

ASA submission to Labour Party review: NHS treatment of gambling addiction

1. Background and Introduction

- 1.1. This submission is provided by the Advertising Standards Authority (ASA), the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) – the ‘ASA system.’
- 1.2. The ASA is the UK’s independent advertising regulator. We have been administering the non-broadcast Advertising Code (written and maintained by CAP) for 56 years and the broadcast Advertising Code (written and maintained by BCAP) for 14, with our remit further extended in 2011 to include companies’ advertising claims on their own websites and in social media spaces under their control.
- 1.3. We are responsible for ensuring that advertising is legal, decent, honest and truthful and our work includes undertaking proactive projects and acting on complaints to take action against misleading, harmful or offensive advertisements. We are committed to evidence-based regulation and we continually review new evidence to ensure the rules remain fit-for-purpose.
- 1.4. In addition to investigating ads, we also provide a wealth of training and advice services (most of which are free) for advertisers, agencies and media to help them understand their responsibilities under the Codes and to ensure that fewer problem ads appear in the first place. CAP and BCAP provided over 389,000 pieces of advice and training in 2017, more than 12,700 of which were specifically related to gambling.
- 1.5. The ASA is providing this written submission in response to the Labour Party’s review of NHS treatment of gambling addiction.

2. Consultation question: *What evidence is there on the impact of gambling advertising and sponsorship on problem gambling behaviour?*

- 2.1. In 2014, the Committees of Advertising Practice carried out a comprehensive review of the gambling sections of the Codes. This involved an assessment of the academic literature on gambling advertising and other sources of data and information. In particular, the review focused on the study commissioned by the Responsible Gambling Trust, “Gambling advertising: A critical research review” (Binde, 2014), to appraise the evidence base on gambling advertising’s impact on problem gambling and identify evidence gaps worthy of further research interest.
- 2.2. Following the 2014 review, CAP and BCAP concluded that the rules were fit for purpose and proportionate to advertising’s likely impact. The key considerations were that:
 - The causes of problem gambling are multiple and complex; direct studies of advertising’s impact suggest that it plays only a relatively small part.
 - Alongside the direct evidence, data on problem gambling suggests gambling advertising has, at most, a very limited causal role and is unlikely to have contributed to an increase in harm.
 - Many gambling activities, such as playing slot machines or fixed odds betting terminals, horse race betting and private betting, are not advertised prominently.

- Activities like bingo and lotteries which are, in contrast, advertised prominently, are not a high risk for problem gamblers.
 - Problem gambling rates have remained stable over a period when advertising volumes have risen very significantly.
- 2.3. CAP and BCAP noted Binde's finding of significant evidential gaps and the need for more research. In response, they committed to further work – in line with Binde's recommendation – to obtain more information on advertising-related risk factors. The objective was to develop new guidance to flesh out the interpretation of the rules. In 2015, they held an open call for evidence from key stakeholders, such as regulators, NGOs, treatment providers and academics. However at the time, this process was unsuccessful in providing the insights necessary to develop new guidance.
- 2.4. DCMS' 2017 gambling review gave the Committees an opportunity to renew their research work. With more academic evidence on gambling advertising emerging over the past two or three years, CAP and BCAP have been able to assemble an evidence base that was not available in 2015.
- 2.5. CAP and BCAP identified over 50 academic studies and other pieces of evidence relating to gambling, advertising/marketing and problem gambling published after the Binde (2014) evidence review. The emerging body of dedicated research explored the impact of advertising on behaviour. In general, it suggests some level of impact on particular groups. Several studies found associations between advertising exposure and the behaviour of problem and at-risk gamblers. Other studies looking at risk factors for different gambling activities identified particular at-risk groups or characteristics such as young men.
- 2.6. The Committees concluded that many of the studies are of moderate quality. They were based on self-reporting through surveys and interviews, which makes demonstrating causality and accurate quantification of the impact difficult. Moreover, little of the primary research focused on the UK. However, methodological limitations were offset by large sample sizes and strong findings of a disparity in the impact of advertising and promotions on non-gamblers compared to that on vulnerable individuals.
- 2.7. The most relevant studies were carried out in Norway and Australia with their distinct gambling markets and cultural perspectives on gambling. CAP and BCAP consider evidence from other countries with caution owing to confounding factors like different approaches to advertising regulation. However, in this instance, they considered the evidence robust enough to support the existence of an association between exposure and gambling behaviour and to provide insights on likely risk factors.
- 2.8. The emerging evidence base did not dissuade CAP and BCAP from the view that other factors such as individual circumstances, maturity and environmental influences (for example peer groups and family) were likely to exert much greater influences. The evidence base was not sufficient to justify significant changes to the Codes, such as provisions to prohibit promotions or further limit exposure, for example.
- 2.9. However, it did confirm the real potential for harm to occur; certain advertising approaches could encourage problem gambling attitudes, behaviours and actions. As such, CAP and BCAP decided that action should be taken through guidance to ensure the existing rules were being interpreted in such a way that these risks factors are appropriately mitigated.

- 2.10. Parts of the evidence base lent their support to this approach. Binde (2014) called for “evidence-inspired” interventions to counter risk factors. Similarly, a 2014 review of operator-based harm minimization for the Gambling Commission, called for more guidance to flesh out the gambling advertising rules and reduce ambiguities. Importantly, Binde also maintained that the concept of harm minimisation could and should be applied to advertising as it is in other gambling policy areas. Higher risk advertising approaches can be identified and steps taken to mitigate potential harm while not unduly constraining responsible advertising.
- 2.11. In February 2018 the Committees of Advertising Practice published the additional guidance on responsibility and problem gambling. The new guidance focused on the ‘tone’ of ads and targets risk factors – claims, imagery or marketing approaches – that could unduly influence vulnerable groups to behave irresponsibly. Significant new provisions in the guidance included:
- Restricting ads that create an inappropriate sense of urgency like those including “Bet Now!” offers during live events.
 - Curbing trivialisation of gambling (e.g. encouraging repetitive play).
 - Preventing approaches that give an irresponsible perception of the risk or control (e.g. “Risk Free Deposit Bonus”).
 - Providing greater detail on problem gambling behaviours and associated behaviours indicators that should not be portrayed, even indirectly.
 - Preventing undue emphasis on money-motives for gambling.

3. Consultation question: *What additional measures are needed to prevent gambling by children?*

- 3.1. CAP and BCAP acknowledge that gambling advertising is not without risk of harm to children and young people. The evidence supports the view that it has some level of effect, and that effect is likely to be more pronounced for advertising that includes approaches that are likely to be of particular appeal to children and young people. They consider that this establishes a strong case for the approach taken in the Advertising Codes.
- 3.2. The rules place a particular emphasis on protecting under-18s and other vulnerable groups applying across all media from company websites to social media space. The dedicated gambling sections of the UK Advertising Codes ensure that ads are socially responsible and don’t encourage gambling in ways that harm or exploit children, young people or vulnerable adults.
- 3.3. The rules prohibit gambling adverts in media aimed at under-18s and in other media where under-18s make up a significant proportion of the audience. This considerably reduces the amount of exposure and, importantly, keeps gambling away from young people’s media spaces. We also have rules to ensure that gambling ads do not promote irresponsible life choices or unduly appeal to under-18s, especially by reflecting or being associated with youth culture.
- 3.4. There is a degree of uncertainty from emerging work on online media, principally, social media, mobile devices and social gaming and the effectiveness of targeting restrictions in digital environments. CAP believes its present approach is appropriate to tackle most of the potential harms arising from gambling advertising in online media. The Code prohibits targeting of children and young people covering both direct marketing, such as, email, SMS messaging and targeted advertising on social networks, and advertising in media that has a

significant audience of children or young people. The key concerns are still targeting and appeal.

- 3.5. CAP also note access to licensed online gambling facilities is limited by a strong industry approach to ensuring that account holders' ages are properly verified through the 'Know Your Customer' approach mandated by the Gambling Commission. The data on underage participation suggests the robustness of this approach with remote gambling activities appearing very low in the participation list drawn up in National Lottery Commission.
- 3.6. CAP and BCAP are concerned that the evidence base for the impact of gambling advertising on children and young people is limited. They have made commitments to working with other stakeholders to improve the evidence base on children and young people. Later this year, the Committees of Advertising Practice will publish guidance on the impact of gambling advertising on children and young people. This will involve carrying out a literature review of the evidence prior to publication.
- 3.7. We are aware of public concern around children's exposure to gambling adverts, and calls for a 9pm watershed on gambling advertising. The Gambling Act 2005 liberalised the UK gambling market and permitted commercial activities that were previously restricted from greater public view. In response to the Act, the gambling industry made a voluntary commitment to not show gambling ads on TV before 9pm with the exception that they can appear around live sporting events.
- 3.8. As referenced above the evidence base for the impact of gambling advertising on children and young people is limited. It is generally agreed that gambling by children and young people has a significant potential to contribute to or cause harm. CAP and BCAP do not consider that currently there is sufficient evidence to support the view that gambling advertising is a significant contributory factor to underage participation. As such they consider that the Codes meet the key objective of the Gambling Act 2005; to protect children and young people from harm. Underage participation has decreased in recent years in spite of the significant increase in gambling advertising volumes.
- 3.9. CAP and BCAP note in particular that the most significant contributor to participation is legal participation in the National Lottery through an adult purchasing the ticket. Moreover, evidence suggests that the activities most prevalent in underage participation are not ones that are generally advertised, such as playing cards for money or betting with friends.
- 3.10. However, we continually review the rules, taking into account evidence about the impact of gambling advertising as well as gauging wider societal concerns, to ensure that the rules remain effective as a means to protecting the public. We will consider carefully any new arguments and evidence that suggest that the Codes need to be tightened.

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