioners when creating advertisements and to the ASA when deciding if an advertisement has breached the Codes.

The CAP Code states:

16.3.14 Marketing communications must not ... include a child or a 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.

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.

The BCAP Code states:

17.4.6 Advertisements for gambling must not ... feature anyone who is, or seems to be, under 25 years old gambling or playing a significant role. No-one may behave in an adolescent, juvenile or loutish way.

8.1 Featuring under-25s

Featuring a person who is or appears to be under 25 is, in almost all circumstances, likely to breach these rules. In particular, the ASA has ruled several times on the inclusion of sports people; breaches have occurred both where an individual is featured in a profile image or an image of them in action.

Where an actor aged 25 or older is playing a character, an ad may still breach this rule, if they are likely to appear younger to the audience. The ASA will consider the audience's likely understanding of his or her age assessing factors like their appearance and behaviour in deciding whether inclusion of a character breaches these rules.

The rules are unlikely to apply to crowd scenes where individuals cannot be easily identified and are therefore not playing a significant role.

8.2 Social media news feeds

Several gambling operators have social media accounts providing news and updates on events, along with information about products, offers and interactions with consumers. These tend to focus on sport but can include other areas like politics and entertainment.

Marketers should exercise caution when posting content in such circumstances as the CAP rule on featuring under-25s will apply in full. The ASA has ruled on several occasions against posts that included images of sportspeople under the age of 25.

8.3 Exemption for marketers' own websites

A narrow exemption from CAP rule 16.3.14 allows marketers to feature under-25s when illustrating bets. For example, a site might show a sports person to illustrate an available bet relevant to that individual.

The exemption applies only to images appearing in places where bets can be placed through a direct transactional facility. Marketers may not in any way use an image to promote gambling in general or their brand.

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Advice on specific non-broadcast marketing communications is available from the Copy Advice team by telephone on 020 7492 2100, or you can log a specific written enquiry via the [online request form](#).

The [Advice and Training](#) section of the CAP website contains a full list of Advertising Guidance notes as well as access to the full AdviceOnline database, which links through to relevant Code rules and ASA rulings.

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