

The Regulation of Non-broadcast and Broadcast Advertising of Gambling

CAP and BCAP Consultation Document

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This document sets out the proposed Committee of Advertising Practice (CAP) and Broadcast Committee of Advertising Practice (BCAP) gambling advertising rules and the proposed BCAP spread betting rules.

CAP and BCAP are committed to full and open consultation and welcome feedback on the proposed rules. Please see page 45 for information on responding to this consultation and on the consultation process.

The consultation period ends at **5pm on Friday 15 September 2006**.

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Section 1

Executive Summary

- 1.1 This Consultation sets out CAP and BCAP's proposed rules for the regulation of non-broadcast and broadcast advertisements for gambling, defined as betting, gaming and lotteries (covered by the Gambling Act 2005, "the Act") and the National Lottery. Also, the Consultation contains BCAP's proposed rules for the regulation of broadcast spread betting advertisements.
- 1.2 CAP and BCAP are drafting new rules because the Gambling Act 2005 introduces a new legislative framework for gambling advertising, granting some gambling sectors more scope to advertise than at present, particularly British licensed casinos and betting operations. The Act states that Ofcom is responsible for setting, reviewing and revising broadcast gambling advertising rules. Because Ofcom has contracted-out the regulation of broadcast advertisements to the ASA system, BCAP exercises that role. The Gambling Commission has invited CAP to write the non-broadcast rules to ensure consistency with the broadcast rules. The proposed CAP and BCAP gambling advertising rules will apply to National Lottery advertisements to ensure that they continue to be regulated by the CAP and BCAP Codes and to meet BCAP's general statutory obligation to regulate all broadcast advertisements aired by Ofcom TV and radio licensees. The National Lottery Advertising and Sales Promotion Code of Practice enforced by the National Lottery Commission requires the National Lottery operator to comply with the CAP and BCAP Codes and guidance and ASA decisions.
- 1.3 The proposed non-broadcast rules will form part of the British Code of Advertising, Sales Promotion and Direct Marketing (the CAP Code). The proposed broadcast rules will form part of the BCAP Radio Advertising Standards Code, the BCAP TV Advertising Standards Code and the BCAP Rules on the Scheduling of TV Advertisements. The other rules in those Codes will also apply to gambling advertisements as appropriate, for example rules on misleading advertising.
- 1.4 In line with the objectives of the Gambling Act, the proposed CAP and BCAP rules will ensure that all gambling advertising is responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited by advertisements that feature or promote gambling.
- 1.5 Because the Gambling Act and the BCAP gambling advertising rules will allow betting to be advertised on TV and radio, BCAP proposes new rules to allow spread betting to be advertised as an investment activity on specialist financial TV channels and radio stations or within specialist financial programming. Spread betting advertisements will also be subject to the gambling advertising rules.

- 1.6 The CAP and BCAP Codes are administered by the Advertising Standards Authority (ASA), the independent body that receives and investigates complaints about advertising from the public and industry. CAP and BCAP carry out compliance, monitoring and research to enforce the Codes across the advertising industry. In the event of serious or recurring breaches of the non-broadcast gambling rules, the ASA's legal backstop regulator will be the Gambling Commission and, in respect of broadcasting rules, Ofcom.. The Gambling Commission intends to make compliance with the CAP and BCAP Codes a condition of the gambling operator licences it issues. It will have powers and sanctions to enforce its licence conditions, which it will use where necessary. Ofcom is the ASA's backstop regulator for all broadcast advertising and can take action against Ofcom broadcast licensees after a referral from the ASA.
- 1.7 The Gambling Act 2005 is due to come fully into force in September 2007. CAP and BCAP's finalised gambling rules and BCAP's finalised spread betting rules will become enforceable on that date.
- 1.8 In this consultation, Section 2 contains an introduction to CAP, BCAP and the ASA. Sections 3 to 5 focus on the proposed CAP and BCAP rules for the advertising of gambling. Sections 6 to 8 are dedicated to the proposed BCAP rules on spread betting advertising.
- 1.9 Section 3 outlines the regulatory framework for the advertising of gambling. It includes the present regulatory position, the position from September 2007 and how the proposed CAP and BCAP gambling advertising rules will be enforced. Section 4 explains the policy background to the proposed gambling rules and sets out our approach to formulating them, including rules for the protection of children and young people and other vulnerable people, compulsory statements in advertising and how the rest of the CAP and BCAP Codes will apply to gambling advertising, for example rules on misleading advertisements. Section 5 contains the CAP and BCAP non-broadcast and broadcast (radio and TV) gambling advertising rules.
- 1.10 Section 6 describes the regulatory framework for spread betting advertising, including the present position, the position from September 2007 and how the proposed BCAP rules will be enforced. Section 7 explains our policy approach to drafting the proposed BCAP radio and TV spread betting rules. Section 8 contains the proposed rules.
- 1.11 We welcome opinions on all parts of this consultation to inform our decisions when finalising the gambling and spread betting advertising rules. See Annex 1 for an explanation of how to respond and Annex 2 for a list of Consultation Questions, which are also contextualised in this document. The Consultation will close at 5pm on Friday 15 September 2006.

Section 2

Introduction to CAP, BCAP and the ASA

The Committee of Advertising Practice

- 2.1 The Committee of Advertising Practice (CAP) is the self-regulatory body responsible for writing and maintaining the British Code of Advertising, Sales Promotion and Direct Marketing (the CAP Code). The CAP Code covers non-broadcast advertising. It is primarily enforced against the advertiser. The Committee includes trade bodies representing advertisers, agencies and media owners. They co-ordinate the activities of their members to achieve the highest degree of compliance with the Code. Compliance with the Code is not voluntary for individual advertisers. Parties that do not comply with the Code may be subject to sanctions including the denial of media space and adverse publicity resulting from ASA adjudications.

The Broadcast Committee of Advertising Practice

- 2.2 The Broadcast Committee of Advertising Practice (BCAP) is the regulatory body with responsibility for writing and maintaining the TV and Radio Advertising Codes under a contracting-out agreement with the Office of Communications (Ofcom). Ofcom entrusted BCAP and the ASA with the regulation of broadcast advertising in 2004 in recognition of CAP and the ASA's successful regulation of non-broadcast advertising for over 40 years and in line with better regulation principles. The BCAP Codes regulate all advertising on TV channels and radio stations licensed by Ofcom, including teleshopping channels and any additional TV service (including teletext services). They are enforced against broadcasters, who are Ofcom licensees. BCAP members include broadcasters and trade associations representing advertisers and agencies. BCAP must seek advice on proposed Code changes, including the proposed gambling rules, from an expert consumer body, the Advertising Advisory Committee (AAC), and seek feedback on those changes via a non-exclusive public consultation. BCAP aims to ensure that its rule drafting is transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed, in accordance with the Communications Act 2003. Ofcom must approve Code changes before BCAP implements them in its Codes.
- 2.3 Information about CAP and BCAP, including copies of the CAP and BCAP Advertising Codes, can be accessed at www.cap.org.uk.

The Advertising Standards Authority

- 2.4 The Advertising Standards Authority (ASA) is the independent body responsible for administering the CAP and BCAP Codes so that all ads, wherever they appear, are legal, decent, honest and truthful. The ASA receives and investigates complaints about advertising from the public and industry. Decisions on investigated complaints are taken by the independent ASA Council. They are published on the ASA's website, www.asa.org.uk, and made available to the media. An Independent Review Procedure exists for interested parties. If the ASA Council upholds a complaint, the advertisement must be withdrawn or amended. CAP and BCAP conduct compliance, monitoring and research to enforce the ASA Council's decisions across the advertising and broadcasting industry. In the event of serious or repeated breaches of the CAP and BCAP Codes, the ASA can refer the non-broadcast advertiser or the Ofcom licensee concerned to the ASA's statutory backstop regulators, who can invoke sanctions. But that is rarely necessary.
- 2.5 The ASA's work in regulating advertising is funded by a levy on advertising space administered by separate and independent bodies, ASBOF and BASBOF¹. That means there is no question of funding affecting the ASA's decision-making.
- 2.6 Information about the ASA is available at www.asa.org.uk.

¹ The Advertising Standards Board of Finance (ASBOF, www.asbof.co.uk) and the Broadcast Advertising Standards Board of Finance (BASBOF, www.basbof.co.uk).

Section 3

Regulatory Framework for Gambling Advertising

Present Regulatory Position

Betting, gaming and lotteries

- 3.1 Advertising for betting, gaming and lotteries is regulated by primary legislation, supplemented by guidance from the Gambling Commission and the Department for Culture, Media and Sport (DCMS), and by the CAP non-broadcast Advertising Code and the BCAP broadcast Advertising Codes. The gambling industry has also produced its own codes of practice.
- 3.2 Statutory regulation is spread across several Acts: the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968, the Lotteries and Amusements Act 1976 and the Betting and Gaming Duties Act 1981. They apply different degrees of restriction to the advertisements of different gambling sectors². The CAP and BCAP Codes contain additional restrictions to reflect successive governments' policy on not stimulating demand for gambling. For example, the law and the CAP Code limit the content and location of advertisements for British licensed casinos. The BCAP Codes go further, prohibiting all betting and gaming advertising in broadcast media, except on interactive or additional TV services (including Teletext) where only statutory prohibitions apply. At the other end of the spectrum, the law no longer contains provisions limiting advertising for lawful bingo, registered lotteries or football pools; they are regulated by the CAP and BCAP Codes to ensure that they are advertised responsibly.

The National Lottery

- 3.3 National Lottery advertising is regulated by the National Lottery etc. Act 1993; the National Lottery Act 1998; the National Lottery Advertising and Sales Promotion Code of Practice, enforced by the National Lottery Commission, and by the CAP and BCAP Codes. The CAP Code has provisions on gambling and applies the same advertising rules to the National Lottery as to other forms of gambling. The BCAP Codes have specific rules on bingo, lotteries and football pools and apply the same rules to the National Lottery as to other lotteries and football pools.

² The gambling sectors include casino gaming, betting, bingo, football pools, lotteries, prize gaming and gaming machines, including at family entertainment centres (arcades) and travelling fairs.

Regulatory Position from September 2007

Betting, gaming and lotteries

- 3.4 The Gambling Act 2005 ("the Act") is due to enter fully into force in September 2007. The Act will replace most existing gambling law with a new regulatory system governing all gambling in Great Britain, defined as betting, gaming and lotteries except the National Lottery and spread betting. The Act includes new provisions on gambling advertising. To deal with new practices, the Act introduces a broad legal definition of advertising covering remote gambling (e.g. phone, Internet) and non-remote gambling (i.e. face to face) and marketing arrangements such as brand-sharing. Because the new advertising provisions apply equally to all industry sectors, some sectors will have more scope to advertise than at present, particularly British licensed casinos and betting. But, in line with the objectives of the Act, the proposed CAP and BCAP rules will ensure that all gambling advertising is 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.
- 3.5 Under the Act, CAP and BCAP, the ASA, the Gambling Commission, Ofcom and the Secretary of State (DCMS) will share responsibility for the regulation of gambling advertising. Ofcom is responsible for setting, reviewing and revising standards for broadcast gambling advertisements in consultation with the Gambling Commission. BCAP exercises that role under its contracting-out agreement with Ofcom. The Gambling Commission may issue code of practice provisions on non-broadcast advertising in consultation with CAP, the Secretary of State, the gambling industry, problem gambling experts and HM Commissioners for Revenue and Customs. The Commission has asked CAP to perform that function in line with its commitment to better regulation principles and to ensure consistency with the broadcast advertising rules.
- 3.6 The Gambling Commission can choose to include other provisions on non-broadcast advertising in its codes of practice. Ultimately, the Secretary of State has a reserve power to make regulations on non-broadcast advertising. If such regulations are ever made, under the Act their provisions have to be reflected in the BCAP broadcast advertising rules.

The National Lottery

- 3.7 The statutory regulation of National Lottery advertising will not be affected by the introduction of the Gambling Act. But CAP and BCAP propose to apply the new gambling advertising rules, with exceptions, to the National Lottery to ensure that it continues to be regulated under the gambling rules in the CAP and BCAP Codes.
- 3.8 The National Lottery Advertising and Sales Promotion Code of Practice enforced by the National Lottery Commission states that it should be applied in conjunction with industry regulations, particularly those issued by the Advertising Standards Authority, the Committee of Advertising Practice and the Independent Television Commission (ITC), i.e. BCAP under the contracting-out of broadcast

advertising regulation by the ITC's successor, Ofcom. It also highlights compliance with the Broadcast Advertising Clearance Centre and the Radio Advertising Clearance Centre; bodies that clear TV and radio advertisements against the BCAP TV and Radio Advertising Codes, respectively.

- 3.9 Under the contracting-out agreement with Ofcom, BCAP has a general statutory obligation to regulate all broadcast advertisements aired by Ofcom TV or radio licensees. These obligations are principally rooted in the Communications Act 2003 and the Control of Misleading Advertisements Regulations 1988. The National Lottery is presently regulated by the general and specific lottery provisions in the TV and radio Codes.

Q.1 Do you agree that the UK National Lottery should be regulated under the proposed non-broadcast and broadcast gambling advertising rules, subject to the exceptions made in the proposed rules and the possible exceptions raised in Questions 5 and 7? Or should the UK National Lottery be regulated under a separate set of rules, which would be subject to public consultation?

Enforcement of the Proposed CAP and BCAP Gambling Advertising Rules

- 3.10 The proposed non-broadcast rules will form part of the British Code of Advertising, Sales Promotion and Direct Marketing (the CAP Code). The proposed radio and TV gambling advertising rules will form part of the BCAP Radio Advertising Standards Code, the BCAP TV Advertising Standards Code and the Rules on the Scheduling of TV Advertisements. The CAP and BCAP Codes are administered by the ASA, which receives and investigates complaints from the public and industry. For information about the work of CAP, BCAP and the ASA, see Section 1.
- 3.11 The vast majority of advertisers and licensees comply with the ASA's rulings. CAP works closely with the advertising industry to act against non-broadcast advertisers who do not comply by, for example, denying media space or withdrawing trading privileges.
- 3.12 In the event of a serious or recurring breach of the CAP Code, non-broadcast advertisements issued by gambling operators licensed under the Gambling Act can be referred to the ASA's legal backstop regulator, the Gambling Commission. The Gambling Commission intends to make compliance with the CAP and BCAP Codes a condition of gambling operator licences. If it considers an operator has seriously breached its licence conditions, the Gambling Commission can use its administrative powers to review, suspend or revoke that licence, issue a fine or, as a last resort, invoke criminal sanctions.
- 3.13 Under the terms of their Ofcom licence, TV and radio broadcasters must not air advertisements that have been judged by the ASA to break the BCAP Codes.

- 3.14 Under the contracting-out of broadcast advertising regulation, the ASA's backstop regulator for serious or recurring breaches of the BCAP Codes is Ofcom. Ofcom considers breaches referred to it by the ASA and can impose administrative sanctions on Ofcom broadcast licensees, but not advertisers, including a formal reprimand, a fine, a warning about Ofcom licence revocation or the revocation of that licence.

Section 4

Policy Background to the Proposed CAP and BCAP Gambling Advertising Rules

Scope of the Proposed Rules

- 4.1 CAP and BCAP propose new advertising rules to regulate the advertising and promotion of all gambling products including the National Lottery. The proposed rules are set out in Section 5. They will 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. Advertisements for products that are played for free and do not offer the chance to win a prize or do not direct the consumer to a “play for money” gambling product fall outside the scope of the proposed rules on gambling advertising. But they must comply with the rest of the CAP and BCAP Codes.
- 4.2 The proposed gambling rules will apply to all non-broadcast marketing communications that fall within the remit of the British Code of Advertising, Sales Promotion and Direct Marketing (the CAP Code) and to all broadcast advertisements included in TV and radio broadcast services licensed by Ofcom.

General Policy Objectives

- 4.3 In line with the approach of the Gambling Commission and DCMS under the Gambling Act, the proposed CAP and BCAP rules are designed to allow gambling to be advertised as a responsible leisure or entertainment activity only and to reflect the Government’s intention (as expressed in the Regulatory Impact Assessment for the Gambling Act) that “reduction of harm should take precedence over the maximisation of innovation, consumer choice and economic gains”. In doing so, the proposed rules reflect the core licensing objectives of the Gambling Act 2005, namely:
- i. preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
 - ii. ensuring that gambling is conducted in a fair and open way and
 - iii. protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 4.4 Also, in accordance with the Communications Act 2003 under which Ofcom contracted-out broadcast advertising regulation to the ASA system, BCAP strives to ensure that its regulatory activities are transparent, accountable, proportionate, consistent, and targeted only at cases in which action is needed (s.3), and that it meets standards objectives (s.319(2)). That includes ensuring that: persons under the age of 18 are protected; material likely to encourage or

to incite the commission of crime or to lead to disorder is not included; generally accepted standards are applied to the contents to provide adequate protection for the public from offensive and harmful material; the inclusion of advertising that may be misleading, harmful or offensive is prevented; there is no undue discrimination between advertisers.

Q.2. Do you agree that the proposed CAP and BCAP gambling rules will secure the objectives set out in the Gambling Act 2005?

Q.3. Do you agree that the proposed BCAP rules have regard to the principles and standards objectives set out in s.3 and s.319(2) of the Communications Act 2003?

Consideration given to the Formulation of the Rules

General principles

4.5 The proposed rules establish general principles that apply to all gambling sectors and activities, regardless of the legal age of play, to ensure that all advertisements are socially responsible and that no advertisement harms or exploits children and young persons or vulnerable adults (see Section 5, CAP Code proposed rules 54.2, 54.4(a), 54.4(b); BCAP Radio Standards Code proposed rules 21.2(a)-(b); BCAP TV Advertising Standards Code proposed rules 11.6 Note (1), 11.6.1(a), 11.6.2(a)).

Q.4 Do you consider that the general principles set out in the proposed gambling rules are suitable?

Children and Young Persons

4.6 In addition to the general principles, the proposed rules contain specific content rules and rules on the scheduling of broadcast advertisements or the placement of non-broadcast advertisements to protect children and young persons. In the gambling advertising rules, “children” are people of 15 and under and “young persons” are people of 16 or 17.

Content rules: appeal

4.7 The existing CAP rules provide that the content of gambling advertisements must not be directed at under 18s. The existing BCAP TV and Radio rules provide that the content of gambling advertisements must not be directed at or likely to be of particular appeal to under 18s for bingo or under 16s for football pool and lottery advertisements, including the National Lottery. No other forms of gambling may be advertised on radio or TV, except for interactive and additional TV services (including Teletext), which can show advertisements for betting and gaming activities that are not statutorily prohibited from advertising in the broadcast media. Those advertisements are subject to the same principle; that

advertising for age-restricted gambling products should not appeal to audiences below the legal age of participation, e.g. 18 for bookmakers.

- 4.8 The proposed CAP and BCAP content rules provide that broadcast and non-broadcast advertisements for gambling must not be likely to be of particular appeal to under 18s, especially by reflecting or being associated with youth culture (see Section 5, CAP Code proposed rule 54.4(l), BCAP Radio Advertising Standards Code proposed rule 21.1(a), BCAP TV Advertising Standards Code proposed rule 11.6.2(b)).
- 4.9 BCAP proposes to raise the age limit regulating the appeal of content of football pool and lottery broadcast advertisements to 18, in line with the CAP Code, because they consider that is necessary to ensure that the core objective of protecting children and young persons is met.

Q.5 Do you consider that the proposed rules on the appeal of the content of gambling advertisements are suitable? Because their purpose is to raise funds for good causes, should the minimum age of appeal for lotteries be 16?

Content rules: age of persons featured in gambling advertisements

- 4.10 The existing CAP Code provides that people featured gambling should not be and should not look under 25. The existing TV and Radio rules do not contain an age restriction for people in football pool, lottery or bingo advertisements (no other forms of gambling may be advertised).
- 4.11 With the defined exceptions of gambling advertisements for lotteries for children and young person's good causes, for family entertainment centres (arcades) and for fairs, the proposed rules state that no-one under 18 may appear in a gambling advertisement. No-one under 25 may play a significant role or be featured gambling, without exception (see Section 5, CAP Code proposed rule 54.4(n)-(p), BCAP Radio Advertising Standards Code proposed rule 21.1(b)-(d), BCAP TV Advertising Standards Code proposed rule 11.6.2(c)-(e)).
- 4.12 CAP and BCAP favour a 25 age limit on people featured gambling or playing a significant role because by that age, people clearly look and sound more adult than adolescent and that gives more certainty to the advertising industry when creating advertisements and to the ASA Council when deciding if an advertisement has breached the Codes. Moreover, it will ensure that children and young people do not identify by age with those playing a significant role or featured gambling.

Q.6 Do you agree that the minimum age limit for people featured incidentally in gambling advertisements (as opposed to those featured gambling or playing a significant role in the advertisement) should be set at 18 years? Do you agree that it is proportionate to make exceptions for (a) family entertainment centres and travelling fairs and (b) lottery products? Should other exceptions be made?

Q.7 Do you agree that the minimum age limit for people featured gambling or playing a significant role in a gambling advertisement should be 25 years for all types of gambling? Because their purpose is to raise funds for good causes, should the minimum age of people playing a significant role or featured playing be lower for advertisements for lottery products?

Rules on the scheduling of broadcast advertisements and the placement of non-broadcast advertisements

- 4.13 At present, the CAP Code states that gambling advertisements should not be directed at people under 18 through the selection of media or context in which they appear. The BCAP TV and Radio Advertising Codes provide that bingo advertisements should not be scheduled at times when the audience profile contains, or is likely to contain, a significant percentage of people under 18 and that football pool and lottery advertisements on TV and radio and arcade advertisements on radio should not be scheduled at times when a significant number of people under 16 are in or likely to be in the audience.
- 4.14 The proposed rules on the scheduling of broadcast advertisements and the placement of non-broadcast advertisements provide that no gambling advertisement may be scheduled or placed in or around media directed at under 18s, except advertisements for lotteries, football pools, family entertainment centres and fairs, which must not be scheduled or placed in or around media directed at under 16s. This means that they must not be scheduled or placed in or adjacent to media made for or of particular appeal to under 18s or under 16s, respectively. (See Section 5, CAP Code proposed rule 54.4(m), BCAP Radio Advertising Standards Code proposed Section 2 rule 8, BCAP Rules on the Scheduling of Television Advertisements proposed rule 4.2.1).
- 4.15 CAP and BCAP consider that it is proportionate regulation to harmonise the restriction on the placement of gambling advertisements in the CAP Code with the existing scheduling restrictions in the BCAP Codes. This means that the CAP advertisement placement rule will be relaxed for advertisements for lotteries, football pools, family entertainment centres and fairs, allowing these to be placed in media and in contexts that are directed at 16 year olds and over. BCAP has not identified any problems caused by the scheduling distinction made in the TV and Radio Codes between lotteries and pools and other types of gambling and that distinction is considered to meet the standards objective set by the Communications Act 2003 that under 18s must be protected. CAP and BCAP are confident that maintaining the distinction in the absence of problems

will ensure media owners have a reasonable level of flexibility to schedule or place advertisements and that the proposed package of general principles, content rules and scheduling or placement restrictions will work together to ensure that all advertising is responsible and not likely to be of particular appeal to children or young people.

- 4.16 On a practical note, broadcasters and non-broadcast media owners have detailed research on audience profile and regularly make advertising scheduling or placement decisions that distinguish between under 16s and under 18s.

Q.8 Do you agree that the proposed rules on the scheduling of broadcast advertisements and the placement of non-broadcast advertisements are proportionate by giving reasonable flexibility to media owners and working with the general principles and content rules to protect all under 18s?

Vulnerable Adults

- 4.17 In addition to the proposed general principles (see 4.6), the proposed CAP and BCAP rules contain specific content rules to protect vulnerable persons.

- 4.18 The term “vulnerable persons” is not defined in the Gambling Act. In its Consultation Document on the Statement of Principles on Licensing and Regulation, the Gambling Commission stated that it “will not seek to define “vulnerable persons”” but, for regulatory purposes, it will assume that that group includes people who:

- gamble more than they want to;
- gamble beyond their means; and/or
- may not be able to make informed or balanced decisions about gambling because of mental impairment, alcohol or drugs³.

- 4.19 CAP and BCAP have considered problem gambling research, gambling regulatory systems in other jurisdictions and advice from problem gambling organisations, industry trade associations and faith groups to identify the susceptibilities of vulnerable persons in the context of gambling advertising. CAP and BCAP have devised content rules that prohibit advertising likely to tap into those susceptibilities or give an unacceptable impression of gambling to vulnerable adults or children and young persons.

- 4.20 Examples of the proposed rules are: advertisements must not exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of vulnerable persons; advertisements must not suggest that gambling can provide an escape from personal, professional or educational problems such as loneliness or depression; 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; advertisements must not suggest that gambling can enhance personal qualities, for example that it can improve self-

³ The Gambling Commission will publish a revised and complete version of the Statement of Principles in October 2006.

image or self-esteem, or is a way to gain control, superiority, recognition or admiration.

Q.9 Do you consider that the proposed content rules meet the objective of ensuring that vulnerable persons are not harmed or exploited by gambling advertisements?

CAP and BCAP's Position on Compulsory Statements in Advertising

4.21 To date, the BCAP and CAP Codes have not required messages to be included in advertisements. When they appear in advertisements, it is because other regulators such as the Financial Services Authority (FSA) or the Office of Fair Trading (OFT) require them.

Warnings or educational messages

4.22 As raised by the Gambling Commission in its Consultation on Licence Conditions and Codes of Practice, CAP and BCAP have considered whether requiring advertisements to include a warning or educational message, for example "Please play responsibly" or "Know your limit, play within it", would further the objective of protecting children, young persons and other vulnerable persons from being harmed or exploited by gambling advertising. In doing so, CAP and BCAP have referred to international research on the effects of warnings in advertisements, practice in other jurisdictions and advice from problem gambling organisations, faith groups and gambling industry trade associations. Because there is little empirical literature on gambling advertising, we have had to refer to research on the effectiveness of different forms of warnings and messages in other public policy sectors. Clearly, the characteristics of the sector and the message or warning must be borne in mind.

4.23 Research tends to evaluate the effectiveness of warnings or messages in terms of a measurable reduction in the prevalence or quantity of the behaviour of concern⁴ or in terms of improved awareness and understanding of risk⁵. CAP and BCAP have considered whether they could serve to prevent or reduce gambling among under 18s and vulnerable adults or to remind the general public of the risks posed by gambling, albeit to a small proportion of the population.

4.24 No clear evidence exists that messages or warnings are effective in either sense.

4.25 Some research suggests they have a small positive effect. For example, research on warnings in TV alcohol advertisements in the U.S.A. showed a cumulatively decreasing confidence in perceived product benefits but no impact

⁴ Laughery and Hammond (1999), Lehto and Miller (1986), Peters (1984), cited in Jones Ringold D. (2002) "Boomerang Effect: In Response to Public Health Interventions: Some Unintended Consequences in the Alcoholic Beverage Market", *Journal of Consumer Policy*, March 2002; 25, 1 p.27.

⁵ Hadden (1991), Wogalter and Dingus (1999), cited in Jones Ringold D. (2002).

on viewers' perception of the risks and benefits associated with alcohol⁶. Research on health warnings in the tobacco sector in Canada showed a small impact on the quantity smoked but at a low level of confidence and no effect on smoking prevalence⁷.

- 4.26 Other research shows that messages have no effect. For example, research on credit warnings in financial services advertisements showed that consumers were aware of the warnings but did not pay attention to them because they did not see advertising as the right medium for the delivery of such information. Furthermore, some regarded warnings with cynicism as a "disclaimer" to protect the advertiser⁸. Research in the alcohol sector showed that, because they were already well-known to consumers above and below the legal drinking age, hazards described in warnings taught consumers that reading warnings was a waste of time instead of raising awareness⁹.
- 4.27 Lastly, some research shows that messages or warnings can have the opposite effect to the one intended, through a "boomerang effect"¹⁰. That effect was found in relation to drugs, tobacco, alcohol, film content and high-fat foods. Products such as gambling can appeal to under 18s and vulnerable adults because, in contrast to feelings of powerlessness or low self-esteem, they involve impulsiveness, rebellion, risk-taking or a challenge. One theory is that messages can cause a "boomerang effect" by reinforcing those perceived qualities and heightening the audience's desire to use the product, leading to "reactive behaviour". Warnings can be seen as a threat to individual freedom and autonomy. Young people and particularly young men were most likely to react¹¹. This is of concern because that group is most at risk from problem gambling. In the context of alcohol, heavy drinkers also reacted strongly. Furthermore, those were the groups that were most aware of the warnings¹².
- 4.28 Proponents often argue that, for consumers, messages or warnings "probably won't help but they can't hurt". But in light of the available evidence, CAP and BCAP consider it is good policy-making practice to take into account the risk that messages or warnings can have no effect on consumers and create warning fatigue or can have a result that is opposite to the one intended. Furthermore, under better regulation principles, CAP and BCAP must consider the impact of proposed regulation on industry, in particular to ensure fair competition. The inclusion of messages or warnings in advertisements can produce an extra financial cost for advertisers, especially for radio where mandatory messages necessitate extra airtime (media space)¹³.

⁶ Dr Lowe G., "Beer Advertisements on U.S. TV", *Quarterly Review of Alcohol Research*, August 1995, Vol. 3, Issue 3.

⁷ Gospodinov N. and Irvine I.J. (2004) "Global Health Warnings on Tobacco Packaging: Evidence from the Canadian Experiment", *Topics in Economic Analysis and Policy*, Vol. 4, Issue 1, Article 30, 2004.

⁸ Navigator (2004) "Radio Commercials and Wealth Warnings: Summary Report of Findings", prepared for the Radio Advertising Bureau, February 2004.

⁹ Horst (1988), cited in Jones Ringold D. (2002).

¹⁰ Jones Ringold D. (2002).

¹¹ Hong et al. (1994), cited in Jones Ringold D. (2002).

¹² See 10.

¹³ See note 8.

4.29 CAP and BCAP shares the public policy concerns behind the consideration of warnings or messages in advertising. We have designed the general principles, content, and scheduling and placement of advertisements provisions in the proposed gambling advertising rules to ensure that all gambling advertising is socially responsible, ruling out the need to “counterbalance” gambling advertising with messages or warnings. It is important to note that the CAP and BCAP advertising rules will operate in the context of the new regulatory structure to control problem gambling introduced by the Gambling Act, particularly the Gambling Commission’s general powers and the work of the Responsibility in Gambling Trust (RIGT).

4.30 In accordance with best regulatory practice, BCAP and CAP consider that it is unnecessary to require messages or warnings in gambling advertisements at this time. As recommended in the Gambling Review Report by the Gambling Review Body, this decision can be reviewed if there is evidence that gambling advertising has an impact on problem gambling under the Gambling Act, and that compulsory warnings and messages in gambling advertising would be an effective solution.

4.31 The Joint Committee on the Draft Gambling Bill recommended that because “gambling does not cause problems for the majority of people who gamble we are not convinced that health warnings, like those used for tobacco products, would be appropriate. We also have doubts as to the effectiveness of some cautionary statements included in advertisements such as those for financial products”. In its response to the recommendation, the Government stated that it “agrees with the broad thrust of the Committee’s observations”. Moreover, in its Consultation on Licence Condition and Codes of Practice, the Gambling Commission decided not to take forward the Joint Committee’s one recommendation on messages, which was that advertisements should include information about sources of help for problem gamblers. Certainly, information on sources of help is widely provided by gambling operators on gambling premises or websites: many regard that as an effective means of delivery.

Q.10 Do you agree that the proposed rules address concerns about the effect of gambling advertisements on problem gambling without the need for compulsory educational messages or warnings and that those should not be required in the absence of evidence on the impact of gambling advertising on problem gambling and the effectiveness of compulsory messages or warnings in gambling advertising?

Statement of the licensor or place of establishment

4.32 BCAP and CAP have considered whether a statement of the licensor or place of licensing should be included on gambling advertisements, e.g. “Licensed by the Gambling Commission” or “Licensed in the Isle of Man”. The consumer might want to take that into account when deciding what provider to gamble with or to know where to seek redress.

- 4.33 The Gambling Commission considers that requiring a statement of licensor will meet the Gambling Act licensing objective that “gambling is conducted in a fair and open way” because it will increase transparency for consumers. The Commission considers that will be particularly important in respect of operators that establish sites both in the UK and elsewhere, because that may confuse consumers, and in respect of non-UK sites where licensor information is difficult to find or not included at all.
- 4.34 CAP and BCAP consider that to require a statement of licensor on all gambling advertisements would not be proportionate. To ensure consumer protection, to advertise in Britain, a gambling operator must be licensed in Britain by the Gambling Commission or be established in a “white listed” country or in a European Economic Area (EEA)¹⁴ country. To be included on the “white list”, a country must satisfy the DCMS that it provides a regulatory system of the same standard as the Gambling Act. For the EEA, under the Treaty establishing the European Community, the UK can refuse to allow operators licensed in a Member State to advertise in the UK on the grounds of public policy, public security or public health.
- 4.35 Additionally, in accordance with better regulation principles and the Communications Act 2003, CAP and BCAP must consider the impact of proposed regulation on industry, in particular to ensure fair competition. The inclusion of mandatory statements in advertisements can produce an extra financial cost for advertisers, especially for radio where statements necessitate extra airtime (media space). If being regulated in a certain jurisdiction is considered a valuable attribute in marketing terms, gambling operators can choose to publicise that.

Q.11 Do you agree that to require gambling advertisements to carry a statement of the operator’s licensor or place of licensing would be disproportionate?

Application of the CAP and BCAP Codes

- 4.36 It is important to note that, in addition to the proposed gambling rules, the rest of the CAP and BCAP Codes will apply to gambling advertisements, including the National Lottery. That includes comprehensive rules on alcohol in advertising and on misleading advertising, which apply to direct and implied claims about the nature, benefits and limitations of advertised offers. For example, the rules would apply to misleading claims about whether a product is betting, gaming or a lottery, the good causes that benefit, the odds offered or the way a type of gambling works.

¹⁴ The EEA is made up of the Member States of the European Union plus Norway, Liechtenstein and Iceland.

4.37 The existing CAP and BCAP Codes can be accessed at:
<http://www.cap.org.uk/cap/codes/>.

Q.12 Can you identify any problems in relation to gambling advertisements that are not addressed either by the specific gambling advertising rules proposed here or by other CAP or BCAP Code rules?

Section 5

Proposed CAP and BCAP Gambling Advertising Rules

CAP and BCAP's proposed advertising rules apply to the content and the broadcast scheduling or non-broadcast placement of advertisements for gambling including the National Lottery and spread betting. The rules are essentially the same for non-broadcast, radio and TV advertisements. Any differences in the rules are due to media differences and the style and format of the Codes. It is important to take into account that the rest of the relevant Code will apply to gambling advertisements, including comprehensive provisions on misleading advertisements. You can access the existing CAP and BCAP Codes at www.cap.org.uk/cap/codes.

Some wider marketing questions, for example whether inducements may be offered, are within the remit of the Gambling Commission and not BCAP or CAP. The Commission consulted on wider marketing questions in its consultation "Licence Conditions and Codes of Practice", which closed on 2 June 2006.

CAP Non-broadcast Gambling Advertising Rules

[To be inserted in The British Code of Advertising, Sales Promotion and Direct Marketing (the CAP Code)]

SALES PROMOTION RULES

Prize promotions and the law
(see CAP Help Note on Promotions with Prizes)

33.1 Promoters should take legal advice before embarking on promotions with prizes, including competitions, prize draws and instant win offers, to ensure that the mechanisms involved do not render these lotteries, as defined by the Gambling Act 2005.

GAMBLING

54.1 The term "gambling" means gaming, betting, and participating in a lottery, as defined in the Gambling Act 2005, the UK National Lottery and spread betting.

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.

The UK National Lottery may be advertised under The National Lottery etc Act 1993 and The National Lottery Regulations 1994. UK National Lottery marketing communications are also subject to the National Lottery Advertising

and Sales Promotion Code of Practice, approved by the National Lottery Commission.

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.

54.2 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.

54.3 (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) These clauses do not apply to marketing communications for non-gambling leisure facilities, for example hotels, cinemas, bowling alleys or ice-rinks, that are in the same complex as, but separate from, gambling facilities.

54.4 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, prize gaming at a travelling fair or Category D gaming machines) through the selection of media or context in which they appear
- (n) should not feature 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 and travelling fairs in which families are socialising responsibly may include children or young persons accompanied by an adult. 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 in a significant role
- (q) should not exploit cultural beliefs or traditions about gambling or luck
- (r) for entertainment 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 portray gambling in a working environment. An exception exists for licensed gambling premises

BCAP Radio Gambling Advertising Rules

*[To be inserted in the BCAP Radio Advertising Standards Code.
Shaded sections are already part of the BCAP Radio Advertising Standards Code.
They have been included to show proposed additions to rules in context].*

Proposed Content Rules

Section 2

23 Competitions

Advertisements inviting listeners to take part in competitions are acceptable, subject to Section 14 and Schedule 2 of the Gambling Act 2005.

Licensees must be satisfied that prospective entrants can obtain printed details of a competition, including announcement of results and distribution of prizes.

There are no limitations on prize values.

Please see also Section 2 Rule 11.8 and Section 3 Rules 4.28 and 11.5

Section 3

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, the UK National Lottery and spread betting.

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.

The UK National Lottery may be advertised under The National Lottery etc Act 1993 and The National Lottery Regulations 1994. Advertisements for the UK National Lottery are also subject to the National Lottery Advertising and Sales Promotion Code of Practice, approved by the National Lottery Commission.

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 facilities, for example hotels, cinemas, bowling alleys or ice-rinks, that are in the same complex as but separate from gambling 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 feature 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 and travelling fairs in which families are socialising responsibly may include children or young persons accompanied by an adult. 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 in 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 entertainment 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 portray gambling in a working environment. An exception exists for licensed gambling premises.**

Proposed Scheduling Rules

Section 2

8 Scheduling

See also Section 1, Rule 4.3. Licensees must exercise responsible judgements when scheduling categories of advertisement which may be unsuitable for children and younger people, for those listening to religious programmes and around sensitive programming or news items.

The station's actual audience profile according to research, rather than its target audience profile, should be taken into account when deciding whether or not advertising is suitable for the station or time of day (and see Rule 9 Good Taste, Decency and Offence to Public Feeling, below).

For the purpose of this Rule, the ASA and BCAP generally consider that children and younger people are those aged below 16 years. However, there may be exceptional circumstances when advertising messages may be targeted at those aged 12-15 (eg. anti-AIDS information or sanitary protection).

Responsibility should be exercised where advertisements or their scheduling could be perceived as insensitive because of a tragedy currently in news or current affairs programmes, for example, a commercial for an airline should be immediately withdrawn if a neighbouring news bulletin featured details of a plane crash.

Advertisements for alcoholic drinks, sensational newspapers/magazines/websites (or their content) and violent or sexually explicit material must not be broadcast in or around programming/features aimed particularly at those aged below 18 years or around religious programming.

Particular care is required for the following categories: divination and the supernatural, sexual material, sanitary protection products, family planning products and services (including contraceptives, pregnancy-testing services/kits), anti-AIDS and anti-drugs messages, and solvent abuse advice.

Advertisements for gambling must not be broadcast in or around programming/features aimed particularly at those aged below 18 (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, prize gaming at a travelling fair or Category D gaming machines).

BCAP Television Gambling Advertising Rules

Proposed Content Rules

[To be inserted in the BCAP TV Advertising Standards Code.]

11.6 GAMBLING

Notes to 11.6:

- 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, the UK National Lottery and spread betting.*
- 3) *The UK National Lottery may be advertised under The National Lottery etc Act 1993 and The National Lottery Regulations 1994. Advertisements for the UK National Lottery are also subject to the National Lottery Advertising and Sales Promotion Code of Practice, approved by the National Lottery Commission.*
- 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 Teletext) 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.*

11.6.1 – 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.

Note to 11.6.1(c)

Advertisers may however refer to other benefits of winning a prize.

(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.

11.6.2 – Rules for gambling advertisements.

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

Unless they portray or refer to gambling, rule 11.6.2 does not apply to advertisements for non-gambling leisure facilities, for example hotels, cinemas, bowling alleys or ice-rinks, that are in the same complex as but separate from gambling 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.

Note to 11.6.2(b)

Please refer to the BCAP Rules on the Scheduling of Television Advertisements for scheduling restrictions.

Football players may appear in football pools advertisements only in footage of actual play, in which case no individual may receive prominence. This restriction does not apply to players who have been retired for at least one full season, unless they retain their appeal to children or young persons.

(c) No child or young person may feature 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 and travelling fairs in which families are socialising responsibly may include children or young persons accompanied by an adult. 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 in 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 portray gambling in a working environment. An exception exists for licensed gambling premises.

Proposed Scheduling Rules

[To be inserted in the BCAP Rules on Scheduling of Television Advertisements. Shaded sections are already part of the BCAP Rules on Scheduling of Television Advertisements. They have been included to show proposed additions to rules in context. Proposed deletions are struck through.]

SECTION 4

Particular Separations of Advertisements and Programmes

Children and young people 4.2.1

(a) The following may not be advertised in or adjacent to children's programmes or programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 18:

(i) alcoholic drinks containing 1.2 per cent alcohol or more by volume;

(See also 4.2.5 below)

(ii) ~~binge~~ gambling except lotteries, football pools, family entertainment centres and travelling fairs *(see 4.2.1(b) below)*;

(iii) religious matter subject to the rules on Religious Advertising in the BCAP Television Advertising Standards Code;

(iv) slimming products, treatments or establishments.

(b) The following may not be advertised in or adjacent to children's programmes or programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 16:

- (i) lotteries;
- (ii) football pools;
- (iii) family entertainment centres;
- (iv) travelling fairs.

Section 6

Regulatory Framework for Spread Betting Advertising

Present Regulatory Position

- 6.1 Advertising for spread betting is regulated by the Financial Services and Markets Act 2000 (FSMA), the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 (FPO) and the FSA Handbook, administered and enforced by the Financial Services Authority (FSA). The CAP and BCAP Codes also regulate spread betting.
- 6.2 The CAP Code allows spread betting to be advertised as an investment activity under the auspices of the FSA. The CAP Code applies to all “non-technical” elements of spread betting advertising, e.g. serious or widespread offence, social responsibility and the truthfulness of claims, but it does not apply to advertising content that relates to the specific characteristics of a spread betting product. Complaints received by the ASA about those aspects are referred to the FSA.
- 6.3 The BCAP TV Code explicitly prohibits spread betting advertising. An exception exists for interactive and additional TV services (including Teletext). The BCAP Radio Code implicitly prohibits spread betting, as it is not a gambling activity “specifically permitted” under its existing rules on Competitions, Lotteries, Betting and Gaming.

Regulatory Position from September 2007

- 6.4 Because the Gambling Act does not cover spread betting, the existing statutory regulation of spread betting advertising will continue to apply. We do not propose to change the CAP Code. But we propose to change the BCAP TV and Radio Codes to allow spread betting to be advertised as a financial investment within the TV and radio financial rules, subject to strict scheduling restrictions because it is a potentially high-risk investment product (see Section 7). The proposed BCAP TV and radio gambling rules will apply to advertisements for spread betting.

Enforcement of the Proposed BCAP Spread Betting Advertising Rules

- 6.5 Under the contracting-out of broadcast advertising regulation, BCAP has a general statutory obligation to regulate all broadcast advertisements (TV and radio) aired by Ofcom licensees. That obligation is principally rooted in the Communications Act 2003 and the Control of Misleading Advertisements Regulations 1988. Therefore, the ASA will consider complaints about all aspects of spread betting broadcast advertisements, even if they concern technical

financial claims that, if made in non-broadcast advertisements, would be considered by the FSA and not under the CAP Code. BCAP will conduct compliance to enforce the rules and ASA Council adjudications.

- 6.6 At present, the BCAP TV and Radio Codes provide that financial promotions must comply with all legal and regulatory requirements. That provision will cover spread betting. If necessary, the ASA and BCAP will seek advice from other regulators when investigating possible breaches of the TV or Radio Codes. The ASA alerts the FSA each time it investigates multi-media complaints that also fall within the FSA's remit. The FSA reserves its right to take regulatory action against the advertiser.
- 6.7 In relation to non-financial misleading claims, the ASA can refer non-broadcast advertisers who seriously or repeatedly breach the CAP Code to its backstop regulator, the Office of Fair Trading (OFT) under the Control of Misleading Advertisements Regulations.
- 6.8 Under the contracting-out of broadcast advertising regulation to the ASA system, the ASA's backstop regulator for serious or recurring breaches of the BCAP Codes is Ofcom. This will apply to financial and non-financial aspects of spread betting advertisements. Ofcom considers breaches referred to it by the ASA and can impose administrative sanctions on Ofcom broadcast licensees, but not advertisers, including a formal reprimand, a fine, a warning about Ofcom licence revocation or the revocation of that licence.

Section 7

Policy Background to the Proposed BCAP Spread Betting Advertising Rules

Scope of the Proposed Rules

- 7.1 BCAP proposes new rules to permit spread betting to be advertised on TV and radio broadcast services licensed by Ofcom, with strict scheduling restrictions. The proposed rules will apply to advertisements for spread betting products, as defined in the FSA Handbook, which must also comply with the rest of the BCAP Codes including the rules on gambling advertising.

General Policy Objectives

- 7.2 In accordance with the Communications Act 2003 under which Ofcom contracted-out broadcast advertising regulation to the ASA system, BCAP aims to ensure that its regulatory activities are transparent, accountable, proportionate, consistent, and targeted only at cases in which action is needed (s.3), and that it meets standards objectives (s.319(2)). That includes ensuring that: persons under the age of 18 are protected; the inclusion of advertising that may be misleading, harmful or offensive is prevented; there is no undue discrimination between advertisers.

Consideration given to the Formulation of the Rules

- 7.3 At present, the BCAP Codes prevent the advertising of spread betting under the general prohibition on the broadcast advertising of betting and gaming activities, except on interactive and additional TV services, including Teletext. That prohibition reflects legislation, in part, and successive governments' policy on not stimulating demand for gambling activities. The Gambling Act relaxes previous gambling legislation and signals a change in government policy. In keeping with that, BCAP considers that it is proportionate and consistent to lift the ban on spread betting advertising, subject to restrictions (see Section 7.4 and 7.5) because spread betting is a potentially high-risk investment product.

Content Rules

- 7.4 The proposed TV and radio rules provide that spread betting may be advertised as an investment activity (see Section 8). The proposed gambling rules will also apply to advertisements for spread betting.

Scheduling Rules

7.5 The proposed TV and radio scheduling rules provide that spread betting may be advertised as an investment activity on specialised financial TV channels or radio stations or in specialised financial programming only. A "specialised financial channel" or "station" is defined as an Ofcom licensed channel or station whose programmes, with few exceptions, are likely to be of particular interest only to business people or finance professionals. "Specialised financial programming" is defined as programming that is likely to be of particular interest only to business people or finance professionals (see Section 8).

7.6 Those scheduling restrictions on TV and radio are designed to ensure that the average consumer is adequately protected: spread betting is a potentially high risk investment activity because investors can lose more than their initial investment. Furthermore, the conditions of investment are likely to be unfamiliar and complex for many non-specialist viewers or listeners. It would be difficult to give adequate information in linear TV and radio advertisements on general audience channels.

Q.13 Do you agree that spread betting should be allowed to be advertised as a specialist financial investment on specialist financial TV channels and radio stations and within specialist financial programming on TV and radio?

Section 8

Proposed BCAP Spread Betting Advertising Rules

BCAP's proposed spread betting advertising rules apply to the content and the scheduling of advertisements. The rules are essentially the same for radio and TV advertisements. Any differences in the rules are due to media differences and the style and format of the Codes. It is important to take into account that the rest of the relevant Code will apply to spread betting advertisements, including comprehensive provisions on gambling advertisements and misleading advertisements. You can access the existing CAP and BCAP Codes at www.cap.org.uk/cap/codes.

BCAP Radio Spread Betting Advertising Rules

[To be inserted in the BCAP Radio Advertising Standards Code.

Shaded sections are already part of the BCAP Radio Advertising Standards Code. They have been included to show proposed additions to rules in context. Proposed deletions are struck through.]

Section Three – Rules for Specific Categories

1 Financial Products and Services

Central copy clearance is required.

These Rules regulate financial advertisements and not financial products and services, which are regulated by the financial services regulators, including the Financial Services Authority (FSA) and the Office of Fair Trading (OFT). Financial advertisements must comply with all relevant legislation, in particular the Financial Services and Markets Act 2000 (FSMA) and the Consumer Credit (Advertisements) Regulations 2004.

In this Rule, 'investment activity', 'regulated activity', 'financial promotion' and 'authorised person' have the same meanings as in the FSMA and the Financial Services and Markets Act (Financial Promotion) Order 2005 (FPO). Under the FSMA, a financial promotion is “an invitation or inducement to engage in investment activity.” This broad definition captures all promotional activity – including traditional advertising, telephone sales and face to face conversations – in relation to all products and services regulated by the FSA. It is important to remember that investment activity' under the FSMA does not cover only what are conventionally thought of as investments, but also includes deposits and all insurance, including some advertisements by insurance intermediaries – see the Insurance Conduct of Business (ICOB) Chapter 3.1.2G in the FSA Handbook.

The ASA and BCAP Executive may seek advice from other regulators when investigating possible breaches of this Rule following a complaint or monitoring.

1.1 Legal Responsibility

Advertisers are responsible for ensuring that their advertisements comply with all the relevant legal and regulatory requirements.

1.4 Approval of Financial Promotions in Advertising

Before accepting financial promotions to which Section 21 of the FSMA applies and that are not subject to an exemption under the FPO, licensees must be satisfied that:

- i the authorised person issuing or approving the proposed advertisement, has confirmed that the final recorded version of the advertisement is in accordance with the Rules of the FSA;**
- ii a financial promotion or other advertisement in respect of regulated activity proposed by an appointed representative has been approved by the authorised person to whom that person is responsible.**

Legal advice, or general advice from the FSA, may be required concerning compliance with FSMA requirements. Please note that the FSA does not pre-vet or advise on the compliance of proposed financial promotions with the FSMA requirements. For more information visit the financial promotions pages of the FSA website (www.fsa.gov.uk) and see the FSA Handbook, in particular Conduct of Business Chapter 3 (COB3), Mortgage Conduct of Business Chapter 3 (MCOB3) and ICOB Chapter 3.

1.13 Spread Betting Advertisements

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. Spread betting advertisements must comply with the gambling rules (see Section 3, Rule 21).

A "Spread Bet" is a contract for differences that is a gaming contract, as defined in the glossary to the FSA Handbook.

For this purpose, a "specialised financial station" is an Ofcom licensed station whose programmes, with few exceptions, are likely to be of particular interest only to business people or finance professionals. "Specialised financial programming" is programming that is likely to be of particular interest only to business people or finance professionals.

BCAP Television Spread Betting Advertising Rules

[To be inserted in the BCAP TV Advertising Standards Code.

Shaded sections are already part of the BCAP Television Advertising Standards Code. They have been included to show proposed additions to rules in context. Proposed deletions are struck through.]

SECTION 9: FINANCE AND INVESTMENT

Background:

(1) The rules in this Section largely draw attention to statutory regulation with which all advertising must comply. However, selecting the most appropriate financial products or services normally requires consumers to consider many factors and television advertising is not well suited to communicating large amounts of detail. It is not, therefore, an appropriate medium for advertising some particularly high risk or specialist investments or any financial products or services that are not regulated or otherwise permitted in the UK under FSMA.

(2) The Financial Services and Markets Act 2000 (FSMA) unifies much of the structure of financial regulation in the UK by replacing previous legislation and merging existing regulators into the Financial Services Authority (FSA).

(3) The FSA is the regulator for the financial services industry and regulates conduct of business, including advertising, for investment products. It also regulates the advertising of insurance, including the activities of insurance intermediaries (e.g. motor, home and travel insurers)

...

(6) In this Section, unless otherwise stated, the terms 'financial promotion', 'authorised person' and 'qualifying credit promotion' have the same meanings as in the FSMA and the FPO. Please note that the definition of a financial promotion is broad and includes, for example, advertising for deposits and insurance products.

~~(7) Advertisements for Spread Betting are unacceptable under 3.1(c) (Betting and gaming).~~

9.5 Unacceptable categories

(a) Except on specialised financial channels, the following categories of advertising are not acceptable:

(1) advertisements for the issue of shares or debentures. Exceptions are made for advertisements announcing the publication of listing particulars or a prospectus in connection with an offer of shares or debentures to be listed on the London Stock Exchange or prospectuses approved for the purposes of the Prospectus Directive 2003/71/EC and permitted under FSMA.

(2) advertisements recommending the acquisition or disposal of an investment in any specific company other than an investment trust company listed on the London Stock Exchange

(b) Spread betting may be advertised as an investment on specialised financial channels or in specialised financial programming or on interactive or additional TV

services (including Teletext) only. Spread betting advertisements must comply with the gambling rules (see rule 11.6).

(cb) Nothing may be advertised as an investment unless it is regulated or otherwise permitted under FSMA.

Notes to 9.5:

~~(1) Advertisements for Spread Betting are unacceptable under 3.1(c) (Betting and gaming). Please also note rule 3.2 (Indirect promotion) which prohibits advertising if a significant effect would be to promote a product or service that cannot be advertised in its own right.~~

(12) Advertisements for Contracts for Differences (except Spread Betting) are acceptable on specialist financial channels provided the products are available only to clients who have demonstrated through appropriate prevetting procedure that they have relevant financial trading experience.

(24) For this purpose, a "specialised financial channel" is an Ofcom licensed channel whose programmes, with few exceptions, are likely to be of particular interest only to business people or finance professionals. "Specialised financial programming" is programming that is likely to be of particular interest only to business people or finance professionals.

(3) In this Code, "Spread Betting" and "Contract for Differences" have the same meanings as in the ~~current~~ glossary to the FSA Handbook.

Note to 9.5(cb):

Any advertising which implies that, for example, a collectors' item or some other unregulated product or service could have investment potential would normally be unacceptable. ('Investment' is used in its colloquial sense in this note.)

Annex 1

Consultation questions

You are invited to comment on any aspect of this consultation document. You may find it helpful to follow the checklist of questions below, which cover the points on which we especially welcome responses.

Please:

- be as specific as possible in your responses;
- if you disagree with a CAP or BCAP proposal, explain why and
- suggest an alternative proposal.

Questions on the CAP and BCAP Gambling Advertising Rules

- Q.1 Do you agree that the UK National Lottery should be regulated under the proposed non-broadcast and broadcast gambling advertising rules, subject to the exceptions made in the proposed rules and the possible exceptions raised in Questions 5 and 7? Or should the UK National Lottery be regulated under a separate set of rules, which would be subject to public consultation?
- Q.2. Do you agree that the proposed CAP and BCAP gambling rules will secure the objectives set out in the Gambling Act 2005?
- Q.3. Do you agree that the proposed BCAP rules have regard to the principles and standards objectives set out in s.3 and s.319(2) of the Communications Act 2003?
- Q.4 Do you consider that the general principles set out in the proposed gambling rules are suitable?
- Q.5 Do you consider that the proposed rules on the appeal of the content of gambling advertisements are suitable? Because their purpose is to raise funds for good causes, should the minimum age of appeal for lotteries be 16?
- Q.6 Do you agree that the minimum age limit for people featured incidentally in gambling advertisements (as opposed to those featured gambling or playing a significant role in the advertisement) should be set at 18 years? Do you agree that it is proportionate to make exceptions for (a) family entertainment centres and travelling fairs and (b) lottery products? Should other exceptions be made?
- Q.7 Do you agree that the minimum age limit for people featured gambling or playing a significant role in a gambling advertisement should be 25 years for all types of gambling? Because their purpose is to raise funds for good causes, should the minimum age of people playing a significant role or featured playing be lower for advertisements for lottery products?

- Q.8 Do you agree that the proposed rules on the scheduling of broadcast advertisements and the placement of non-broadcast advertisements are proportionate by giving reasonable flexibility to media owners and working with the general principles and content rules to protect all under 18s?
- Q.9 Do you consider that the proposed content rules meet the objective of ensuring that vulnerable persons are not harmed or exploited by gambling advertisements?
- Q.10 Do you agree that the proposed rules address concerns about the effect of gambling advertisements on problem gambling without the need for compulsory educational messages or warnings and that those should not be required in the absence of evidence on the impact of gambling advertising on problem gambling and the effectiveness of compulsory messages or warnings in gambling advertising?
- Q.11 Do you agree that to require gambling advertisements to carry a statement of the operator's licensor or place of licensing would be disproportionate?
- Q.12 Can you identify any problems in relation to gambling advertisements that are not addressed either by the specific gambling advertising rules proposed here or by other CAP or BCAP Code rules?

Questions on the BCAP Spread Betting Advertising Rules

- Q.13 Do you agree that spread betting should be allowed to be advertised as a specialist financial investment on specialist financial TV channels and radio stations and within specialist financial programming on TV and radio?

Annex 2

Responding to this consultation

How to respond

CAP and BCAP invite written comments on the proposals contained in this document, including supporting evidence, by **5pm on Friday 15 September 2006**.

When responding, please state whether you are doing so as an individual or representing an organisation. Also, please make clear what your individual interest is or who your organisation represents. It will be helpful if you explain why you hold your opinion and how CAP and BCAP's proposals could affect you.

We strongly prefer to receive responses as e-mail attachments, in Microsoft Word format, because that helps us to process the responses.

Please send your response to consult@cap.org.uk.

If you are unable to reply by e-mail, you may submit your response by post or fax, marked with the title of the consultation, to:

Helen Keefe
Committee of Advertising Practice
Mid City Place
71 High Holborn
London WC1V 6QT

Fax: +44 (0)20 7404 3404

Note that we do not need a hard copy in addition to an electronic version. Also note that CAP and BCAP will not routinely acknowledge receipt of responses.

CAP and BCAP have sent written notification of this consultation to the organisations and individuals listed in Annex 3. We welcome suggestions of others you think should be informed.

More information

If you have any questions about this consultation or need advice on the form of response, please contact Helen Keefe on +44 (0)20 7492 2119.

Confidentiality

CAP and BCAP may make consultation responses public. All comments will be treated as non-confidential unless you state that all or a specified part of your response is confidential and should not be disclosed. If you reply by e-mail or fax, unless you include a specific statement to the contrary in your response, the presumption of non-confidentiality will override any confidentiality disclaimer

generated by your organisation's IT system or included as a general statement on your fax cover sheet.

If part of a response is confidential, please put that in a separate annex so that non-confidential parts may be published with your identity. Confidential responses will be included in any statistical summary of numbers of comments received.

Annex 3

List of Consultees Formally Invited to Respond

In order to obtain a variety of opinions, CAP and BCAP have formally invited the following individuals and organisations to respond to this consultation.

Please note that CAP and BCAP welcome responses from all other interested parties.

4 Children	City Index Limited
Advertising Association	Corals
Age Concern	Committee of Registered Clubs Association
Alderney Gambling Control Commission	Community Union for Life
Ameristar	Confederation of Scottish Local Authorities
Association of British Bookmakers	CMC Markets Plc
Association of Directors of Social Services	CMC Spreadbet Plc
Association of Licensed Multiple Retailers	CRCA
Association of London Government	DCMS
Bar, Entertainment & Dance Association	Direct Marketing Association
Beacon Bingo	Direct Selling Association
Betdaq	eCOGRA
Betfair	Equity
Betting Corporation	European Association for the Treatment of Addiction
Bingo Association	Evangelical Alliance
Board of Deputies of British Jews	Federation of Racecourse Bookmakers
British Amusement Catering Trade Association	Financial Services Authority
British Association of Leisure Parks, Piers & Attractions Ltd	Five TV
British Beer & Pub Association	Flextech TV
British Casino Association	Fun Technologies plc
British Greyhound Racing Board	Gala Group Ltd
British Greyhound Racing Fund	Gambling Commission
British Holiday & Home Parks Association	GAMCARE
British Horseracing Board	Global Trader
British Horse Industry Confederation	GMB
British Hospitality Association	GMTV
British Institute of Innkeeping	Gordon House Association
British Retail Association	Greyhound Racing Association
Broadcast Advertising Clearance Centre	Harrah Entertainment Inc
BSKYB	Hill and Knowlton
British Television Shopping Association	Hindu Council UK
Business in Sports & Leisure	HM Revenue and Customs
Camelot Group plc	Horserace Totaliser Board
Cantor Index	Horseracing Betting Levy Board
Cardiff University	Hospice Lotteries Association
Carlton Clubs PLC	ICSTIS
Casino Advisory Panel	IG Index Plc
Casino Operators Association	IG Markets Ltd
Catholic Church for England & Wales	Independent Betting Arbitration Service
Channel Four Television	IFX Markets
Church of England	Institute of Licensing
Churches Together	Institute of Practitioners in Advertising
Cinema Advertising Association	Institute of Professional Sport
Citizen's Advice Bureau	Institute of Sales Promotion

Interactive Advertising Bureau UK and Ireland
 Inter faith Network for UK
 Interactive Gaming Council
 International Association of Gaming Regulators
 Internet Content Rating Association
 Incorporated Society of British Advertisers
 ITV Plc
 Jockey Club
 Justices Clerks' Society
 Kerzner International
 Ladbrokes
 Leisure and Gaming plc
 Licensed Victuallers Associations
 Littlewoods
 Local Authorities Coordinators of Regulatory Services
 Local Government Association
 London Capital Group Ltd
 London Clubs International
 Lotteries Council
 Magistrates' Association
 Mail Order Traders Association
 Mecca
 Methodist Church
 MGM Mirage Group
 Mitchells & Butler PLC
 Mobile Broadband Group
 Monecor London Ltd
 Muslim Council of Britain
 Muslim Parliament of GB
 National Association for Mental Health (MIND)
 National Association of Licensing & Enforcement Officers
 National Consumer Council
 National Greyhound Racing Club
 National Lottery Commission
 National Pubwatch
 NCH
 Newspaper Publishers Association
 Newspaper Society
 New Testament Church of God
 Nottingham Trent University
 Ofcom
 Ofcom TV and Radio licensees
 OFT
 Outdoor Advertising Association
 PartyGaming plc
 Periodical Publishers Association
 Proprietary Association of Great Britain
 Quaker Action on Alcohol and Drugs
 Quintas Public Affairs Ltd
 Racecourse Association
 Radio Advertising Clearance Centre
 Rank Group Gaming Division
 Remote Gambling Association
 Responsibility in Gambling Trust
 Royal College of Psychiatrists

Royal Mail
 S4C
 Salvation Army
 Satellite and Cable Broadcasters Group
 Schema
 Scottish Daily Newspaper Society
 Scottish Licensing Board's Clerk
 Scottish Newspaper Publishers Association
 Society for the Study of Gambling
 Sporting Index Limited
 Spreadex Ltd
 Stanley Leisure PLC
 T&G
 Teletext
 The British Psychological Society
 The Cambos Organisation
 The Children's Society
 The Royal College of Psychiatrists
 TOTE
 University of Birmingham
 University of Lancaster
 University of Salford
 Vernons Group Limited
 Viacom Brand Solutions
 Welsh Local Government Association
 West Midlands Public Health Group
 Which?
 William Hill
 Worldspread Limited

Copies of this document are available in alternative formats upon request. Please contact us at:

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The Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) are the industry bodies responsible for writing and enforcing the UK's advertising Codes to ensure that all advertisements are legal, decent, honest and truthful.

To find out more about the work of the Committees, CAP's free and confidential non-broadcast Copy Advice service for advertisers and marketers or to subscribe to our quarterly advertising industry e-mail newsletter, visit our website at:

www.cap.org.uk