

CAP and BCAP Gambling Review

An assessment of the regulatory implications of new and emerging evidence for the UK Advertising Codes



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Executive summary

The Committees of Advertising Practice (CAP and BCAP) have reviewed the evidence base on harms related to gambling advertising as part of a wider multi-agency process requested by the Department for Culture Media and Sport (DCMS).

CAP and BCAP are satisfied that the evidence does not present a case for new gambling advertising rules or a new approach to how we develop them. Both the academic literature and key metric data present a strong case for the effectiveness of the UK Advertising Codes (the Codes) in helping to meet a key regulatory objective of the Gambling Act 2005: protecting children and other vulnerable persons from being harmed or exploited by gambling.

In 2007, gambling operators were granted greater freedom to advertise as a result of the changes approved by parliament in the Gambling Act 2005. At the same time, a new framework for regulating gambling advertising was devised, involving CAP and BCAP working in conjunction with the Gambling Commission and Ofcom as statutory bodies responsible for gambling and broadcast regulation respectively. The industry also contributed with a variety of responsibility initiatives.

Gambling markets have changed significantly since then with new online services and significantly more advertising, especially on TV. This has led to questions around whether and how advertising might contribute to problem gambling-related harms or impact on children and young people.

Our Review considered how the evidence has developed since 2007 and what the implications of this might be for the gambling rules in the Codes, which are administered by the Advertising Standards Authority (ASA). We have concluded that the literature supports both the current approach underpinning the Codes – that of targeted content restrictions preventing irresponsible appeals to gamble and exposure restrictions prohibiting targeting of gambling advertising at children or young people – and the rules themselves.

The two key indicators of gambling-related harm – problem gambling and underage participation – are at low levels and trends suggest they have been in decline since 2007 during a period of very significant growth in advertising volumes. The academic literature points to gambling advertising having a potential impact but, in relation to problem gambling, the impact is found to be relatively small. CAP and BCAP are confident that the evidence does not present a case for tighter restrictions, such as broader prohibitions on advertising in certain media.

We also note the results of the recent ASA Review of its application of the Codes which found no instances of gaps in the rules that might hinder their capacity to take action where necessary to ensure that gambling advertising remains responsible. Indeed the majority of the ASA's work on gambling relates to issues of general consumer protection rather than gambling-related harms.

However, Dr Per Binde's recent review, on behalf of the Responsible Gambling Trust, identifies limitations to the evidence base and argues for the need to improve the wider understanding of gambling related harms. We welcome the call for continuing vigilance and more methodologically advanced research in this important area and will continue to work

pro-actively to ensure the UK Advertising Codes continue to set the necessary level of restriction to ensure gambling advertising remains responsible.

We will do this by:

- Assessing and acting on the findings of new evidence as it emerges
- Consulting experts, industry and other stakeholders to build a more up to date picture of risk factors and how they might translate into advertising issues. The objective will be to produce updated and more detailed guidance to aid the interpretation of the rules
- Co-operating with other relevant bodies in expanding and improving the evidence base
- Monitoring and, as necessary, enforcing compliance

Gambling is an emotive issue for some people, and there remains a live debate around its proper place in society; not least whether, as a recreational activity, it should be considered a 'normal' part of everyday life. This is what Dr Per Binde describes as the "moral dimension" to questions around gambling advertising.

UK law allows gambling to be advertised as a legitimate leisure activity. Our responsibility as part of the UK advertising self-and co-regulatory system is to create proportionate and targeted rules that protect the public, young people and the vulnerable from potential harms, arrived at on the basis of the best available evidence. We are confident that the gambling rules in the Codes continue to meet this important objective.

Nonetheless, we will not be complacent. The limitations to the existing evidence base call for continuing vigilance by regulators including CAP and BCAP, and we are committed to working pro-actively to ensure the Codes continue to set the necessary level of restrictions to ensure gambling advertising remains responsible.

1. CAP, BCAP and the ASA

1.1 The Committee of Advertising Practice

CAP is the self-regulatory body that creates, revises and enforces the CAP Code. The CAP Code covers non-broadcast marketing communications, which include advertisements placed in traditional and online media, sales promotions, direct marketing communications and marketing communications on marketers' own websites. The advertiser has primary responsibility for complying with the CAP Code and compliance is not voluntary. Parties that do not comply with the CAP Code could be subject to adverse publicity resulting from adjudication by the [Advertising Standards Authority](#) (ASA) or sanctions including the denial of media space, for example.

CAP's members include organisations that represent the advertising, sales promotion and direct marketing and media businesses. Through their membership of CAP member organisations, or through contractual agreements with media publishers and carriers, businesses agree to comply with the Code so that marketing communications are legal decent, honest and truthful, and consumer confidence is maintained.

By practising self-regulation, the marketing community ensures the integrity of advertising, promotions and direct marketing. The value of self-regulation as an alternative to statutory control is recognised in EC Directives, including for misleading advertising ([Directive 2005/29/EC](#)). Self-regulation is accepted by the Department for Business, Innovation and Skills and Trading Standards as a first line of control in protecting consumers and the industry.

1.2 The Broadcast Committee of Advertising Practice

BCAP is the regulatory body responsible for maintaining the UK Code of Broadcast Advertising (the BCAP Code) under a contracting-out agreement with the [Office of Communications](#) (Ofcom).

Ofcom has statutory responsibility, under the Communications Act 2003, for maintaining standards in TV and radio advertisements. Ofcom entrusted BCAP and the broadcast arm of the ASA with the regulation of broadcast advertisements in 2004 in recognition of CAP and the ASA's successful regulation of non-broadcast advertisements for over 40 years and in line with better regulation principles.

The BCAP Code regulates all advertisements on television channels and radio stations licensed by Ofcom and all advertisements on Sianel Pedwar Cymru (S4C) and S4C digital, including teleshopping channels and any additional television service (including television text services and interactive television services). The BCAP Code is enforced against Ofcom-licensed broadcasters, Sianel Pedwar Cymru (S4C) and S4C digital. Broadcasters are required by the terms of their Ofcom licence, and, for S4C, by statute, to observe the standards set out in the BCAP Code.

The members that make up BCAP include broadcasters and trade associations representing advertisers, broadcasters and agencies. BCAP must seek advice on proposed Code changes from an expert consumer panel, the Advertising Advisory Committee (AAC). In accordance with Section 324 of the Communications Act 2003, BCAP must consult on proposed Code changes. BCAP strives to ensure that its rule drafting is transparent,

accountable, proportionate, consistent and targeted where action is needed, in accordance with the Communications Act 2003. Ofcom must approve Code changes before BCAP implements them.

1.3 The Advertising Standards Authority

The ASA is the independent body responsible for administering the CAP Code so that all marketing communications are legal, decent, honest and truthful, ensuring that the self-regulatory system works in the public interest.

The ASA receives and investigates complaints from the public and industry. Decisions on investigated complaints are taken by the independent ASA Council. The ASA Council's adjudications are published on the [ASA's website](#) and made available to the media. An Independent Review procedure exists for interested parties. If the ASA Council upholds a complaint, the marketing communication must be withdrawn or amended. CAP conducts compliance, monitoring and research to enforce the ASA Council's decisions.

The ASA's work in regulating non-broadcast marketing communications is funded by a levy on the cost of advertising space, administered by the [Advertising Standards Board of Finance](#) (Asbof). The finance board operates independently of the ASA to ensure there is no question of funding affecting the ASA's decision-making.

Information about the ASA, including the complaint-handling and investigations [procedures](#) and the ASA's [Independent Review procedure](#), is available at www.asa.org.uk.

2. The Review

2.1 Background

Following the implementation of the Gambling Act 2005, gambling markets have developed significantly. Gambling advertising volumes have grown over this period with the public now exposed to significantly more advertising than in 2007. Interest in this increase and its potential impact has led the Department of Culture Media and Sport (DCMS) to ask the Gambling Commission, CAP, BCAP, the ASA and Ofcom, along with gambling industry representatives, to examine whether the regulatory framework continues to protect the public.

CAP and BCAP acknowledge that gambling in general is a controversial topic and, as can reasonably be expected, the advertising of gambling products is part of wider debates over the potential for harm and the need for regulatory intervention. Significant changes in some areas of the gambling sector have given impetus to debates over the necessary level of regulatory intervention. As the most recent work on gambling prevalence and problem gambling stated:

“the last decade has seen many changes in the British gambling landscape. The most notable of these include the growth in the availability of remote gambling (particularly via the internet), the introduction of (the then called) ‘fixed odds betting terminals’ into most bookmakers, an increase in the prominence of poker (both online and offline) and the introduction of online betting exchanges. [...] Most types of gambling can now be engaged in remotely via the internet, interactive television, and/or through internet enabled mobile phones. The range of activities that can be played online vary from playing roulette or slot machines at an online casino, to buying lottery tickets using a mobile phone, or betting on a horse race via interactive television. In short, gambling is a more widely available product now than it was ten or 20 years previously.” (Seabury and Wardle, 2014: 5-6)

The recent passage through parliament of the Gambling (Licensing and Advertising) Act 2014, which brings in changes to the regulatory regime for remote gambling operators, has served as a focal point for renewed debate about the general state of gambling regulation.

2.2 Areas of concern

There are several themes to the concerns raised about the potential impact of gambling advertising:

- **Links to problem gambling** – Although problem gambling rates appear to be at least steady or even declining, there has been an emphasis on better understanding the evidence-base related to advertising’s impact on problem gambling. Dr Per Binde’s recent [work](#) for the Responsible Gambling Trust, which is a key focus of this review, was recently commissioned with this concern in mind.
- **Children’s exposure** – There are concerns over children’s exposure to gambling advertising, particularly on TV, where there is a perception that the volume of advertising for activities, such as sports betting, has increased significantly. This has led for calls, most notably [in parliament](#), for a watershed ban on sports betting advertising.

- **Online media** – Online media platforms present new regulatory challenges. The ASA’s recent [social media compliance survey](#) found evidence that children are entering false dates of birth to access social media platforms and, as a result, are receiving advertising intended for older audiences, including gambling advertising.
- **Societal expectations** – There are concerns that gambling is becoming “normalised” and that advertising is leading this trend to the detriment of both consumers who might be encouraged to gamble irresponsibly and children and young people who might be encouraged to take up gambling.
- **Aggressive advertising** – Concerns have been raised over whether offers for in-play sports betting with messages such as “Bet Now” are overly aggressive and seek to hurry consumers into making a decision to gamble.
- **Misleading advertising** – The ASA has [published](#) a significant number of upheld adjudications on “free” bet and bonus offers for sports betting and online gaming websites.

2.3 Review objectives

As the Gambling (Licensing and Advertising) Act 2014 has progressed through parliament, DCMS has been working closely with the Gambling Commission, as sectoral regulator, along with the ASA, CAP and Ofcom, as the bodies most closely involved in the regulation of gambling advertising in Britain, to develop a response to the concerns that have been aired.

CAP and BCAP’s contribution to this wider effort is a commitment 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. This objective should be viewed in line with CAP and BCAP’s general objectives to ensure that advertising is not harmful or misleading and with regard to the licensing objectives outlined in the Gambling Act 2005.

2.4 Scope

The terms of reference for the Review committed CAP and BCAP to:

1. assess and explore the implications of the study, for the Responsible Gambling Trust, by Dr Per Binde on gambling advertising and problem gambling.
2. 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.
3. 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.

CAP and BCAP have taken the study by Dr Per Binde (2014) as a valuable reference point in exploring the evidence base as it has developed since 2007. In identifying the relevant sources for assessment, particularly areas and themes not covered by the Binde review, they have relied on the expert advice of the Gambling Commission as the sectoral regulator.

The Review is not intended as an exhaustive, academic exercise in determining how gambling advertising should be regulated. As outlined in later sections, Britain already has an evolved regulatory framework. The focus of the Review is on assessing whether new

evidence has any regulatory implications for the Codes or CAP and BCAP's wider policy activities.

The Review considers advertising by all parts of the gambling industry, including the National Lottery and spread betting, which are regulated under different regulatory regimes to general gambling activities (see Chapter 3 for more details). CAP and BCAP acknowledge, however, that the primary focus of the review will be on gambling activities that are advertised more extensively and activities where there is a consensus that there is a greater potential for harm to occur.

The Review focuses primarily on the rules in the Gambling and Lotteries sections of the UK Advertising Codes (Sections 16 and 17 of the CAP Code and sections 17 and 18 of the BCAP Code). However, CAP and BCAP consider that other rules in the Codes, most notably, those governing the various aspects of misleading advertising (Section 3 in both Codes), are also relevant and are considered under the scope of the Review.

CAP and BCAP present their findings in relation to their respective areas of regulatory responsibility, non-broadcast and broadcast advertising. It should also be noted that the Review sits alongside a related review of enforcement being undertaken by the ASA as the body responsible for enforcing the CAP and BCAP Codes.

2.5 ASA review of enforcement

As the body responsible for enforcing the Codes, the ASA has carried out a separate review of how it deals with gambling complaints. The enforcement review, [published in October](#), should be viewed alongside CAP and BCAP's review. CAP and BCAP's review explores whether the policy direction of the Codes is effective; the ASA's review, meanwhile, assesses whether it has drawn the line in the right place when applying CAP and BCAP's rules in practice.

Following analysis of complaints trends and focus group research, the ASA concluded that, for the most part, its approach to interpreting the rules was correct. However, it did highlight several areas of focus where the approach to enforcing the Codes might be improved:

- sales promotions for gambling products may mislead either by including confusing terms and conditions or by omitting important conditions to a free bet offer, for example: CAP and BCAP have produced guidance on free bet offers but the ASA considers more can be done in enforcement terms and its research on consumer perception has revealed a concern about the appeal of free bet offers to younger audiences;
- some advertising may have indirectly featured themes that linked gambling to aspects of appeal that the Codes prohibit, principally, toughness, resilience and recklessness
- the ASA considers it may be necessary to take more proactive steps to challenge potential breaches of the rules not raised by complainants

3. Statutory framework for gambling in Britain

3.1 Overview

Gambling in Britain is regulated under a statutory framework established by the Gambling Act 2005. CAP and BCAP consider that a detailed outline of this statutory framework, along with the wider regulatory framework that has developed from it, and how the UK Advertising Codes were developed and play a part in that framework, is essential to assessing the regulatory implications of new and emerging evidence. Beyond providing useful background, it is a key insight into the objectives of the regime and how they have been interpreted and implemented in practice.

3.2 Gambling Act 2005

The Gambling Act 2005 came into force in September 2007. The Act is based around three key licensing objectives:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- ensuring that gambling is conducted in a fair and open way; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

Gambling is unlawful in Great Britain, unless permitted by the Act or, for lotteries, the National Lottery etc. Act 1993, or, for spread betting, the Financial Services and Markets Act 2000. The Act created a new independent regulator, the Gambling Commission, and gave new powers to local licensing authorities. It introduced a new licensing system that requires operators and key personnel to be licensed by the Commission.

For the first time, remote gambling was brought within the regulatory framework provided for by the Act, with a requirement introduced that those wishing to provide gambling remotely, who had remote gambling equipment used for the provision of such facilities located in Great Britain, must hold operating licences.

The Gambling Act 2005 introduced a broad legal definition of advertising covering remote gambling, non-remote gambling and marketing arrangements such as brand-sharing. It permitted operators to advertise legally and to engage in marketing activities with the aim of stimulating demand.

3.3 Gambling Commission

The Commission is under a duty to pursue, and wherever appropriate to have regard to, the licensing objectives, and to permit gambling in so far as it thinks it reasonably consistent with them. It has developed a framework of Licence Conditions and Codes of Practice (“LCCP”) in order to uphold the licensing objectives and improve consumer protection.

The Commission’s regulatory functions can broadly be categorised as those of licensing, compliance and enforcement. In particular, the Commission has the power to:

- determine applications for operating and personal licences, specify the (general and individual) conditions to be contained in such licences, limit the duration of such

licences, and determine applications to vary or renew operating and personal licences;

- undertake activities for the purpose of assessing compliance with the Act and with any licence condition, code of practice or other provision made by or by virtue of the Act, and also for the purpose of assessing whether an offence is being committed under or by virtue of the Act (including the power to request information from operating and personal licence holders under section 122 of the Act, to commence reviews under section 116 of the Act, and to carry out inspections under Part 15 of the Act); and
- take regulatory action against an operating or personal licence holder following a review under section 116 of the Act (including the power to issue a formal warning, to attach, remove or amend a licence condition, to suspend or revoke a licence, and to impose a financial penalty), to void a bet and require repayment of any money paid in relation to it, and to investigate and prosecute offences committed under the Act.¹

The LCCP contains a series of social responsibility and ordinary code provisions relating to marketing. It requires that all advertising of gambling products and services should be undertaken in a socially responsible manner and that licensees should comply with the advertising codes of practice which apply to the form and media in which they advertise their gambling facilities or services.

As part of the Government's review of gambling advertising the Commission is reviewing the LCCP (with a focus on the marketing of free bets and bonuses) so as to ensure that all gambling advertising continues to comply with the licensing objectives.

The Commission has recently assumed responsibility for the National Lottery following a merger with the National Lottery Commission. It does not regulate spread betting, which falls under the remit of the Financial Conduct Authority ("FCA").

3.4 Lotteries

The UK National Lottery may be advertised under the National Lottery etc. Act 1993 (as amended). The National Lottery Commission previously required an Advertising and Sales Promotion Code of Practice, but following the introduction of the CAP and BCAP codes, which introduced new restrictions in some areas, the National Lottery Commission withdrew this requirement. Some other lotteries, such as society and local authority lotteries are regulated by the Gambling Commission under the relevant provisions of the Gambling Act 2005.

3.5 Spread betting

A 'spread bet' is a contract for difference and is regulated by the FCA under the Financial Services and Markets Act 2000 (as amended) ("FSMA"), the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 (as amended) and other FCA rules and guidance. Under the FSMA, spread betting may be advertised as an investment.

¹<http://www.gamblingcommission.gov.uk/pdf/Statement%20of%20principles%20for%20licensing%20and%20regulation%20-%20September%202009.pdf>

3.6 Gambling (Licensing and Advertising) Act 2014

The Gambling (Licensing and Advertising) Act 2014 (“the 2014 Act”) amends the Act. From 1 November 2014, gambling operators providing facilities for remote gambling to consumers in Great Britain require a licence issued by the Commission. This replaces the previous system where gambling operators only required a licence if they had remote gambling equipment used for the provision of such facilities located in Great Britain. Whilst previously the Act permitted operators based in Gibraltar, an EEA member state or a “whitelisted” jurisdiction (Alderney, Antigua and Barbuda, Isle of Man and Tasmania) to advertise their remote gambling products in Great Britain, this will no longer be permitted without the appropriate Commission licence. The 2014 Act does not directly impact on the regulation of the placement or content of gambling advertising.

3.7 Northern Ireland

Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, non-remote, unlicensed, gaming advertising is an offence. The 2014 Act also makes the advertising in Northern Ireland of unlicensed remote gambling an offence.

Non-remote advertising is regulated by the Northern Ireland Department for Social Development.

3.8 EU Dimension

Gambling regulation is left to the competence of each individual member state given that there is no harmonisation in this area of EU law. For this reason remote gambling has been specifically excluded from the scope of the E-commerce Directive which came into force in 2002.

The key piece of consumer protection regulation covering gambling advertising is the Unfair Commercial Practices Directive (2005/29/EC) (UCPD), which is implemented into UK law by the Consumer Protection from Unfair Trading Regulations 2008 (the CPRs). The CPRs prohibit unfair marketing to consumers, including misleading or aggressive advertising. As a maximum harmonisation regime, national authorities must neither exceed nor fall short of the standards established. The underpinning directive, however, includes an exemption for authorisation regimes, such as the licensing scheme created by the Gambling Act 2005. The main practical effect is to allow for license conditions that exceed the standard set by CPRs.

4. Regulating gambling advertising

4.1 Overview

The main responsibility for regulating the placement and the content of gambling advertising rests with CAP and BCAP and the ASA acting as the enforcement body for the UK Advertising Codes. However, the framework is broader, encompassing statutory oversight by DCMS, Ofcom and the Gambling Commission as well as industry initiatives that commit the gambling industry in Britain to promote responsible gambling.

4.2 Statutory definition

To deal with new practices, the Gambling Act 2005 introduced a broad legal definition of advertising covering remote gambling, non-remote gambling and marketing arrangements such as brand-sharing. Section 327 defines advertising as:

(1) For the purposes of this Act a person advertises gambling if—

- (a) he does anything to encourage one or more persons to take advantage (whether directly or through an agent) of facilities for gambling,
- (b) with a view to increasing the use of facilities for gambling, he brings them or information about them to the attention of one or more persons, or
- (c) he participates in or facilitates an activity knowing or believing that it is designed to—

- (i) encourage one or more persons to take advantage (whether directly or through an agent) of facilities for gambling, or
- (ii) increase the use of facilities for gambling by bringing them or information about them to the attention of one or more persons.

4.3 Statutory controls

Although, in practice, the framework relies on codes of practice, including the CAP and BCAP Codes, the Gambling Act 2005 reserved powers for the Secretary of State for Culture, Media and Sport to make regulations in non-broadcast advertising regarding the form, content, location and timing of advertising. The Act states at section 329 that Ofcom is responsible for setting, reviewing and revising broadcast gambling advertising rules in line with its duties under Section 319 of the Communications Act 2003. Because Ofcom has contracted-out the regulation of broadcast advertisements to the ASA system, BCAP exercises that role, but Ofcom retains final approval over the BCAP Code.

4.4 UK Advertising Codes Approach

The UK Advertising Codes do not cover all the practices envisaged under the definition in the Gambling Act 2005. Those practices that are considered “advertising” but fall outside the scope of the Codes are regulated by the Gambling Commission.

The CAP Code does not define marketing communications. Instead, in its introduction section the Code outlines its remit by listing categories of communication to which it applies. It primarily covers marketing communications appearing in paid-for space, such as press

and poster advertising, along with sales promotions and direct marketing as marketing disciplines. It also covers:

- marketing communications appearing in video-on-demand services,
- marketing communications connected with the sale or transfer of goods and services appearing on a marketer's own website or in third party space under their control; and
- certain aspects of online behavioural advertising, which is targeted at consumers based on their preferences

The BCAP Code (see [Introduction](#), b (ii)) uses the following definition:

“advertisement” means publicity by advertisers, including spot advertisements and broadcaster promotions with advertisers (outside programme time), that is broadcast in return for payment or other valuable consideration to a broadcaster or that seeks to sell products to viewers or listeners. The promotion of broadcasters' own-branded activities, goods and events (such as websites, t-shirts and concerts), which enhance audience involvement and are not designed to make a profit or promote commercial partnerships, are excluded

In practice, this includes TV and radio spot advertising, teleshopping, participation television, and sponsorship. It should be noted that the latter two categories, although covered by the BCAP Code, are regulated by Ofcom rather than the ASA. In gambling the clearest example of these are casino teleshopping windows that often appear on channels later in the schedule.

4.5 Codes of practice

As will be outlined in greater detail in the section below, in 2006, CAP was asked to develop rules to regulate gambling advertising after the coming into force of the Gambling Act 2005. BCAP received a similar approach albeit under the framework of its contracting out agreement with Ofcom, the latter being named in the Gambling Act 2005 as the party responsible for regulation of broadcast gambling advertising.

4.6 Industry responsibility initiatives

Industry bodies take ownership of several responsibility initiatives, both at a general level and in relation to advertising specifically.

In the intervening period between the passage of the Gambling Act 2005 through parliament and its coming into force, concerns were expressed about the potential risks of the new, more liberal, advertising regime. In response the gambling industry introduced a [Code for Socially Responsible Advertising](#). The Industry Code was designed to supplement rather than repeat or supersede the UK Advertising Codes, by providing industry standards in a very limited number of related areas.

The main measures that it introduced were the 9pm television watershed for all gambling products except for bingo, lotteries and sports betting around televised sports events; the requirement for advertisements to carry information about the Gamble Aware website; and the removal of gambling sponsorship and company logos from all children's merchandise, such as replica football kits.

As part of the wider review of gambling advertising called for by DCMS in 2014, the Industry Code has been reassessed and a number of improvements and additions to it have been identified. Further details will emerge once the Government has considered the outcome of the reviews that it commissioned, but the intention is to introduce changes to the Industry Code in 2015.

While the Industry Group on Responsible Gambling focusses on cross-industry initiatives, each of the individual sectors also has its own programmes and codes which are designed to augment the safeguards for consumers that are already a requirement under the terms of the licences issued by the Gambling Commission which is the statutory regulator for all forms of gambling in Britain.

In 2014, several industry members also established the Senet Group, an independent body tasked with promoting responsible gambling. Its standards include a voluntary commitment for members not to advertise “free” bet offers before 9pm.

The British gambling industry also funds a charity called the Responsible Gambling Trust (RGT). It in turn funds education, prevention and treatment services with the aim to stop people getting into problems with their gambling, and ensure that those who do develop problems receive fast and effective treatment and support. As part of its work it maintains the gambleaware.co.uk website (to which the Industry Code requires all gambling adverts to refer to) and in 2014 it commissioned and published a report by Dr Per Binde which reviewed the international research on gambling-related advertising.

4.7 Enforcement

Through its enforcement of the CAP and BCAP Codes, the majority of enforcement work on gambling advertising is the responsibility of the ASA. The ASA considers complaints from members of the public and industry alike. All complaints are assessed against the relevant Code on an equal basis to determine whether the regulatory action is warranted; there is no minimum threshold for the number of complaints about a particular issue before action is taken. The ASA will launch an investigation if it believes the complaint has merit and will aim to ensure that non-compliant advertising is changed or withdrawn.

The ASA is not a statutory body and performs its enforcement functions as part of the self-regulatory system. Principally, it relies on the involvement of the industry, as represented by CAP and BCAP, to assist in enforcement. For instance, the CAP system has a variety of sanctions that are operated with the co-operation of the industry, such as the use of Ad Alerts to notify media owners of compliance issues with an advertisement or a campaign to deny media space to non-compliant advertisers. The BCAP Code is enforced in a structurally different manner owing to the co-regulatory relationship with Ofcom and the latter's powers under the Communications Act 2003 to take action against broadcasters who breach the BCAP Code under the licensing framework. However, in practice, instances of ASA referrals to Ofcom are rare and the majority of compliance issues are dealt with directly with the advertisers or via the clearance bodies, Clearcast and the Radio Advertising Clearance Centre (RACC) which pre-vet and clear the majority of advertising aired in broadcast media on behalf of broadcasters. These bodies work closely with the ASA and BCAP to ensure the compliance of advertising with the BCAP Code prior to it being broadcast.

In the vast majority of instances, self-regulatory enforcement mechanisms are sufficient to ensure compliance with the Codes. In rare instances, the ASA might refer an advertiser to its legal back stop, Trading Standards, who can take action under the CPRs. For gambling advertising, the ASA has an enhanced backstop in that it can refer instances of non-compliance to the Gambling Commission. The ASA and the Gambling Commission have a memorandum of understanding establishing common principles for case handling, information sharing and referrals for action under license conditions.

5. Development of the CAP and BCAP Codes

5.1 Background

Under the Gambling Act 2005, the Gambling Commission may issue code of practice provisions on gambling advertising in consultation with key stakeholders. In 2006, the Commission asked CAP to perform that function. The Act also made Ofcom responsible for setting gambling advertising rules for TV and radio. Owing to the contracting out of broadcast advertising regulation, BCAP exercised that role.

5.2 Wider policy objectives

CAP's general policy objective is to set standards to ensure that all non-broadcast marketing communications covered by the CAP Code are legal, decent, honest and truthful and prepared with a due sense of social and professional responsibility.

BCAP seeks to meet the standards objectives set out in Section 319 of the Communications Act 2003. 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.

On a practical level, both CAP and BCAP also intend their rules to be transparent, accountable, proportionate, consistent, targeted only where regulation is needed and written so that the rules are easily understood, easily implemented and easily enforced.

5.3 CAP and BCAP's 2006 Consultation

In its letter asking CAP to write the non-broadcast rules, the Gambling Commission stated that they expected "that the CAP Code rules will allow gambling to be advertised only as a responsible leisure or entertainment activity and will reflect the Government's intention". In particular, the Commission expected the new rules to "prohibit advertising likely to tap into the susceptibilities, weaknesses or aspirations of children and other vulnerable groups and ensure that advertisements do not suggest that gambling can change lives or is a means of making money".

In the [2006 consultation](#) on the new gambling sections of the Codes, CAP and BCAP outlined their rationale for the formulation of the rules. In practice, they considered three types of provision:

- Content restrictions
- Scheduling/targeting restrictions
- Social responsibility messaging

In developing these into practical provisions, CAP and BCAP established general principles based on their approach to advertising more broadly:

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.

This obliged CAP and BCAP to adopt a definition of vulnerable adults. It therefore assumed that that included 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 drugs.

In terms of research assessed, CAP and BCAP drew from the relevant research available in 2006, but also relied on the input of expert stakeholders to identify marketing approaches or content that might be problematic. Several key themes were identified:

- Appeal to the young
- Escape or thrills (beyond responsible entertainment)
- Self-esteem or self-image
- Control or power
- Loyalty or beliefs
- Excess or irresponsibility
- Misleadingness

CAP and BCAP noted that there was a broad agreement between stakeholders on the themes identified as a basis for developing content restrictions. Owing to the age restricted nature of gambling products, CAP and BCAP adapted their usual policies for protecting under-age groups and prohibiting explicit targeting of children and young people through the selection of media. On the issue of misleading advertising, CAP and BCAP decided to use existing general provisions of the Codes for controlling gambling advertisements.

CAP and BCAP's consultation challenged whether there was sufficient evidence to suggest the effectiveness of compulsory responsibility messaging and responses to the consultation did not persuade them that there was a basis for such a step.

Full copies of the rules are available via the following links:

Code	Section	Title
CAP	Section 16	Gambling
CAP	Section 17	Lotteries
BCAP	Section 17	Gambling
BCAP	Section 18	Lotteries
BCAP	Section 32	Scheduling (see rule 32.2.2)

5.4 Code development after 2007

In 2008, CAP and BCAP [introduced rules](#) mirroring the provisions of the CPRs, which govern unfair commercial practices across the EU. Importantly, the regulations define misleading advertising, which serves as the basis for the Codes' regulation of all general consumer protection issues.

CAP and BCAP's 2006 consultation had also included proposals to regulate the National Lottery under the rules proposed for gambling products. In response to concerns raised the consultation, they engaged in further dialogue with the industry and stakeholders to ensure that the distinction between the underpinning statutory regimes was clear. The specific sections on lotteries, adapting many of the provisions of the gambling sections, were subsequently incorporated into the Codes during the [2009 Code Review](#) process, which produced the present editions of the Codes.

In 2013, [CAP considered](#) representations from the industry for a relaxation to its rule on depictions of under-25s. The industry was concerned that the extension of CAP's remit to cover betting websites restricted their use of sportspeople to depict betting options. They highlighted the fact that prior to CAP's remit extension, Gambling Commission guidance had permitted such depictions. CAP consulted on proposals for a narrow exemption for such websites on the basis that individuals could be show to illustrate a bet involving them, but could not be used to promote the gambling operator or gambling in general.

6. Assessing the evidence base

6.1 Introduction

The following sections of the Review assess the evidence base related to gambling advertising, focusing on evidence that has emerged since the rules were created in 2006. It is based on reviews both of published research and of policy studies, along with key metric data on gambling and gambling advertising. CAP and BCAP have also relied on the regulatory context outlined in earlier chapters of the Review.

6.2 Structure

The following section of the Review outlines trends in the metric data assessed. It is followed by four sections assessing the evidence related to different types of harm.

For the purposes of the Review, CAP and BCAP have identified four general categories of harm and assessed each in turn. The categorisation recognises the distinction between the two key regulatory concerns; preventing problem gambling and protecting children and young people. However, to ensure that no potential issues are ignored two further categories are considered; harm to other vulnerable persons and general consumer harm.

The categories are defined as follows:

- **Harm related to problem gambling** – The question of how to identify problem gambling is complex and nuanced. However, it is commonly accepted that it involves “gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits” (Seabury and Wardle, 2014: 101). However, in practice, there are a variety of different indicative behaviours. For instance, (Williams & Volberg, 2013, in Binde, 2013: 13) the requirement for an additional criterion of individuals suffering also from impaired control.
- **Harm to children or young people** – This covers advertising that is likely to encourage children or young people who are not of the legal age to participate in a gambling activity.
- **Harm to other vulnerable persons** – The Gambling Commission's *Statement of principles for licensing and regulation* (September 2009) provides a definition of vulnerable as “people who may not be able to make informed or balanced decisions about gambling, for example because of mental health problems, learning disability, or substance misuse relating to alcohol or drugs.”
- **General consumer harm** – This refers to the harmful practices targeted by consumer protection legislation, to which not only vulnerable people may be subject. They include misleading, aggressive or offensive advertising, and are addressed by the general sections of the Codes that apply to all advertising.

6.3 Approach

Through discussion and consideration of the evidence base, the Review assesses the regulatory implications for the Codes. The Review seeks to benchmark the present position against the policy considerations and approach, which CAP and BCAP followed when they originally developed the rules in 2006.

For the key metric data, summarised in chapter 7 below, the Review seeks to identify and assess trends, associations and other indications of risk. The available data covers advertising volume and exposure, participation rates among adults and children and problem gambling prevalence. However, CAP and BCAP are mindful of the limitations of attempting to draw conclusions from data sets alone. The Review does not involve original quantitative research or re-modelling of data. CAP and BCAP have relied on bodies, such as the Gambling Commission, the Advertising Association and, with regard to broadcast advertising, Ofcom, as the sources of quantitative data on the various relevant metrics.

The Review relies on recent academic literature reviews; for problem gambling-related matters, Binde (2013); for issues related to children and young people, Monaghan, Deverensky and Sklar (2008). Where appropriate, CAP and BCAP have drawn on other sources of evidence and exercised their own judgement on the robustness of the evidence assessed by the two principal evidence reviews. They note, in particular, the policy-oriented literature that was not considered in Binde (2013) and the literature published subsequent to Monaghan et al (2008). To cover the gaps in the scope of the reviews considered, CAP and BCAP invited the Gambling Commission's input to identify other literature that should be considered. CAP and BCAP have also identified literature independently.

6.4 Evidence based policy

CAP and BCAP are committed to regulation which is transparent, accountable, proportionate, consistent and targeted where action is needed. They consider that an evidence-based approach to policy making is the preferred means of responding to Better Regulation principles. To this effect, they have published a [Help Note on Evidence Based Policy](#). This Review has been carried out in accordance with the principles of that guidance.

7. What does the metric data tell us?

7.1 Advertising volumes and spend

Gambling advertising has increased significantly since 2007 both in terms of the number of advertisements and total advertising spend. Although data across all media is not available, this trend has almost certainly led to rising levels of exposure to gambling advertising.

The two key reports providing data on advertising volume, spend and exposure are:

- The Advertising Association's yearly statistics (AA/WARC, 2013) on advertising volumes and spend across several media.
- Ofcom's analysis (Ofcom, 2013) of trends in gambling advertising on TV with data up to 2012.

Both reports are based on industry data; in the case of AA/WARC (2013), revenue data on spend in different media and, in the case of Ofcom (2013), audience data drawn from the Broadcast Advertising Research Bureau (BARB) and spot advertising data from Nielsen Monitor.

CAP and BCAP note AA/WARC data is an established industry measure of volume and spend and Ofcom is the statutory regulator of broadcast services with significant experience in producing analyses of advertising. They consider that, although there is no data tracking exposure across all media, the two studies provide a robust picture of general trends. The only significant caveat is that TV advertising is likely to show a more pronounced trend in rising exposure levels owing to the regulatory regime prior to 2007 significantly limiting the scope for gambling advertising. However, as TV accounts for a significant proportion of gambling advertising, it is an important driver of exposure in its own right.

AA/WARC data clearly indicates a very significant increase in the amount of gambling advertising since the Gambling Act 2005 came into effect in 2007, although advertising in non-broadcast media and advertising for lotteries was permitted before this point. The following table summarised the key trends for all gambling activities, including lotteries, across selected media²:

Year	Total £	% of total	No. of ads	TV £	No of TV ads	Press £	Internet £
2010	£150m	0.95%	1.2m	£74m	0.9m	£41m	£13m
2011	£174m	1.07%	1.6m	£84m	1.2m	£41m	£26m
2012	£211m	1.27%	2.2m	£115m	1.9m	£45m	£27m
2013	£235m	1.36%	2.5m	£141m	2.1m	£45m	£24m

The upward overall trend is clear. TV advertising is a key driver with spend in other media like press relatively stable over the period. It is also notable that for internet advertising,

² AA/WARC data tracks advertising spend in cinema, direct mail, door drops, internet, outdoor, press, radio and TV.

although it has increased dramatically from 2010, expenditure has levelled out over recent years.

7.2 Exposure

Ofcom (2013) provides a more in-depth analysis in the context of TV advertising. It explored two metrics:

- Volume of spot advertising – the number of individual TV advertisements
- Advertising impacts – the number of times a 30 second commercial spot advertisement is viewed. For example, ten impacts could be achieved by ten people viewing a single 30 second advertisement, or by one person seeing the advertisement ten times.

Ofcom assessed prevalence and exposure to gambling and lottery advertising in general and for specific categories of gambling activity; lotteries and scratchcards, bingo, sports betting and online casino and poker.

The number of advertisements increased from 90,000 spot ads (0.5% of total) in 2005 to 1.4m spot ads (4.1% of total) in 2012. This equated to an increase in total impacts for adults from 5.8bn to 30bn between 2005 and 2012 an average of 630 per adult viewer (Ofcom, 2013: 77). As a result, gambling now represents some 3.1% of all advertising impacts having grown at a significantly faster rate than overall impacts (Ofcom, 2013: 76-77). On average an adult saw 630 gambling and lottery ads per year. It is important to note, however, that over the period of the study, there has been an increase in the number of channels and total spot advertising space available.

In terms of the prevalence of advertising for different activities, the balance of TV advertising has shifted significantly over the period. The following table summarises the changing distribution of adult impacts for different activities:

Activity	2005	2006	2007	2008	2009	2010	2011	2012
Online casino & Poker	-	-	2.6%	11.2%	14.1%	16.7%	16.5%	19.2%
Gambling – sports	-	-	4.9%	4.3%	4.8%	9.9%	9.3%	12.4%
Bingo	20.1%	22.3%	38.2%	41.7%	42%	39.4%	41.7%	41.2%
Lottery/ scratchcards	78.4%	76.2%	54.1%	42.7%	39%	33.5%	32.5%	27.2%

The general trend over the period has been the reduction in the share of impacts for lotteries and scratchcards and the increased share of the other activities with bingo predominating. Lottery and scratchcards impacts increased from 4.5bn in 2005 to 7.2bn in 2009 and 8.4bn in 2012. However, as a proportion of all gambling impacts they have declined significantly.

Irrespective of the increases in volumes, gambling advertising (excluding lotteries and scratchcards) has been fairly consistently distributed after 9pm; in 2012, 54.6% was shown

after 9pm with the bulk, 41.5% after 11pm. Notably, only 8.7% (excluding lotteries and scratchcards) was shown between 1700 and 2059 (Ofcom, 2013: 118).

Children’s impacts (4-15 age-group on the BARB panel) shows only a threefold increase from 0.5bn to 1.8bn over the same period (Ofcom, 2013: 87). Gambling advertising accounts for 1.8% of all advertising impacts among children compared to 3.2% of all impacts among adults and on average 211 impacts per year.

Impacts (in millions) for children (BARB age-group 4-15) in 2012

Timeslot	All gambling		Gambling (excluding lotteries)		Lotteries/ scratch cards		Bingo		Sports betting		Casino and gaming	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
2300-	228	12.8	196	15.7	32	6	24	3.3	24	9.8	149	51.9
2100-2259	378	21.2	265	21.2	113	21.2	77	10.7	51	21.2	137	47.7
1700-2059	559	31.4	339	27.1	220	41.4	242	33.5	96	39.8	-	
0930-1659	579	32.5	423	33.8	56	29.5	353	48	70	28.8	-	
Impacts/ year	211		148		63		85		29		34	
Impacts/ week	4.3		2.8		1.2		1.6		0.6		0.7	

(Ofcom, 2013: 87-88, 108-09, 129-30, 150-51, 171-72 and 195-96)

A breakdown of child impacts for different gambling activities over different day parts shows that children see, on average, just over four gambling advertisements per week on TV. However, 30% of these impacts derive from lottery and scratchcard advertising and 40% from bingo advertising. Of the remaining 30%, the majority of those impacts (68%) occurred after 9pm. The vast majority of daytime and peak time advertising is for lottery and scratchcard and bingo advertising. Children, on average, see less than one sports betting or casino and gaming advertisement per week.

In socio-economic terms, Ofcom found that exposure has risen more significantly, among C2DEs; over 50% more impacts than among ABC1s. However, this trend is likely to be driven by higher viewing levels of C2DEs as a group (Ofcom, 2013: 204).

7.3 Participation in Gambling

The most up-to-date and extensive picture of gambling participation and problem gambling rates is provided by NatCen Research’s work, on behalf of the Gambling Commission, to consolidate the findings of the Health Survey for England 2012 (HSE) and the Scottish Health Survey 2012 (SHeS) (Seabury and Wardle, 2014).

The surveys were based on a broad health-based questionnaire of respondents living in private households. CAP and BCAP note the advice of the authors of the survey to treat with caution any comparisons between the results of Seabury and Wardle (2014: 7-11) and the findings of the British Gambling Prevalence Surveys (BGPS), which were superseded by the health surveys. Although the questions and approach were consistent, the vehicle for gathering data was different. In particular, this can have the effect of influencing the types of people who respond. Seabury and Wardle (2014: 129) highlight a Canadian study that

found that gambling screens within health surveys typically found lower rates of problem gambling than dedicated surveys. CAP and BCAP are reassured, however, that, even with those caveats taken into account, the surveys' findings remain relevant. Furthermore, Seabury and Wardle (2014: 129) pointed out that the results for various rates of participation broadly followed the trend of being marginally lower in most respects than the findings of the BGPS.

In 2012, 65% of those aged 16 and above spent money on an identified gambling activity (Seabury and Wardle, 2014: 13). Participation by men (68%) was marginally higher than that of women (62%). This overall figure is broadly in line with the estimates from the BPGS series, which have ranged from 72% in 1999 to 68% in 2007 and 73% in 2010.

The National Lottery draw was by far the most popular form of gambling participation with a rate of 52%, followed by scratchcards at 19% and other lotteries at 14%. Other gambling activities are significantly less prevalent:

Activity	Among all Adults	Activity	Among all Adults
Football pools	3%	Betting exchanges	1%
Bingo (not online)	5%	Horse racing (not online)	10%
Slot machines	7%	Spread betting	1%
Online gaming	3%	Private betting	5%
Online betting	5%		

It is useful to look at participation without the National Lottery draw. Only 43% of individuals participated in other gambling activities and only 7% participated in other gambling activities online.

Total participation figures show middle age groups as the highest participants in gambling activities: 25-34, 35-44, 45-54 and 55-64 age groups all have rates approaching 70%. However, when the National Lottery draw is disregarded, a different picture emerges with younger groups most likely to participate (50% of the 16-24 age group and 52% of the 25-34 age group) with participation rates declining gradually with succeeding age groups. Furthermore, younger groups are more likely to gamble online with the 16-24 and 25-34 age groups participation at 11% and 15% respectively.

7.4 Underage Participation

The primary source of data on underage participation is the *Young People Omnibus 2013: A research study on gambling amongst 11-16 year olds* carried out on behalf of the National Lottery Commission.

The study was carried out through a supervised questionnaire using a sample of schools from which respondents were drawn. It was based on recall, but it used the criterion of whether a respondent took part in a gambling activity in the past seven days, thereby

avoiding the problems inherent in asking respondents to estimate their participation over a longer period. Although such data are difficult to extrapolate into yearly figures, CAP and BCAP consider that it provides an appropriate snap shot of children’s gambling behaviour there is some likelihood that it overestimates participation rates. Moreover, the recurrent frequency and consistent methodology of the study allows for the identification of trends.

National Lottery Commission (2013: 13) found that 15% of 11-15 years olds gambled in the last week. The key driver of participation was the National Lottery.

Year	Gambled in the last 7 days	Played the national lottery in the last 7 days
2007	22%	9%
2008	18%	9%
2011	23%	10%
2012	18%	7%
2013	15%	5%

The lottery participation figure includes instances where adults purchased the ticket on behalf of the child; something permitted under the statutory framework. Only a small minority, around 1% of 11-15 year olds, actually purchased the tickets themselves (National Lottery Commission, 2013: 26). In terms of other gambling activities, the most prevalent were playing cards, playing fruit machines or private betting with friends; 5% of 11-15 year olds said they had participated in the previous week. This compares to activities such as gambling at a betting shop, gambling or gaming on a website or gaming on the National Lottery website, each with participation levels of only 1% of 11-15 year olds.

As noted above, the overall trend in participation has been downward since 2007 and this is mirrored in virtually all the individual gambling activities. National Lottery Commission (2013: 18) provides some detail on the profile of those participating; mostly boys, with some indication that those coming from more deprived social groups have a greater propensity for underage play.

National Lottery Commission (2013: 23) also includes data on participation in online activities. Notably, only 2% of children purchasing lottery tickets did so online. 90% of 11-15 year olds had not participated in online activities through an adult’s account and only 2%, who did participate engaged in online activities other than the National Lottery (National Lottery Commission, 2013: 15). 13% of 11-15 year olds played free or practice-gambling games with 7% participating through social network sites and 5% using a tablet or mobile device.

Seabury and Wardle (2014) focused on adults living in private households aged 16 and over. This includes young people (defined by CAP and BCAP as 16 and 17 year olds for the purposes of the Codes), but the lack of granularity in the data limits the extent to which it can provide a picture of the rates of problem gambling among that age group. However, as will be noted in the discussion of the data relating to problem gambling (see section 7.5

below), there is a greater risk and prevalence of problem gambling among young men in the 16-24 age group.

7.5 Problem gambling prevalence

As noted, Seabury and Wardle (2014) is the most up-to-date and authoritative study of problem gambling rates in Britain. Problem gambling is gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits and encourages behaviours such as impaired control. Estimates of problem gambling, and also those considered at-risk, are provided by two measures, the Diagnostic and Statistic Manual of Mental Disorders IV (DSM-IV) and the Problem Gambling Severity Index (PGSI.) They both involve questionnaires asking respondents to describe their behaviour or attitudes towards key indicators of problem gambling.

Measure	Adults	Men	Women
DSM-IV	0.5%	0.8%	0.1%
PGSI	0.4%	0.7%	0.1%
Either	0.6%	1.0%	0.2%

In absolute terms, this equates to around 280,000 people who are problem gamblers as defined by either model (Seabury and Wardle, 2014: 109).

The key finding for demographic categories relates to the marginally greater propensity for problem gambling among young men when compared to other groups.

Measure	16-24 Men	25-34 Men	All men
DSM-IV	2.1%	1%	0.8%
PGSI	1.7%	0.9%	0.7%

In terms of activities associated with problem gambling, Seabury and Wardle (2014) found that gamblers take part in a diverse range with no particular activity standing out. A significant proportion of respondents participate in multiple activities. There is an indication that participation in more activities is linked with a higher propensity for problem gambling.

Number of gambling activities	Problem gambling rate (either DSM-IV or PGSI)
2-3	0.6%
4-6	2.5%
7+	8.6%

The PGSI measure allows a further level of analysis, to identify categories of individual who are at risk of problem gambling. This identifies people who have displayed problem gambling behaviours but who are not classified as problem gamblers. Two groups are

identified: gamblers at ‘low risk’ of harm (a PGSI score of 1-2) and gamblers at ‘moderate risk’ of harm (a PGSI score of 3-7). Overall, 3.2% of adults were low risk gamblers (a PGSI score of 1-2) and a further 1.0% were moderate risk gamblers (a PGSI score of 3-7), meaning that overall 4.2% of adults had a PGSI score which categorised them as ‘at-risk’ gamblers.

This analysis further highlights (Seabury and Wardle 2014: 86-88) that young men in the 16-24 age group have higher than average rates of being at risk or problem gambling:

Risk level	16-24 age group	Average across all groups
Low risk gamblers	11.2%	4.8%
Moderate risk gamblers	3%	1.7%
Problem gamblers	1.7%	0.7%

Another demographic finding is the higher prevalence of problem gambling among ethnic minorities (Asian/British Asian, Black/Black British and Mixed/Other), who are estimated to be around 5 to 7.4 times more likely to be problem gamblers under the DSM-IV or PGSI measures (Seabury and Wardle, 2014: 110 and 120).

Demographic group	Problem gambling by either DSM-IV or PGSI
White/White British rates	0.4%
Black/Black British	2.4%
Asian/Asian British	2.4%
Other ethnic backgrounds	2.2%

This disparity is discernible in the data for religious groups also. Those following religions other than Christianity and Islam have a markedly higher prevalence of problem gambling (3.4%).

In socio-economic terms, there is some suggestion that those in lower socio-economic groups or circumstances have a higher propensity for problem gambling; the unemployed (1.2%) and other inactive people (1.2%). However, the figures showed the two lowest groups to have a prevalence of only 0.7 and 0.6 respectively, which are much closer to the overall average (Seabury and Wardle, 2014: 112). Seabury and Wardle (2014: 10) also cites in its discussion of limitations the potential for population groups living outside private households, such as the homeless or those living in institutions like student halls of residence, to be excluded from the results.

Seabury and Wardle (2014: 4) concluded that overall, problem gambling rates in Britain appear to be relatively stable. However, owing to the methodological differences between the HSE/SHeS vehicle and the BGPS, it did not seek draw any further or more in-depth conclusions.

Activity (as a percentage of the population)	1999 BGPS	2007 BGPS	2010 BGPS	Combined HSE/SHeS
Past year participation in any gambling activity	72	68	73	65
Problem gambling rate according to DSM-IV	0.6	0.6	0.9	0.5
Problem gambling rate according to PGSI	-	0.5	0.7	0.4
Moderate risk gamblers according to PGSI	-	1.4	1.8	1.0
Low risk gamblers according to PGSI	-	5.1	5.6	3.2

7.6 ASA complaint data

The ASA’s complaint statistics, analysed as part of the ASA’s recent enforcement review (ASA, 2014), provide an indicator of potential problems with gambling advertising. The data is self-selecting from individuals who have complained to the ASA. Nevertheless, CAP and BCAP consider that it is a useful resource for identifying potential trends in public concerns about advertising.

The key finding is the significant increase in complaint levels since the implementation of the Gambling Act 2005 in 2007 to over a thousand, which resulted in 654 cases against individual advertisements last year. Of this number, only a small proportion breached the Codes following a full investigation.

Year	Complaints	Cases
2007	205	279
2013	1063	654

The ASA review found that TV advertising was the key driver, along with online marketing, which came under the remit of the CAP Code following its online remit extension in 2011 (ASA, 2014: 28). A particular area of focus was sales promotions, such as, “free” bet offers. It is notable, however, that only around a quarter of complaints received related to issues of harm and were therefore within the scope of the gambling section of the relevant Code. The majority of ASA enforcement work relates to general issues of consumer harm; misleading or offensive advertising (see Chapter 11 below for analysis of this category of harm).

Another notable finding was the significant number of complaints received about “Advertising Generally”. Such complaints record concerns about gambling advertising without specifying a specific advertiser or advertisement. The 206 cases logged since 2006 rank second in the list of the most complained about advertisers, namely, the major sports betting and gaming companies and the National Lottery (ASA, 2014: 31).

8. Harm related to problem gambling

8.1 Introduction

Some authors of the literature, along with other stakeholders and commentators, raise concerns over advertising's potential contribution to problem gambling-related harms, both in relation to problem gamblers and those at risk. The significant increase in gambling advertising since 2007 is an important focus for these concerns.

CAP and BCAP note that yearly expenditure on gambling advertising rose from £150m to £235m between 2010 and 2014 (AA/WARC) following on from a significant increase in marketing activity following the implementation of the Gambling Act 2005 in 2007. In terms of exposure, to take TV as an example, adults' exposure to gambling and lottery advertising increased five-fold between 2005 and 2012, accounting for 3.2% of all advertising seen in 2012 (Ofcom, 2013).

8.2 CAP and BCAP's approach to the evidence base

Binde (2013) provides the most up-to-date and comprehensive overview and assessment of the strengths and weaknesses of the evidence base. It was commissioned for the RGT to guide future research on gambling advertising, which will in turn inform policy development within the regulatory framework overseen by the Gambling Commission. For these reasons, CAP and BCAP rely extensively on Binde's review. However, they are mindful that its purpose was to identify gaps in the evidence base and recommend research priorities rather than reaching regulatory conclusions. Nevertheless, they are confident that the Binde review has the necessary scope and analysis to constitute the main plank of a review of the effectiveness of the Codes.

There remain limitations to Binde (2013) that CAP and BCAP have sought to remedy or bear in mind in their considerations; principally, that policy research is specifically excluded. Also, Binde (2013) and other reviews assessed take a multi-jurisdictional approach to the evidence. This can present problems where there are significant differences between territories; for instance, Australia suffers from significantly more acute problem gambling rates than Britain. While CAP and BCAP note the risks inherent in attempting to transpose findings and recommendations from one jurisdiction to another, they acknowledge the usefulness of a proper, balanced assessment of such research to inform the wider evidence base, especially where it is limited.

8.3 Discussion: Relationship between gambling advertising and problem gambling

There is a general consensus in the literature that gambling advertising is likely to have a relatively small impact on problem gambling. Binde (2013: 19) characterises the relationship as follows:

“The conclusion is that, in general, the impact of advertising on the prevalence of problem gambling is relatively small. However, it is not negligible and in specific circumstances it is likely to be greater.”

Importantly, Binde qualifies this by stating:

“It is very unlikely that advertising should have no impact whatsoever on problem gambling. An impact is theoretically plausible, as argued in the previous section concerning a number of ways in which advertising might contribute to problem gambling. That advertising has an impact is also supported by several studies (see below) in which problem gamblers report that advertising has contributed to their past or present problems; some of them have provided detailed accounts of the impact of advertising that we have no reason to call into question.”

Although it is likely to be relatively small, the view that gambling advertising still has some level of impact is supported by the other recent policy-oriented reviews; Planzer and Wardle (2011: 6) and Schottler Consulting (2012: 9). This is not without dissenting viewpoints. Notably, one leading expert in the field Griffiths (2013), posited that the increase in problem gambling rates between the two gambling prevalence surveys in 2007 and 2010 (0.6% to 0.9%) could be associated with the significant increase in gambling advertising from the implementation of the Gambling Act 2005 (as noted in Chapter 7 above, the most recent survey of problem gambling prevalence has not born out this trend).

An important deficiency in the evidence base is the lack of a robust picture of the direct links between advertising exposure and problem gambling behaviours. Binde (2013: 16-18) makes several criticisms of the available research where it is based on certain approaches to identifying associations between exposure and harm.

The total consumption model (TCM) is premised on the relationship between consumption and harm; more consumption causes more harm at all levels. For instance, those exhibiting risky gambling behaviours will increase consumption and become problem gamblers. The central problem is that consumption and problem gambling are highly unlikely to bear a simple linear relation at the level of the whole market; different activities and individuals carry different levels of risk. CAP and BCAP note TCM-based approaches (Binde cites studies in alcohol as being particularly problematic) must be employed with care to take into account the specific characteristics of the market studied; in particular, when considering the potentially diverse impact on different groups engaging in different types of activity. The present state of the research offers little to guide policy making.

Similarly, longitudinal studies on alcohol advertising were considered to suffer from significant methodological difficulties in estimating exposure to advertising based on individuals' recall rendering firm conclusions difficult. More useful are econometric studies that seek to explore links between volume of advertising and participation and problem gambling rates through more direct measures such as sampling before and after a significant change in regulation. Although again the methodological strength is contested owing to the potential for behaviour to be influenced by a broad variety of factors, there appears to be some agreement in the alcohol advertising field that there is likely to be a limited relationship.

Findings that can be adapted from econometric studies on alcohol advertising support Binde's general conclusion that the impact of advertising on problem gambling is likely to be relatively small. CAP and BCAP note, however, that no studies appear to have been carried out on gambling in the context of the advertising regulatory framework in Britain. Moreover, Binde voices concerns about the usefulness of cross-applying certain parts of the alcohol advertising evidence base.

Other research findings provide some explanation as to why it is difficult to draw meaningful conclusions simply by exploring broad associations between metric data. Firstly, evidence suggests that different types of activity are more strongly associated with problem gambling, for instance, electronic gaming machines and casino games. Binde (2013: 14) cites recent work by Griffiths and Auer (2013) that highlights how games with rapid and repetitive play are more likely to lead to problems than those with slow and discontinuous forms of play. Secondly, there is evidence that, as a market evolves, increased consumption may result in adaptation processes that weaken relationships between consumption and harm as consumers become more used to advertising. Binde also points out that advertising is generally taken to be more effective in an immature market where there is more competition and greater take-up among consumers.

In terms of the climate of concern around gambling advertising, Yuon, Faber and Shah (2000) (in Binde, 2013: 37) explored what was described as a third person effect and how it might explain why, in a controversial sector like gambling, there is a constituency of people that favour tighter restrictions on gambling advertising. They suggest that there is a tendency for individuals to maintain that advertising has little impact on them, but a substantial impact on other people.

Irrespective of the limitations of the evidence base at present, CAP and BCAP acknowledge the importance of robust studies seeking to link exposure to advertising with harm on a broader level. Quantifying both variables and identifying associations and trends can usefully inform the policy process in any decision to intervene and in setting an appropriate level for restrictions. However, another central problem with these types of study is that they provide little to guide the focus of specific policy formulation.

Of more direct relevance to policy formulation is Binde’s assessment of the evidence base for potential transmission mechanisms for problem gambling related to advertising. He (Binde, 2013: 16-17) identifies and discusses the evidence supporting five such mechanisms:

Transmission mechanism	
1	Increased participation to the extent that it amplifies a particular risk factor
2	Earlier participation – there is evidence that problem gambling affects younger people disproportionately
3	Enticing participation in an activity that a player later develops a problem with
4	Exacerbating already existing problem gambling
5	Creation of positive attitudes to gambling within society as a whole

Only the potential for advertising to exacerbate existing problem gambling has any direct evidence to support it. Binde does not find significant evidence to support the other transmission mechanisms, although some support is noted for increased participation stimulated by advertising resulting in problem gambling. This picture is supported by Binde’s view (2013: 20) of qualitative research on problem gamblers’ experiences; “there are studies which convincingly show that some problem gamblers have been negatively

influenced by advertising; however, these studies also show that, typically, the great majority of problem gamblers report no or only minor influence from advertising.”

In line with the objective of Binde’s review, the overriding conclusion is that the evidence-base is underdeveloped in several key respects and that steps need to be taken to address this; different levels of priority are afforded to avenues of research. He gives high priority to research focused on advertising and people’s interaction with it; content analysis, the self-rated impact of gambling advertising and self-report studies of perception of advertising. He also affords a high priority to work on advertising codes and risk factors for problem gambling. He affords a medium level of priority for various methods; eye-tracking to explore exposure and experimental methods from alcohol advertising studies focused on individual’s interactions with advertising. It is notable that Binde accords a low priority to various broader studies of associations; the economic efficiency of advertising, longitudinal youth studies, econometric studies of advertising impact and cross-sectional observation studies.

CAP and BCAP consider that there is a clear need for the development of more focused empirical research into individual experiences of advertising and how that links to problem gambling. While research into volume and exposure is undoubtedly useful, it cannot substitute for research that explores interactions with advertising. CAP and BCAP note that Binde (2013: 45-7) highlights the need for a risk factor-based approach to responsibility codes, considering more focused research methods as means of improving knowledge of the types of advertising that could be problematic.

8.4 Regulatory implications for the Codes

CAP and BCAP consider that there is a strong case for the effectiveness of the present Codes and their overall approach to gambling and lotteries.

There is a consensus in the literature that the likely effect of gambling advertising on problem gambling is relatively small. Crucially, there is an absence of robust evidence directly linking advertising exposure with a significant propensity toward problem gambling. Nonetheless, CAP and BCAP note the evidence that gambling advertising has some impact and can influence the behaviour of some people. They consider that present rules provide the appropriate level of protection to address this.

The academic evidence and metric data suggest a picture of problem gambling that is complex and that defies a simple causal relationship between advertising and problem gambling. Problem gamblers tend to participate in multiple activities; indeed, prevalence rates do not demonstrate that there are particular activities heavily associated with problem gambling. The literature does suggest that higher risk activities are those where players can engage in repetitive play with quick rewards. Both findings, however, suggest a very limited causal role for gambling advertising. Many of the activities, such as slot machines, horse racing and private betting, are not advertised, and the mainstays of gambling advertising, lotteries and bingo, do not fit the characterisation of enabling repetitive play.

Trends revealed by the metric data further support the view that problem gambling rates are likely to have declined or at least remained stable over a period when advertising volumes have risen very significantly. In line with Binde’s critique of approaches that rely on broad associations between metrics for exposure and harm, clearly, relying on broader metric data alone as an indicator of the Codes’ effectiveness is not straight-forward. In particular,

CAP and BCAP recognise that relying too strongly on such an assessment might hide more focused instances of harm. However, they consider that the trends in problem gambling rates suggest that advertising is unlikely to have contributed to an increase in harm.

CAP and BCAP consider that their general approach is aligned with key perspectives on the best way to deal with problem gambling-related harms arising from gambling advertising. The evidence shows that there is unlikely to be a significant risk of harm across all advertising to the extent that might warrant stronger interventions, such as broad prohibitions designed to limit exposure. They consider that the emphasis should continue to be on ensuring that risk factors are targeted proportionately to ensure that the potential for harm is minimised. In this respect, CAP and BCAP note in particular Binde's emphasis on better understanding of risk factors in order to inform policy development.

A clear practical example of this emphasis is the Codes' focus on protections for young men. Seabury and Wardle (2014) identifies this group as being at greater risk of problem gambling. Beyond prohibitions on targeting advertisements at young people (16 and 17 year olds) the Codes prohibit a range of approaches that might exploit susceptibilities of young men:

- The suggestion that gambling can provide an escape from educational problems
- Portrayals of gambling as indispensable or taking priority in life including educational commitments
- That gambling can improve self-image or self-esteem
- The suggestion that gambling is a rite of passage
- Portrayals of gambling in a context of toughness or linking it to resilience or recklessness
- Content appealing to children or young persons, especially by reflecting or being associated with youth culture
- The use of under 25s in advertisements

The underdevelopment of the evidence base makes it impossible to provide a comprehensive answer to all gambling advertising-related harms or risks. However, CAP and BCAP consider that their approach in 2006 was consistent with the current emphasis on identifying risk factors and implementing content restrictions to target them.

The conclusions of the recent ASA review of enforcement (ASA, 2014) reinforce CAP and BCAP's conclusion. The ASA's handling of cases and opinion research concluded that, for the most part, the ASA is interpreting the Codes in a proportionate and consistent manner and is broadly in line with public and consumer expectations. Crucially, it found no indication of gaps in the Codes that hindered ASA enforcement activities. CAP and BCAP consider that the ASA's conclusions also demonstrate that the Codes provide the necessary degree of flexibility that allows the enforcement body to respond to areas of concern. The two issues arising from the enforcement review were concerns over "free" bet and bonus offers and "bet now" offers that might indirectly link with appeal based on toughness, resilience and recklessness toughness. The CPRs-based rules on misleading advertising and the gambling-specific rules provide a basis to address both of these issues through investigation.

It is also important to stress that the UK Advertising Codes operate within a wider regulatory framework for gambling advertising and gambling in general. This Review's outline of the regulatory framework (see chapters 3 and 4 above) demonstrates the significant evolution

of a broader approach to regulating gambling-related harms through targeted interventions by a range of statutory and self-regulatory authorities. CAP and BCAP consider that any assessment of the effectiveness of the Codes must take this broader context into account.

Although CAP and BCAP consider the evidence supports the approach presently taken by the Codes, they acknowledge that, as the gaps in the evidence base identified are addressed the case for regulatory change might arise. CAP and BCAP therefore consider that it is important to take a proactive stance. Further discussion and recommendations on how to address the regulatory implications of a developing evidence base are in section 8.6 below.

8.5 The “moral dimension”: why are there still concerns around gambling advertising?

The Gambling Act 2005 liberalised the UK gambling market and permitted commercial activities that were previously restricted from greater public view. To some extent, the prominence of advertising makes it a likely focus of regulatory concerns. CAP and BCAP note Binde’s comments (2013: 10) on what is described as the “moral dimension” of the debate around gambling-related harms. In this regard, they note the number of complaints to the ASA about gambling advertising in general as an indicator of the unease felt by some sections of society.

One of the broader concerns over gambling and gambling advertising is what is often described as “normalisation” of gambling. Planzer and Wardle (2011: 5-6) cited what they considered the dangers of the positive portrayal of gambling in advertising. Although not harmful in itself, they considered that the absence of information on the risks of gambling hindered consumers’ understanding of the broader context of choosing to participate. Other researchers have found links between advertising and increasing knowledge of gambling (Monaghan et al, 2008: 254) and favourable attitudes to it.

It is clear that, on several levels, there is unease about the greater availability and prominence of gambling. However, CAP and BCAP note the purpose of the Gambling Act 2005 was to allow the growth of gambling as a legitimate leisure activity within a strong responsibility framework. Arguably, a degree of “normalisation” was envisaged as an acceptable consequence of the Act by Parliament at the time. With regard to advertising, the Act permitted gambling operators to stimulate demand for the first time with greater freedom to advertise; the central purpose of advertising is after all to increase awareness of products and brands. The key issue in the debate around normalisation is therefore not whether it is happening, but whether there is evidence of harm arising from it; the core focus of this Review. In this respect, CAP and BCAP note that Binde considered the issue of important elements of the issue of normalisation under his fifth potential transmission mechanism for problem gambling harms related to advertising and found little evidence to support it (see section 8.3 above).

Some commentators have called for broad prohibitions on gambling advertising before a certain time on television or through certain media that are considered to have too great an audience: advertising is sometimes also considered to be too frequent. However, while adopting a more intervention-minded approach might speak to unease over gambling in some sections of society, there is a risk inherent in relying on the wrong regulatory tools to address certain issues. An emphasis on broad exposure limits in certain media ignores the reality of the characteristics of the small minority of people who experience problems. CAP and BCAP consider that targeting risk factors across all media is the most effective and

proportionate means of mitigating the potential for advertising to contribute to problem gambling-related harms to the minority of people who are at risk of them.

Moreover, licensing requirements on gambling operators to ensure customers are given appropriate information, underage players are restricted and those with self-declared problem gambling issues are excluded from participation are much more effectively targeted means limiting harm. Moving away from an empirical, harm-based framework also increases the practical risk of undue market distortions. BCAP is particularly concerned that it should discharge its regulatory responsibilities, in conjunction with Ofcom, in ensuring that any regulatory intervention in broadcast markets is proportionate and gives proper consideration to the economic consequences of intervention.

At the same time, calls for further intervention must be balanced proportionately against the potential benefits that gambling can bring to consumers in presenting opportunities to socialize, compete or engage in intellectual challenges (Binde, 2013: 12). Advertising, as a consequence, brings a potential benefit to consumers in informing them of opportunities. This in no way undermines the need to ensure that the potential for harm is appropriately addressed. However, CAP and BCAP consider that this speaks to one of their wider regulatory objectives of ensuring that legally available products and services are free to advertise, provided that they do so responsibly.

Fundamentally, CAP and BCAP consider that broad prohibitions on advertising lack the flexibility to deal with more nuanced policy challenges. The literature and key metrics highlight an essential problem in this respect; that different gambling activities present different levels and types of risk. It is notable that many of the higher risk activities, like FOBTs, are very rarely advertised, whereas lotteries, which are considered very low risk, tend to lead in terms of spend and exposure. It is clear that the most effective way of remedying problem gambling is providing an effective framework for its identification and treatment rather than focusing on peripheral factors such as advertising.

At a more fundamental level, however, CAP and BCAP consider that the Codes can only operate in line with the wider regulatory framework laid down by the Gambling Act 2005. Crucially, that framework allows the promotion of responsible gambling rendering potentially problematic any initiative to restrict gambling advertising without evidence of likely harm. CAP and BCAP consider that advertising regulation, of itself, cannot be employed as a means of attempting to address broader public policy concerns. The wider unease over gambling, the “moral dimension” identified by Binde, is something that can only be addressed at an economic and social policy level by reconsidering, more fundamentally, the framework brought into being with the implementation of the Gambling Act 2005.

8.6 Recommendations

Notwithstanding the findings above, The Review has identified two areas where further work is necessary:

- The consensus that the impact of gambling advertising is likely to be very small is coupled with a view that there is still a need for regulatory interventions to address the adverse effect that gambling advertising does have. The gambling sections of the UK Advertising Codes have rules in place to ensure that advertising does not appeal to, condone or encourage problem gambling behaviours or risk factors that might impact unduly on those who are either problem gamblers or those at risk. There is a

need to assess whether any specific gaps in the coverage of the rules are apparent from the evidence.

- The underdeveloped state of the evidence base is the key conclusion arising from the published reviews of the literature; as the evidence base improves, a case for regulatory change may arise. There is a clear need for CAP and BCAP to contribute to efforts to improve the evidence base.

Do the Codes still adequately cover all the risk factors?

The evidence reviewed does not, as Binde notes, provide a comprehensive overview of all the significant risk factors. CAP and BCAP note the recommendations for possible provisions that might form part of a regulatory framework proposed by Schottler Consulting (2012: 18). However, this is based only on a survey of different jurisdictions (including Britain); the detailed evidence base behind the various provisions is not discussed in significant detail. The Review has identified few problem gambling risk factors that are not already covered by the Codes. Furthermore, the ASA Review of Enforcement highlighted no instances of limitations to the coverage of the present rules that impede its enforcement work.

Having regard to Binde's calls for more focus on risk factors and for efforts to move from "evidence-inspired" policies to more evidence-based policy, CAP and BCAP consider that it is timely, in the interim, to repeat the approach taken in developing the rules in 2006 in order to update CAP and BCAP's understanding of specific risk factors. Although it is unlikely that this will uncover significant new harms or risk factors completely beyond the scope of the present rules, it is envisaged that such work could form the basis of more detailed guidance. Such guidance would further inform the ASA's interpretation of the rules on a more practical level allowing them to better identify content and approaches that might portray, condone or encourage problem gambling-related harms.

What should be done to address the state of the evidence base?

CAP and BCAP consider that there is a need to improve the evidence-base; they welcome many of Binde's recommendations and commit to working with the Gambling Commission and other key stakeholders to contribute to this on-going effort.

However, there are areas that they consider require particular attention:

- One key absence is that of a full mapping and assessment of the regulatory framework, in particular, the interaction between statutory, self-regulatory and industry initiatives. CAP and BCAP consider this essential to any discussion of regulatory change.
- Another area of interest is the weakness of studies based on broad associations between sets of metric data, for example, between advertising exposure and problem gambling rates. CAP and BCAP consider that the overarching objective of the future research agenda should be to create a broad base of evidence using a variety of methodologies and focusing on as many aspects of gambling advertising as possible. Vital to this are better methods of identifying the effects of exposure and individual's actual interactions with gambling advertising.
- A key problem that CAP and BCAP have experienced in other policy areas is the tendency for certain types of research approach to result in very broad calls for regulatory interventions. Such calls add little to the policy debate as their findings

often do not support the strength of their recommendations for regulatory change. CAP and BCAP consider that calls for advertising bans can also have the effect of polarising debate and potentially hindering attempts to improve understanding of specific harms that might require focused interventions to mitigate them.

In addition to their commitment to contribute to the research effort, going forward, CAP and BCAP conclude that there is a need to engage in periodic policy work to assess and report publically on the findings of new research as it is published. CAP and BCAP's key objective will be to react flexibly and quickly to ensure that the Codes remain up-to-date in tackling gambling related harms.

9. Harm to children and young people

9.1 Introduction

Gambling and lotteries are age-restricted products and the Codes include protections to prohibit the target of children and young people and restrict content and marketing approaches that might unduly influence them. As with problem gambling, debates about harm to children and young people centre on the significant increase in volumes of gambling advertising. Using TV as an example, increased volumes have resulted in children's exposure rising from 100m to around 1.3bn impacts between 2005 and 2012, on average, representing 1.3% of their total advertising exposure and equating to an average of just under three advertisements per week (Ofcom 2013).

9.2 CAP and BCAP's approach to the evidence base

The evidence base for the impact of gambling advertising on children and young people is very limited; Monaghan et al (2008) is the most recent review. CAP and BCAP note the significant developments in the market that have occurred since 2008, most notably in online media. Although Binde (2013) and other reviews considered here are much more recent, they do not focus on children primarily. Nevertheless, CAP and BCAP have had regard to their findings where appropriate. They also rely on literature from other areas of advertising policy involving the effect of advertising on children and young people, principally, food and alcohol. This is particularly important as Monaghan et al (2008: 264) highlights the virtual absence of empirical research centred on gambling.

A level of caution is necessary when seeking to cross-apply findings from different fields of advertising policy (see section 8.2 above for details of similar concerns over the evidence-base relating to problem gambling). For instance, Friend and Ladd (2009) explored the potential for lessons to be drawn from tobacco advertising policy. CAP and BCAP question the relevance of policies designed for a product that, by common consensus, cannot be consumed safely in any quantity by any group. The inherent harms associated with tobacco products are significantly different to those related to gambling and therefore CAP and BCAP consider that cross-application is unhelpful.

Monaghan et al (2008: 254) suggests that compared with alcohol, tobacco and food advertising, the effects of gambling advertising have been neglected by regulators. CAP and BCAP disagree strongly with this, but note the review was written shortly after the present regulatory arrangements came into force and addresses regulatory practice internationally, rather than focusing on the UK. Although Monaghan et al (2008) remains useful in highlighting the evidence base and conclusions that can be drawn from it, recommendations for regulatory action that are, in CAP and BCAP's view, not based on a necessary appraisal of the existing regulatory framework in Britain and must be treated with appropriate caution. It is worth noting that, by comparison, Binde (2013), which also assessed of the global evidence picture, does not include detailed regulatory recommendations as the scope of that review was on exploring the strengths and weaknesses of the evidence base.

CAP and BCAP also note that Monaghan et al (2008) explores marketing in a broad sense including sponsorship of sports and promotional products, areas outside the Codes' remit. The findings related to these areas are not considered in CAP and BCAP's Review.

9.3 Discussion: the relationship between gambling advertising and harm to children and young people

It is generally agreed that gambling by children and young people has a significant potential to contribute to or cause harm. Monaghan et al (2008: 253) highlights associations between those experiencing problem gambling behaviours and other maladaptive behaviours, such as substance abuse and unprotected sex and outcomes, such as, disrupted social relationships, criminality and poor educational outcomes. Although the proportions are relatively small, international data on rates of problem gambling among young people further demonstrate the existence of the potential for harm. The link between underage participation and advertising, however, is more difficult to determine.

There is evidence that advertising has some level of impact. Monaghan et al (2008: 254-255) highlights several experimental studies that suggest that gambling advertising does have an effect on children and young people, for instance by affecting their attitudes toward the product advertised. Building on this, it (2008: 263) also identifies various pieces of research across several disciplines focusing on aspects of appeal to children, such as celebrity endorsements, youth appeal through music, use of cartoon characters and appeal to children's credulity. Such findings must be set against the very limited extent of the empirical literature. Furthermore, drawing conclusions from such studies is difficult given the tendency toward methodological approaches centred on recall or reaction to seeing an ad and general attitudes rather than evidence linking exposure with underage participation.

Although studies that claim broad associations between exposure to alcohol advertising and consumption are cited (Monaghan et al, 2008: 254-255), as already noted, Binde (2013: 28-30) highlighted significant methodological problems with the evidence base for alcohol advertising when considering the extent to which it can be cross-applied to the gambling field. There are concerns over the limitations of longitudinal studies that claim to demonstrate a clear link between advertising exposure and alcohol use; principally, the difficulties inherent in gaining effective understanding of children and young people's actual exposure to advertising. There are, however, other fields of advertising research that are also relevant to the question of gambling advertising's influence on underage participation.

The review on behalf of Ofcom into the effects of food advertising on children's food preferences by Livingstone (2004) found that TV advertising had a modest direct effect, estimating it at around 2%. This is difficult to cross-apply as children and young people are arguably more aware of food products and will have undoubtedly developed food preferences from an early age. Influencing a pre-existing set of preferences for products as ubiquitous as food is, arguably, significantly more straightforward than influencing their likelihood of participation in age-restricted activities that are not advertised in a manner intended to appeal particularly to them. However, CAP and BCAP consider that, in the absence of dedicated work to quantify the impact of gambling advertising, the work on food advertising on TV stands as a reasonable indicator of the very low likelihood of advertising stimulating underage participation, especially in age-restricted activities. Nevertheless, CAP and BCAP acknowledge the mismatch between the potential for harm involved in the consumption of a food product that is considered less healthy and underage participation in gambling activities.

In relation to problem gambling among young people, Derevensky, Sklar, Gupta and Messerlian (2010 in Planzer and Wardle, 2011; 58-60) carried out a quantitative study of the attitudes of those exhibiting problem gambling behaviours. They found that, while it was

unlikely that non-gamblers would be encouraged to participate, existing gamblers with problem gambling issues were more susceptible to suggestions that they continue gambling. Although the study was based only on a questionnaire, it is notable that it accords with evidence for one of the transmission mechanisms identified in Binde (2013) for the effect of advertising on existing problem gambling. Another theme identified is the apparent cumulative potential for advertising to result in the portrayal of gambling as an “acceptable, risk-free activity” (Monaghan et al, 2008: 255). They also note research that suggests normalising effects in terms of the availability of information about gambling and the impression given by advertisements that glamourize it.

Monaghan et al (2008) also suggests that there is a great deal of uncertainty surrounding online media. As pointed out above, the review is now out of date and CAP and BCAP have drawn on other sources to fill this gap. However, they note that some themes appear still to be of relevance, namely the risks associated with websites that offer gambling-like activities and issues surrounding targeting of gambling advertising, in particular to mobile devices.

Parke, Wardle, Rigbye and Parke (2012) explored potential gambling-related harms and risk factors associated with social gaming on behalf of the Gambling Commission. Social gaming is a relatively new and diverse phenomenon; it was defined as “Participation in structured activities that have contextual roles through which users can engage with one another. This term has been applied broadly to any online game with a social element e.g. Second Life, FarmVille” (Parke et al, 2012; 15). The study sought to categorise and understand the potential risks of various online gaming activities that frequently feature themes related to gambling, like imagery of slot machines or gaming, or mechanics that are closely related to gambling. It highlighted a variety of potential risks, from the potential impact of exposing young people to gambling themes that were not regulated as gambling products, to the convergence of social gaming, particularly on social networks popular with children, with actual gambling products (Parke et al, 2012; 43-45).

In relation to targeting, Livingstone, Ólafsson and Staksrud (2011) examined children’s interactions with social networking platforms and found that a significant number of respondents were beneath the minimum age for the network, which resulted in a disparity between their stated and actual age on their profile. This finding accords with that of research carried out by the ASA (2013) into children’s social media habits. Although the sample size was very small the survey found that 42% of the children involved in the study registered with a false age and saw at least one advertisement for an age-restricted product; principally, alcohol, gambling or slimming.

In the key finding, Monaghan et al (2008) make recommendations for an approach to controlling gambling advertising. The recommendations include measures to limit exposure and restrict content, for example by prohibiting approaches that are likely to appeal to children or young people.

9.4 Regulatory implications for the Codes

CAP and BCAP do not consider that there are grounds 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.

The evidence based on broad associations between exposure and participation is methodologically limited and drawn mainly from other fields that are not directly relevant to gambling. More empirical work centres on research into recall and attitudes; clearly, advertising can have an impact; the key question is the extent to which this translates into the harm of underage participation.

The key finding from the metric data is that underage participation has decreased in recent years in spite of the significant increase in gambling advertising volumes and exposure. 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, the metric data suggests that the activities most prevalent in underage participation are not ones that are generally advertised; playing cards for money, playing fruit machines or betting with friends. Notwithstanding the limitations of using such broad associations as the basis of firm conclusions, CAP and BCAP are reassured that the key indicators suggest that it is unlikely that the advertising has contributed to an increase in underage participation.

Nevertheless, 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 Codes; targeting and scheduling restrictions to prohibit irresponsible targeting backed by restrictions on certain approaches and types of appeal to mitigate the potential harms from exposure.

CAP and BCAP are reassured that the approach proposed by Monaghan et al (2008) accords with that of the Codes. Almost all of their relevant recommendations are addressed in the Codes:

Monaghan et al (2008) Recommendation	UK Advertising Codes' Response
Gambling advertisements should not be permitted to be shown during television and radio timeslots primarily accessed by children or adolescents or advertised where they may be frequently viewed by youth, including on billboards, on public transport, and in print publications where a prominent proportion of readership are minors.	The BCAP Code includes an extensive framework for scheduling of TV and radio advertising to ensure gambling advertising does not appear in or around programming that is commissioned for, principally directly at or likely to appeal particularly to those under the age of 18. The CAP Code prohibits the directing of advertising to under-18s through the selection of media or context in which they appear.
Gambling corporations should be restricted from utilising product endorsements from individuals who are likely to appeal to youth and increase the likelihood of youth gambling involvement.	The Codes prohibit approaches or content that might be of particular appeal to children.
Gambling advertisements should not include or depict any individual who is or appears to be under the age of 25, to prevent youth from relating to individuals gambling or winning	The Codes prohibit the use of individuals who are under the age of 25 from playing a significant role on gambling advertising.

Advertisement for both gambling and practice Web sites should be subject to the same regulations described for advertisement of gambling products. In addition, free or practice sites should be prohibited from containing advertisements and direct links to online gambling sites and should have the same pay-out rates as their actual gambling site.	The CAP Code includes restrictions on targeting children or young people by the selection of media and general responsibility provisions to prevent practices that might encourage those under age to gamble.
Online and wireless gambling companies should be prohibited from advertising via SMS alerts to mobile phones.	As an age-restricted product, the CAP Code prohibits targeting children through a particular media.
Regulations for gambling advertisements should be mandatory, enforced, and continually evaluated by an independent regulatory body.	The UK Advertising Codes are enforced by the ASA, an independent self-regulatory authority, recognised by government and courts as the first line of consumer protection for advertising.

It is important to also note the Codes go further, including provisions to restrict various aspects of youth appeal. For instance, the CAP includes the following rules; marketing communications must not:

16.3.2 exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons or other vulnerable persons

16.3.10 suggest gambling is a rite of passage

16.3.12 be likely to be of particular appeal to children or young persons, especially by reflecting or being associated with youth culture

16.3.14 include a child or a young person. No-one who is, or seems to be, under 25 years old may be featured gambling. No-one may behave in an adolescent, juvenile or loutish way.

Monaghan et al (2008) also make recommendations for exposure limits in TV and ambient media. The Codes already prohibit gambling advertising being placed in media that are intended for or likely to appeal particularly to children or young people, but they do not prohibit exposure to advertising that is not targeted at them. Inevitably, children and young people sometimes comprise a significant minority within a large TV audience or for ambient media like poster advertising.

Seeking to limit exposure absolutely is inherently premised on the notion that exposure to any gambling advertisement, of itself, causes harm. To adopt the perspective that exposure equates to harm is contrary to the notion that content restrictions, which prohibit inappropriate or irresponsible appeals to children and young people, can form an effective part of the regulatory framework. CAP and BCAP do not consider that such a position is coherent or proportionate.

CAP and BCAP consider that their targeting and scheduling restrictions are well grounded in the approach to responsibility laid down by the Gambling Act 2005 and proportionate to the available evidence. While gambling advertising might cause children to recognise brands or have awareness of a gambling activity, such findings do not suggest a causal

relationship with the principal harm of underage gambling. Moreover, Binde (2013: 16-17) found no evidence to support the idea that advertising causes earlier take-up of different gambling activities. As already noted, this is not contradicted by the key metric data.

9.5 Recommendations

The evidence base does give rise to several areas that require further consideration and attention:

- 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.
- As with problem gambling, the evidence-base (in particular, relating to empirical research) is under-developed.

Online media

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. 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 metric 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 (2013).

Also of concern are games that have no outward relationship to a gambling product but include content or mechanics related to gambling. The classification of social games is uncertain and, at present, they are not directly regulated under the gambling framework. However, CAP notes the risk factors identified by Parke, Wardle, Rigbye and Parke (2012). In response, they commit to seeking the input of key stakeholders in identifying risk factors relating to children and young people's use of online media as part of the wider commitment to improve understanding of risk factors.

CAP is also concerned by the evidence of possible issues with age targeting mechanisms, particularly in social media. As noted, one of the Code's central provisions is that age-restricted products should not be directed at those who are underage. In this respect, CAP considers that the Code is up to date. However, it acknowledges that potential for there to be an enforcement issue for the ASA in determining how these Code provisions are applied in different social media environments. CAP notes the ASA has already committed to carrying out work in this area in response to their Social Media Survey and will maintain a keen interest in seeking to act on any regulatory implications that arise from that work.

Evidence base

Although the protection of children and young people is a common concern in fields such as alcohol, tobacco and food research, and evidence may be cross-applied to some extent, this cannot substitute for a dedicated body of up to date empirical evidence on gambling

advertising specifically. There is a clear need to better understand how children's interactions with gambling advertising across various media and, in particular, in online media, relate to their propensity for under-age participation.

As in the case of problem gambling, CAP and BCAP are concerned that an absence of evidence might hide potential harms. In response, CAP and BCAP will work with the Gambling Commission and other key stakeholders to improve the evidence base on children and young people. Again, in line with the commitment to assess and report on the findings of new research on problem gambling and advertising, CAP and BCAP will initiate similar policy activity in response to new research on children and young people.

10. Harm to other vulnerable groups

10.1 Introduction

The primary emphasis of gambling policy is on preventing problem gambling-related harms and harm to children and young people. However, the Gambling Act 2005 adopts a broader approach in its licensing objectives. CAP and BCAP intend this section of the Review to encompass issues not covered in the sections 8 and 9 above.

10.2 CAP and BCAP's approach to the evidence

CAP and BCAP have relied on the evidence assessed in the sections above, but have identified little that falls outside those two categories. There are however some areas of insight that can be drawn from metric data assessed in chapter 7 (issues of general consumer harm such as misleading advertising are discussed separately in chapter 11 below).

10.3 Discussion: the relationship between gambling advertising and harm to other vulnerable groups

What literature there is relates to the potential for harm to minority ethnic groups who are at risk from gambling advertising that seeks, for instance, to exploit cultural beliefs. The main studies in this area derive from a New Zealand context, Schottler Consulting (2012) and Dyall, Tse and Kingi (2009). Binde (2013: 37-38) also makes reference to studies citing risk factors associated with minority ethnic groups and misleading or otherwise exploitative messages in advertising.

10.4 Regulatory implications for the Codes

CAP and BCAP consider that there is no significant evidence of potential harm to a particular group that would warrant protections beyond what the Codes already provide.

CAP and BCAP do, however, note the prevalence of problem gambling rates among black and Asian groups. The literature makes limited references to the issue, but its main focus is severely limited due to it deriving primarily from a different jurisdiction. The circumstances of New Zealand's gambling market and regulatory framework and its social characteristics make it difficult to draw direct conclusions for the British context. Furthermore, CAP and BCAP are not aware of any evidence of gambling advertising that specifically targets ethnic minorities in Britain. In their consultation in 2006, cultural appeal was identified as a risk factor and a rule to prohibit advertising that exploits cultural beliefs or traditions about gambling or luck was included in the Codes.

Similarly, in relation to metric data on problem gambling prevalence among certain socio-economic groups, CAP and BCAP note that the Codes include rules prohibiting advertising that suggests that gambling can be a solution to financial concerns, an alternative to employment or a way to achieve financial security.

11. General consumer harm

11.1 Introduction

Compliance with the UK Advertising Codes is mandatory for all advertising. As they cover a broad range of sectors, they rely on common provisions to control misleading, harmful or offensive advertising. These rules work in conjunction with specific rules, such as those covering gambling and lotteries, which focus on harms related to those sectors.

The vast majority of enforcement activity carried out by the ASA under the Codes relates to issues of misleading advertising. Gambling advertising bears out this trend; the majority of work carried out by the ASA does not relate to concerns about harms associated with problem gambling or harm to children and young people (ASA, 2014: 12).

There are a variety of themes arising from ASA complaint data; general misleading advertising, offensive advertising and aggressive advertising. One area of concern stands out, “free” bet or bonus offers that incentivise registration with a remote gambling operator offering either sports betting or online gaming.

11.2 Discussion: gambling advertising and general consumer harm

Binde (2013: 45) highlights several pieces of research that find gambling advertising has the potential to be deceptive. Monaghan et al (2008: 261-2) also point to potential problems arising from the general picture of gambling presented in advertising, agreeing with Binde that the key issue is the potential for an erroneous impression of the likelihood of winning. There is a recommendation in this and other literature that the odds of winning should be included in the advertisement and no deceptive impression of winning should be presented.

Binde also recommends research on the different degrees to which advertising might mislead so as to create a clearer picture on the types of approaches that pose a higher risk. It is also suggested that gambling operators should seek to employ a “safety margin” ensuring that higher risk approaches are not used thereby reducing the probability of misleading people.

There is very little in the literature about aggressive or offensive advertising.

11.3 Regulatory implications for the Codes

CAP and BCAP consider that the Codes have robust, general principles designed to address issues of general consumer harm. They consider that the available evidence does not suggest that the present rules are deficient.

In relation to misleading advertising, CAP and BCAP disagree with both the notion that advertisements should always disclaim the odds of winning or that gambling operators should, as a matter of course, err on the side of caution. Firstly, the CPRs framework is a maximum harmonisation provision derived from the UCPD; the Codes and their interpretation can neither exceed nor fall short of the standard set. Secondly, CAP and BCAP believe that effectiveness of the test can be gauged in the ASA’s experience in handling a huge volume of complaints on various aspects of misleading advertising, around

20,000 in 2013 alone. This is further borne out in relation to gambling advertising by the findings of the ASA review of enforcement.

The CPRs framework establishes a robust and clear test of what constitutes a misleading advertisement. The CAP Code summarises the CPRs test as follows:

Marketing communications are misleading if they

- are likely to deceive consumers and
- are likely to cause consumers to take transactional decisions that they would not otherwise have taken.

A “transactional decision” is any decision taken by a consumer, whether it is to act or not act, about whether, how and on what terms to buy, pay in whole or in part for, retain or dispose of a product or whether, how and on what terms to exercise a contractual right in relation to a product.

Marketing communications can deceive consumers by ambiguity, through presentation or by omitting important information that consumers need to make an informed transactional decision, as well as by including false information.

In practical terms, the test allows the ASA to assess every advertisement in context and on the basis of the facts pertaining to it. The key element is whether an advertisement will lead a consumer to make an economic decision that they would not otherwise have taken if, for instance, additional information was presented.

Advertisements for promotional offers based on often complex mechanics have a significant potential to mislead, if information is not properly presented. For instance, a “free” bet offer might have a variety of exclusions, such as, the requirement for consumers to stake a certain amount to qualify or the need to play through any winnings before they can be withdrawn. As outlined in its review of enforcement, the ASA has adjudicated on a variety of advertisements that have breached the Codes because significant terms and conditions were not give adequate prominence or the offers were structured in a manner that contradicted the headline claim.

CAP and BCAP consider that this demonstrates the effectiveness of the misleading advertising rules in identifying problems. However, they acknowledge that efforts still need to be made to ensure better enforcement on these issues. CAP and BCAP updated their guidance at the start of 2014 to provide more clarity to advertisers and continue to work with the industry with the aim of improving compliance. They also welcome the ASA’s commitment, in response to the findings of its enforcement review, to take proactive steps to ensure that marketers are complying with the Codes.

CAP and BCAP acknowledge that the Gambling Commission, as a licensing regime, may impose restrictions that go beyond the CPRs test under an exemption in the UCPD. They note, for instance, that the Danish gambling regulator has produced [guidance](#) having that effect in that jurisdiction by requiring certain information to be included in advertising. However, CAP and BCAP consider that this is disproportionate; the CPRs test requires that the necessary information be given in each set of circumstances. A one-size-fits-all approach runs the risk of forcing advertisers to include what might in some instances be

superfluous information, while in others, where a gambling product does not fit the model adopted in the guidance, not requiring them to include material information.

CAP and BCAP also consider that the recommendation that the odds of winning be included in all gambling advertising is similarly problematic. In some types of advertising, such as sports betting, the odds of winning are inherent to the offering of a particular bet, in others, like lotteries, consumers are likely to understand the very low possibility of them winning a large prize. Potential harm is likely to derive from misleading claims about the likelihood of winning, which are covered by the CPRs framework.

For aggressive advertising, the CPRs also create a robust framework banning commercial practices that can be characterised as aggressive. As the CAP Code summarises it:

Marketing communications are aggressive if, taking all circumstances into account, they

- are likely to significantly impair the average consumer's freedom of choice through harassment, coercion or undue influence and
- are therefore likely to cause consumers to take transactional decisions they would not otherwise have taken.

In relation to sports betting, CAP and BCAP do not consider that an advertisement with a direct exhortation to "bet now" is likely of itself to fall under the CPRs definition of aggressive marketing. Nevertheless, CAP and BCAP again note the findings of the ASA's enforcement review and the commitment to reconsider the issue of whether "bet now" offers might have undue links with toughness or other prohibited approaches under the gambling-specific framework of protecting consumers and children and young people against gambling-related harms. They consider that a commitment by the enforcement body to reconsider its interpretation of the Codes is a more appropriate mechanism for responding to concerns than imposing, for example, a broad prohibition.

In relation to offensive advertising, CAP and BCAP are conscious of the high levels of subjectivity involved. Nevertheless, they consider that the Codes set suitable standards to ensure that advertising does not offend unduly by requiring the ASA to determine whether an advertisement causes serious or widespread offence. Although there have been instances of marketers creating advertising that generates significant numbers of complaints, CAP and BCAP are confident the Codes provide the ASA with the appropriate tool to mitigate the associated harms.

12. Conclusions and next steps

12.1 Conclusions

The Review concludes that the UK Advertising Codes remain effective in protecting people from harms related to gambling advertising.

The regulation of gambling advertising has returned to the wider policy agenda with the passage of the Gambling (Licensing and Advertising) Act 2014. For CAP and BCAP it has remained a sensitive policy area since gambling-specific responsibility rules were introduced in 2007 when the Gambling Act 2005 came into force.

The findings for each category of harm considered by the Review strongly support the view that the approach of the Codes is effective in addressing gambling related harms. In particular, CAP and BCAP conclude that:

- The central approach of the Codes, targeting risk factors with content restrictions, is acknowledged as the best means of effectively controlling advertising.
- The literature suggests the impact of gambling advertising, both on the propensity toward problem gambling and under-age participation is limited.
- CAP and BCAP conclude that the level of restrictions embodied in the Code – prohibitions on targeting those underage coupled with content restrictions prohibiting inappropriate or irresponsible appeal – is appropriate to the potential for harm.
- There is no significant indication that there are gaps in the Codes.

These conclusions are reinforced by the fact that the problem gambling rates and participation rates among children and young people have both been at worst stable during a period of unprecedented growth in gambling advertising. There is also little to suggest correlation with the most frequently advertised gambling activities; lotteries, sports betting and bingo. CAP and BCAP acknowledge the limitations of seeking to draw definite conclusions from such associations, but consider that, as key indicators, they are useful in assessing the health of present approach.

CAP and BCAP consider that they have acted in accordance with the intention of the Gambling Act 2005 which granted more freedom for marketers to promote gambling as a legitimate leisure activity on the basis of a strong responsibility framework. It is also important to note, as outlined in part 2 of the Review, that the Codes play an important part within a wider regulatory environment overseen by the Gambling Commission that combines regulation and industry responsibility initiatives to focus proportionately on gambling related harms. CAP and BCAP consider that calls for further, broad restrictions on advertising, like a 9pm watershed on TV, ignore both the evidence base and extensive framework of regulation already in place.

Nevertheless, gambling advertising remains a sensitive policy area permeated by what Binde terms a “moral dimension”. CAP and BCAP acknowledge the unease among some sections of society. One of the key findings of the Review and the recent ASA review of enforcement is that the rules provide the necessary level of flexibility to allow the ASA to make decisions whilst having regard to societal expectations. However, on a more fundamental level, social concerns about the proper place of gambling in our society – including whether it should be promoted or encouraged – can only be addressed at a social

and economic policy level; advertising regulation must take its cue from the framework envisaged under law and implement rules in an evidence-based and proportionate manner.

12.2 Next steps

CAP and BCAP consider that there is a need for renewed and ongoing vigilance by regulators to ensure that the regulation of gambling advertising remains effective. This means filling evidence gaps in relation to problem gambling-related harm and harm to children and young people, and responding to evidence promptly as it is published.

- CAP and BCAP commit to responding to new research stemming from Binde's recommendations as it is published
- CAP and BCAP will consult experts, industry and other stakeholders to build a more up to date picture of risk factors and how they might translate into advertising issues. The objective will be to produce updated and more detailed guidance to aid the interpretation of the rules
- A particular focus of the risk factor exercise will be on children and young people and their interactions with online media
- CAP and BCAP will co-operate with other relevant bodies in expanding and improving the evidence base

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Contact us

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

Telephone: 020 7492 2200
Textphone: 020 7242 8159
Email: enquiries@cap.org.uk

www.cap.org.uk

 Follow us: [@CAP_UK](https://twitter.com/CAP_UK)