

Betting tipster services

Advertising Guidance (non-broadcast)

Legal, decent, honest and truthful



Foreword

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

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

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

For pre-publication advice on specific non-broadcast advertisements, consult the CAP Copy Advice team by telephone on 020 7492 2100, by fax on 020 7404 3404 or you can log a written enquiry via our [online request form](#).

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

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

Background

These guidelines, drawn up by the CAP Executive, are intended to help marketers and agencies interpret the rules in the CAP Code. The “Key points” are intended to guide media ad departments. The Help Note is based on past ASA rulings. It neither constitutes new rules nor binds the ASA Council in the event of a complaint about a marketing communication that follows it.

Key points for media ad departments

- Publishers are advised to require all betting tipster marketers to disclose to them their real name, trading name (if different) and permanent address
- Publishers should check that marketers have “proofed” predictions with an independent third party before marketing that they have tipped particular winners or achieved a certain level of profit
- Publishers who “proof” their marketers’ predictions for them should be able to provide documentary evidence that the predictions were lodged with them in advance and that their processes for recording such predictions have been approved and regularly monitored by an independent third party
- Publishers should check that marketers have not claimed that their predictions are very likely or certain to win, or their service is very likely or certain to turn a profit
- Publishers should check that marketers who make claims about their track record have not exaggerated their success, have stated clearly both the relevant period and the “total stakes” and have either based their predictions on starting prices or have stated the basis for any earlier prices

Publishers should check that opinions/testimonials are not presented as statements of fact, are genuine and are used with permission

The law and the Code

Marketers should seek legal advice or contact their home authority to ensure that their claims are legal. Individual circumstances will determine whether or not any marketing communication breaches the law;

Marketers offering services via a premium rate telephone should refer to the PhonePayPlus Guidance Note on betting tipsters; and

The CAP Code states: “Before distributing or submitting a marketing communication for publication, marketers must hold documentary evidence to prove claims that consumers are likely to regard as objective and that are capable of objective substantiation.

The ASA may regard claims as misleading in the absence of adequate substantiation.” (Rule 3.7), and “Marketing communications must not materially mislead or be likely to do so” (Rule 3.1).

Scope

This guidance applies not only to horse racing betting tipster advertisements in non-broadcast media but also to those marketing tipster services for other events (e.g. football matches); and

This guidance applies to those marketing betting systems as well as those marketing specific predictions on events. Betting systems differ from standard tipster services insofar as they explain how consumers can determine which events and selections to bet on, rather than providing specific predictions.

“Proofing” forecasts

Marketers must be able to substantiate claims that they have tipped particular winners or achieved a certain level of profit. To do this, they should “proof” predictions, i.e. lodge all predictions with an independent third party before the events to which they refer take place. Marketers must ensure that they have proofed data that relates to the advertised claims (for example, if they have more than one service);

Ideally, marketers should “proof” predictions with an independent third party such as a well known and reputable firm of accountants or solicitors. If marketers “proof” predictions with the publishers of their advertisements, or any other third party (for example, a specialist tipping site), these third parties should be able to provide documentary evidence that the predictions were lodged with them before the relevant events took place and that their “proofing” systems for recording such predictions have been approved and regularly monitored by a well known and reputable firm of accountants or solicitors; and

In the event of a complaint, the ASA is likely to require both a summary of and copies of the original, date-stamped documents that prove the predictions were made before the events took place. The ASA may ask for samples of data if the period covered by the claim is significant and will expect the marketer to account satisfactorily for any discrepancies that arise during its assessment of the data;

Marketers who claim to have predicted a successful combination (for example, a double or a treble) must be able to substantiate that the prediction was “proofed” specifically as a combination and not just as several individual bets.

In the case of betting systems, if marketers wish to make track record claims for their system, they should be able to provide proofing data that demonstrates both how the system identified particular (winning) selections but did not identify other (losing) selections during a given time period.

Exaggerated success claims

Marketers should not claim that their predictions are very likely or certain to win or that their service is very likely or certain to turn a profit.

Track record claims

Marketers who make claims about their track record (e.g. by quoting aggregate profit figures) must state clearly the relevant period and the total amount of money (the “total stakes”) needed to place stakes on the predictions;

Marketers should not refer to successful periods in a way that wrongly implies they are successful in other periods, or are generally successful;

Marketers who make claims about their track record are urged to base their claims on starting prices.

Marketers who make claims about their track record based on prices other than starting prices should be able to substantiate that those prices were available with a reputable bookmaker (for example, by taking a screenshot from a gambling website to prove the availability of odds) and should state the basis of those prices. Marketers basing their predictions on ante-post prices should not ignore from their calculations those stakes lost because horses did not run.

Marketers should be able to show that the odds the selections were tipped at were available for a significant amount of time after the tips became available, i.e. long enough for their members to have reasonable opportunity to back the selections at the tipped odds.

Opinions/testimonials

Opinions should not be presented as statements of fact. The use of quotation marks alone may not be sufficient to make clear that an opinion is not a statement of fact;

Opinions on particular predictions or on the success of particular services should be genuine and should be used only with the written permission of those giving them; and

Opinions alone do not constitute substantiation and should be supported, if necessary, with independent evidence of their accuracy.

Advice on specific marketing communications is available from the Copy Advice team by telephone on 020 7492 2100, by fax on 020 7404 3404, or you can log a specific written enquiry via our online request form <http://www.cap.org.uk/Bespoke>. The CAP website at <http://www.cap.org.uk/Advice> contains a full list of Help Notes as well as access to the AdviceOnline database, which has links through to relevant Code rules and ASA rulings.

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