

Scheduling and targeting of National Lottery products: CAP and BCAP's evaluation of responses



1. Introduction

Existing rules

CAP

17.14

Marketing communications for lotteries should not be directed at those aged under 16 years through the selection of media or context in which they appear.

BCAP

32.4.1

[These products may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to persons below the age of 16:]

Lotteries

Proposed rules

CAP

17.14

Marketing communications for lotteries should not be directed at those aged under 16 years (or 18 years for National Lottery products) through the selection of media or context in which they appear.

BCAP

32.4.1

[These products may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to persons below the age of 16:]

Lotteries, except National Lottery products

32.2.8

[These may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 18:]

National Lottery products

2. List of respondents and their abbreviations used in this document

	Organisation / Individual	Abbreviation
	Camelot UK Lotteries Ltd	Camelot
	Gambling Health Alliance	GHA
	White Ribbon Association	WRA

Do you agree with CAP and BCAP's proposed new rules to raise the age for targeting and scheduling National Lottery products ads to 18? Please set out your arguments for supporting or disagreeing with the proposal.		
Respondent/s	Comments	CAP and BCAP's evaluation:
Camelot, GHA, WRA	Agreed that the CAP and BCAP rules should reflect the legislation on age to play The National Lottery, and agree with the proposed new rules to raise the age for targeting and scheduling National Lottery products ads to 18.	
GHA, WRA	<p>Recommend banning adverts aimed at under 18s, and propose extending this ban to 18 to 25 year olds.</p> <p>Question the practicalities and logic of changing National Lottery adverts from appealing to 16 year olds to appealing to those aged 18 and above. Something that appeals to an 18 year old is still likely to appeal to a 16 year old. It would be very difficult or near-impossible to construct an advert that does not appeal to a 16 year old, but does appeal to someone two years older. They suggested taking a precautionary approach, whereby National Lottery adverts should not appeal to those under the age of 25... This approach may provide better protection for 16 and 17 year olds, as adverts aimed at those aged 25 years and above are less likely to appeal to minors than adverts designed for those aged 18 years and above</p> <p>The proposed wording implies that those aged 18 years and above will be targeted by these adverts, but more should be done to protect 18 to 25 year olds, as this group is more at risk of experiencing gambling harms... When the general public were polled in February 2021, 45% of the 18 to 24 year olds who reported gambling said they mostly spend the money which they gamble playing the National Lottery.</p> <p>Another issue with 18-25 year olds is that they are usually leaving the parental home to start university, are beginning employment, or receiving benefits in their own name. All of these will give individuals an income with some being a large amount of money paid in one go (particularly seen in student loans payments). They also have become the legal age to gamble. This would be consistent the Code rule that states 'marketing of gambling (including lotteries) should not include anyone under 25's partaking in a gambling activity/product purchase'</p>	<p>The scope of the consultation was to bring the scheduling and targeting rules in line with the upcoming change to the minimum age of purchase for National Lottery products. To extend these rules beyond the minimum age of purchase would require evidence that the risk of harm outweighed the rights of advertisers to target their marketing at people who are legally able to purchase the product. The legitimacy of the age of participation itself is a matter for Government and has been decided through the process that gave rise to this consultation.</p> <p>CAP and BCAP note that the respondents dispute the practicalities of assessing appeal in the manner proposed by the consultation, but this reflects custom and practice in a number of existing rules and there is dedicated guidance to explain it, available here. With regard to appeal of advertising content – rather than programming – to under-16s and those aged 18 or over, it must be noted that this is a separate issue to targeting and scheduling; appeal relates to the content of an ad, and scheduling/targeting relate to where that ad is placed. Moreover, although lottery ads must not be likely to be of particular appeal to children or young persons (in other words those under 18), especially by reflecting or being associated with youth culture, there is no requirement for marketers to attempt specifically to appeal to 18 year olds. CAP and BCAP recognise that, in some circumstances, what</p>

			<p>appeals to an 18 year old may also appeal to a 16 year old; in such cases, that imagery would already be unacceptable. As such, although marketers may include content that appeals to 18 year olds, they must take care that doing so does not <i>also</i> appeal to those under 18. In practice, therefore, marketers are likely to use content that appeals to slightly older consumers.</p> <p>With regard to prohibitions on under-25s being shown participating in gambling and lottery activities, CAP and BCAP favour a 25 age limit on people featured gambling or playing a significant role because by that age, people clearly look and sound more adult than adolescent and that gives more certainty to the advertising industry when creating advertisements and to the ASA Council when deciding if an advertisement has breached the Codes. Moreover, it will ensure that children and young people do not identify by age with those playing a significant role or featured gambling.</p>
GHA, WRA	<p>Measures to ensure gambling advertising does not appeal to minors should apply to emerging forms of marketing. Celebrities and social media influencers are a powerful tool used by the advertising industry, and research conducted with young gamers about gaming and gambling suggested that celebrity and influencer advertising particularly appeals to young people. Adverts designed to not appeal to under 25s should not include celebrities or influencers, and CAP and BCAP should work with social media platforms to ensure gambling advertisements cannot be targeted at under-25s.</p> <p>Development of social media platforms has brought a new indirect way to advertise products and the gambling industry have utilised this, legislation needs to reflect these changes and place regulations that protect both young people and vulnerable players. Within their Gambling Act review call for evidence response they called for regulations to be placed upon gambling advertising particularly within social media and using influencers in order to protect under 18's and they hope CAP and BCAP's codes support this.</p>	<p>CAP and BCAP agree that restrictions on ad content and targeting should apply to ads on social and digital media, including influencer activity. The Scope of the CAP Code already includes these forms of advertising and the ASA/CAP system carries out complaint-based and proactive enforcement of online ad placement and influencer marketing. Where influencers are (or appear to be) under the age of 25 and/or are of particular appeal to under-18s, they would be caught by the content and targeting rules.</p> <p>CAP and the ASA have strong regulatory relationships with many of the key social media platforms and online ad networks, which support effective regulation in this area.</p>	
GHA, WRA	<p>Adverts need to consider the health implications of gambling harms and treat gambling as an addiction and not just a hobby. They would like to see change in legislation which places mandatory public health based harm reduction messages within all gambling advertising and on all gambling related products to bring this unhealthy public health</p>	<p>CAP and BCAP note respondents' concerns about gambling and lotteries more broadly. While these fall outside of the scope of this consultation, they are part of ongoing policy work in this area.</p>	

		<p>behaviour in line with others (alcohol and tobacco). The words 'In it to Win it', Fun, etc... should be removed from adverts as they emphasise that gambling is the norm in society and these messages draw young people into the activity. Regulations that should be included is size of font, visible colours scheme, and standard placement sizes and for TV and online ads length of time message is shown within the ad (i.e. Not just a quick flash up on end frame). Information on the National Gambling Helpline should be included in all ads as standard practice.</p> <p>The National Lottery plays on its 'good nature' encouraging people to play in order to raise funds for essential services/charities. Such approach is not taken with the purchase of other addictive products. These issues should be looked at for CAP and BCAP to provide further protection around gambling harms to young people and the vulnerable.</p>	<p>Based on a public policy position that properly regulated gambling may be regarded as a legitimate leisure activity, the Gambling Act 2005 removed advertising prohibitions previously in place for many gambling products. The ASA system operates within this framework and reflects advertisers' legal ability to market gambling and lottery products. In the event that the law changes, CAP and BCAP will give full consideration to how the Codes should also be changed to reflect it. This consultation is an example of changing the Codes to keep in step with stricter legislation.</p> <p>It is important to acknowledge that the risks, harms and mitigations associated with gambling advertising differ from those associated with actual participation in gambling. The act of gambling can, in the absence of appropriate safeguards, be harmful to individuals, particularly those whose circumstances put them at risk of problem gambling. Statutory restrictions on the age of play for many gambling products acknowledge a key aspect of gambling-related harm: the significant risks associated with underage participation.</p> <p>Advertising may persuade individuals to gamble, but advertisements compliant with the UK Advertising Codes must not do so in a way that is likely to encourage or condone harmful behaviour. The Gambling Commission is responsible for licensing gambling operators and ensuring the provision of their products to customers is compatible with the Gambling Act 2005's requirements that ensure children and young people, and other vulnerable groups are protected. The UK Advertising Codes set standards to prevent harm arising from the advertising of products that have met these requirements.</p>
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