



## CAP and BCAP Gambling Review

### Terms of Reference

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#### Background

Following the introduction of The Gambling Act 2005 (the Act) and its implementation in 2007, controls on gambling advertising were significantly relaxed with advertisers able, for the first time, to advertise in broadcast media.

To ensure that consumers are properly protected the UK Advertising Codes, written and maintained by the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP), were updated to ensure that gambling ads are socially responsible and young people and vulnerable adults are protected in line with the wider objectives of the Act.

CAP and BCAP worked with the Gambling Commission to design evidence-based rules that are proportionate and targeted. These rules include that gambling ads must not:

- Portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm.
- Exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons or other vulnerable persons.
- Be of particular appeal to children or young persons, especially by reflecting or being associated with youth culture.

The Codes also include provisions on how ads are targeted:

- Non-broadcast gambling ads must not be directed at those under 18 through the selection of media or context in which they appear; and
- Broadcast gambling ads must not be scheduled in or adjacent to programmes commissioned for, principally directed at, or likely to appeal particularly to audiences under the age of 18.

#### Reason for CAP and BCAP Review

Following the implementation of the Act in 2007, the public is now exposed to more gambling advertising. Ministerial interest in the growth in scale and volume of gambling advertising since 2007 and its potential impact led the DCMS to ask the Gambling Commission, CAP, BCAP, the ASA and Ofcom, along with the gambling industry, to re-examine if advertising regulatory objectives are continuing to be met.

Alongside this increase in the amount of advertising, there has been an increase in complaints about gambling advertising to the ASA, particularly over the past three years. This has been driven, in part, by competition and technological developments within the remote gambling market, which reflects the fact that consumers are accessing gambling products in new ways (e.g. online and via mobile devices). In relation to TV, the end of the prohibition of gambling advertising in 2007 has resulted in a very significant increase in the amount of gambling advertising.

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**Chairman** James Best **Secretary** Shahriar Coupal

In this context, and in-line with the CAP and BCAP's ongoing commitment to ensuring that the Advertising Codes remain up to date and provide adequate protection for consumers and vulnerable groups, it is timely to launch a review of the latest evidence.

## Review objectives

To assess the regulatory implications of key research on the impact of gambling advertising, with specific focus on the exposure of children to gambling advertising and the relationship between advertising and gambling related harms, and report publically on the findings.

Within their report, CAP and BCAP will present their findings in relation to their respective areas of regulatory responsibility.

## Scope

### Evidence-base

- Both CAP and BCAP will assess and explore the implications of the study, for the Responsible Gambling Trust, by Dr Per Binde on gambling advertising and problem gambling.
- Both CAP and BCAP will assess and explore the implications of relevant quantitative and qualitative data, principally, ASA complaint data on gambling advertising and, for BCAP, recent Ofcom research on TV exposure to gambling advertising.
- Both CAP and BCAP will invite the Gambling Commission to make recommendations as to the key pieces of further research that should be included under the scope of the review.

### Approach

- CAP and BCAP will carry out their assessment in line with their established approach to [evidence based policy making](#).

Taking into account our findings as a whole, we will consider whether there is a need for changes to the CAP and BCAP Code rules on gambling advertisements and initiate appropriate regulatory processes in response to these determinations.

The review will be complete and the outcome communicated publically by the autumn of 2014. Any changes resulting from the review will be implemented by the end of 2014.