

Regulatory statement: gambling advertising guidance

Protecting children and young people

13 February 2019



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Note: the annexes are available separately through the links and on the CAP website.

1. Executive summary

1.1. Introduction

Today, the [Committees of Advertising Practice](#) (CAP and BCAP), the authors of the UK Advertising Codes¹, are publishing significantly updated guidance on gambling advertising and the protection of under-18s.

CAP and BCAP recognise the potential risks posed to children (under-16s) and young people (16 and 17 year olds) by irresponsible gambling advertising. The guidance reaffirms and enhances the comprehensive protection provided by the Codes: under-18s must not be addressed by gambling advertising, they should not be targeted through media placement or ad content, and ads intended for adult audiences must not contain content of particular appeal to under-18s.

This revised guidance is part of the Committees' response to the Department for Digital, Culture, Media and Sport (DCMS) [review](#) of social responsibility measures for gambling. In developing it, CAP and BCAP have reviewed the evidence base for advertising's impact on under-18s to update their understanding in light of evidence emerging since the last comprehensive review of the rules in 2014. The conclusion is that, although the evidence base remains subject to limitations, the regulatory framework for controlling advertising is effective in the protections it provides.

The potential risks of irresponsible gambling advertising nevertheless remain and continued vigilance is therefore essential in this aspect of our work. CAP and BCAP will stay up to date with emerging evidence and commit to taking proportionate action where new risks of harm are identified.

1.2. Enhanced guidance

CAP and BCAP's guidance on the protection of under-18s (see Annex A) will take effect **from 1 April 2019**. From that date, the [Advertising Standards Authority](#) (ASA), the body that enforces the Codes, will begin to consider complaints under the guidance.

The revised guidance:

- builds on existing guidance resources on targeting covering all media (including social networks and other online platforms);
- requires that gambling ads are not placed in media for under-18s and that under-18s comprise no more than 25% of an audience in other media;
- prohibits targeting of groups of individuals who are likely to be under 18 based on data about their online interests and browsing behaviour;
- includes an extensive list of unacceptable types of content, including certain types of animated characters, licensed characters from movies or TV and sportspeople and celebrities that are likely to be of particular appeal to children and references to youth culture; and
- prohibits the use in gambling advertisements of sportspersons, celebrities or other characters who are or appear to be under 25.

¹ The UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (the CAP Code) and the UK Code of Broadcast Advertising (the BCAP Code) are available [here](#).

The guidance is based on a review of the existing evidence of advertising's impact on under-18s and a consolidation of recent ASA rulings. The ASA will have regard to the guidance when it applies the gambling sections of the UK Advertising Codes in order to make clearer to the industry where the line is drawn.

1.3. UK gambling policy and advertising

Gambling advertising remains a key focus for the self-regulatory system. Based on the premise that gambling could be a legitimate leisure activity, the Gambling Act 2005 removed advertising prohibitions previously in place for many gambling products. For the first time, many gambling operators could advertise on TV. However, the Act also recognised the potential for harm, in particular, to under-18s and other vulnerable groups. It created a regulatory framework, under the auspices of the Gambling Commission, to mitigate such harms, and required the protection of "children and other vulnerable persons from being harmed or exploited by gambling". The ASA and the Committees were asked to play a part in this by developing the gambling-specific rules in the UK Advertising Codes.

The market has developed significantly in recent years. A liberalised market, new online platforms and cross-media advertising have increased gambling's accessibility and visibility. In light of this, the UK Government recently reviewed whether changes were needed to continue to strike the right balance between socially responsible growth and the protection of consumers and the communities they live in.

As the UK's advertising regulator, CAP and BCAP are committed to playing their part in minimising harm from gambling within the context of their remit ensuring that gambling advertising remains responsible and any advertising restrictions respond proportionately to the evidence base.

1.4. Reviewing the emerging evidence

CAP and BCAP continue to be proactive on gambling issues. Development of this guidance has provided an opportunity to review the emerging evidence. This allowed an assessment of the implications for the effectiveness of the UK Advertising Codes' wider approach to gambling advertising. The Committees are aware of calls for fundamentally tougher restrictions on gambling advertising. These include calls for measures to further restrict gambling advertising before 9pm on television.

The dedicated evidence base on gambling advertising and under-18s remains relatively limited, with few studies that have examined the direct influence of advertising on under-18s in the UK-context. CAP and BCAP consider the evidence base is nevertheless sufficient to assess the wider framework of rules protecting under-18s through controls on ad placement and content.

It is necessary to consider the impact of gambling advertising on under-18s in a real-world context where there are established controls in place to regulate gambling operators and their advertising. These controls include rules on the scheduling, placement and content of gambling ads, which are robustly enforced by the ASA acting in co-regulatory partnership with Ofcom and, separately, in close co-operation with the Gambling Commission as the sectoral regulator. To that end, it is important to consider whether there is evidence that gambling ads that are compliant with this regulatory framework are likely to cause harm.

As detailed in the sections below, CAP and BCAP consider the available evidence does not suggest that simple exposure to gambling ads, which are placed in media attracting a

predominantly adult audience, and targeted, through their content, at adults, is likely to be harmful. Indeed, during a period when gambling has become more visible and gambling advertising has proliferated, the overall trend in underage participation in any gambling activity (for example, gambling with friends, fruit machines and scratch cards) has declined significantly since 2011² and adult problem gambling rates have remained stable.

1.5. Continuing commitment to review

CAP and BCAP remain open to considering significant new evidence, to ensure that the Codes and the ASA's enforcement of them continue to prevent harm to under-18s. In this regard, the Committees note the ongoing and extensive programme of research projects [commissioned by GambleAware](#) in the UK, publication of which is anticipated in mid-2019. CAP and BCAP will assess the findings for any regulatory implications.

In the interim, CAP and BCAP consider new guidance on protection of under-18s is essential to set out what the established protections in the rules mean in practice and to provide a clear statement on where the line is drawn to assist advertisers.

CAP and BCAP are also open to engagement with regulatory partners and other stakeholders on issues arising from this review that go beyond just advertising.

1.6. Implementation

CAP and BCAP's new guidance, *Gambling advertising: protecting children and young people* (see Annex A), will come into effect **on 1 April 2019** when the ASA will begin to have regard to it when applying the gambling rules of the UK Advertising Codes.

Marketers must ensure that gambling ads that appear on or after 1 April 2019 have due regard to the guidance in supporting their compliance with the underlying advertising rules.

² See the Gambling Commission (2018), *Young People & Gambling 2018 A research study among 11-16 year olds in Great Britain*

2. Background

2.1. Concerns around gambling advertising

The [Gambling Act 2005](#) removed advertising prohibitions previously in place for many gambling products. It is unsurprising that gambling ads have proliferated significantly since then, as a growing number of operators have taken advantage of greater freedom to promote their products to a UK audience.

More freedom for gambling operators to market their products has gone hand-in-hand with huge growth of digital gambling platforms. Online gambling is now readily accessible through smartphone and other internet-connected devices. Developments in social media have given rise to new marketing channels through which operators seek to engage more directly with consumers.

Government, regulators and civil society organisations have voiced concerns in recent years around the impact of advertising in the wider context of debates over gambling-related harm and children and young people.

2.2. Regulating gambling advertising in Great Britain

The Gambling Act 2005 permitted operators – including those offering remote gambling services – to advertise and to engage in marketing activities with the aim of stimulating demand. For the first time, many gambling operators could advertise on TV. However, the Act also recognised the potential for harm, in particular, to under-18s and other vulnerable groups. It created a regulatory framework, under the auspices of the Gambling Commission, to mitigate such harms, requiring the protection of “children and other vulnerable persons from being harmed or exploited by gambling”.

The UK Advertising Codes play their part in this effort to minimise harm. Alongside general requirements that advertising must not be likely to cause harm, offend or mislead people, the Codes include extensive and strict rules controlling scheduling, placement and content of gambling advertising. As an overarching principle, marketing communications must not portray, condone or encourage gambling behaviour that is socially irresponsible. Protection of under-18s is central to this.

2.3. UK Government review

Between 2016 and 2018, the Department of Digital, Culture, Media and Sport (DCMS) carried out its [Review of Gaming Machines and Social Responsibility Measures](#), which examined various aspects of gambling policy. The review echoed wider concerns over the effects of gambling advertising; in particular, how the tone and content of ads for live odds betting ads, broadcast in or adjacent to live sport programmes, might contribute to unwise or risky behaviour. The process raised two important questions: what is the impact of gambling advertising on problem gambling and what is the impact on children and young people?

CAP and BCAP responded to DCMS in a joint letter (see Annex B) with the ASA detailing ongoing enforcement and policy work. It highlighted work already carried out, including:

- new guidance to ensure marketing for categories of ads that attract a scheduling or placement restriction, for example, ads for gambling, alcohol and food and soft drink

products high in fat, salt or sugar (HFSS products), do not target an under-18 audience (or under-16 audience, in the case of HFSS products);

- compliance action on misleading “free” bet and bonus offers in gambling ads; and
- work to ensure that gambling operators’ affiliates do not target ads at under-18s in social media.

The letter also made two additional commitments to develop new, dedicated guidance on the interpretation of the rules relating to:

- issues of general responsibility and problem gambling; and
- the protection of under-18s.

The first of these pieces of guidance was [published in early 2018](#) and came into effect in April of the same year. The combined effect of that and of the new guidance published today is that gambling operators now have more extensive resources to help them understand where the line is drawn in interpreting the rules on gambling ads.

2.4. CAP and BCAP review of the gambling rules

In 2014, CAP and BCAP carried out a [comprehensive review of the gambling sections](#) of the Codes. This involved an assessment of the academic literature on gambling advertising and other sources of data and information. In particular, the review focused on the study commissioned by the Responsible Gambling Trust ([Binde, 2014](#)) to appraise the evidence base on gambling advertising’s impact on problem gambling and identify evidence gaps of further research interest. It also looked at the evidence around under-18s and gambling advertising.

The review concluded that the rules in place were proportionate to advertising’s likely impact and effective in mitigating potential harms. The Codes’ approach to protecting under-18s was considered appropriate and proportionate to the evidence and potential risks. Gambling advertising was not found to be a significant contributory factor to underage participation in gambling; in particular, the review noted the downward trend in underage participation during a period of significant growth in ad volumes. The review also noted that the existing rules and other regulatory controls in place in the UK aligned with many of the recommended interventions in the academic literature.

CAP and BCAP nevertheless noted that the evidence base was very limited and drawn, in large part, from other fields like alcohol and tobacco. The more empirical work tended to centre on participants’ recall, attitudes and intentions and not on research demonstrating evidence of actual harm. The review therefore recommended further work to explore and counter risk factors (the present guidance project addresses this).

Relying on gambling participation data for under-18s alone as an indicator of the Codes’ effectiveness is not straightforward, however. Although participation levels are relatively low, the figures might conceal more focused instances of harm. CAP and BCAP therefore concluded that the emphasis should be on further identifying and taking action to address advertising-related risk factors.

2.5. Identifying and addressing gambling advertising risk factors

CAP and BCAP noted Binde’s finding of significant evidential gaps and the need for more research. In response, they committed to further work – in line with Binde’s recommendation – to obtain more information on advertising-related risk factors. The

objective was to develop new guidance on the interpretation of the gambling rules, which prevent advertisers from exploiting the vulnerabilities of children, young people and other vulnerable groups in society. In 2015, CAP and BCAP issued an open call for evidence from key stakeholders, including regulators, NGOs, treatment providers and academics. This evidence returned, however, did not identify advertising-related harms that were not adequately addressed by the advertising rules.

The DCMS review has provided a timely opportunity for CAP and BCAP to revisit the recommendation to explore and review new information on advertising-related risk factors. With the emergence of more academic evidence on gambling advertising, CAP and BCAP have been able to consider an evidence base that was not available to them in 2015.

3. Objectives and process

3.1. Introduction

CAP and BCAP guidance is primarily intended to explain how the Code should be interpreted by Code users including the ASA. The ASA Council agrees to have regard to the guidance when it considers relevant cases. However, importantly, the ASA is not subsequently bound by the guidance in its decision-making.

CAP and BCAP guidance also plays an important role in setting industry and practitioner expectations of marketing approaches, claims or images that are likely to be in breach of the Codes. The underlying objective is to ensure that advertising is compliant before it appears. The new guidance (Annex A) is based on a review of emerging primary evidence, combined with insights from existing CAP and BCAP guidance and recent ASA rulings. The review looked at research emerging since 2014 when CAP and BCAP [last reviewed](#) their gambling rules. The approach mirrors that of the guidance project on [problem gambling and responsibility](#) published earlier this year.

At the same time, CAP and BCAP took the opportunity to update their understanding of the evidence base around gambling advertising and under-18s to assess whether the rules themselves continue to provide effective protections.

3.2. Evidence assessed and objectives

The review identified around 40 studies and reports relevant to under-18s and gambling advertising from the GambleAware's [InfoHub](#) database (see the bibliography in Annex C). Studies were chosen on the basis of their relevance to children and/or young people and to factors which influence those groups' gambling behaviour, principally marketing communications. Sponsorship was included owing to it being a related commercial practice, although it should be noted that it is not directly covered by the UK Advertising Codes (the narrow exception to this is TV programme sponsorship, which is regulated by Ofcom under provisions of both the BCAP Code and Ofcom's own [Broadcasting Code](#), which sets standards for TV programming).

Specifically, the objectives were to:

- i. assess whether the conclusions of CAP and BCAP's 2014 review on the impact of advertising on under-18s were still valid;
- ii. explore the implications of changes in the wider context of that impact, for example changes in underage problem gambling and gambling participation rates, changes in exposure and new modes of gambling participation; and
- iii. identify additional insights on risk factors in potential advertising-related harm to inform new, under-18s-specific guidance.

Sections 5, 6 and 7 follow this structure with section 4 providing an initial overview of the strength of the evidence base and its limitations.

3.3. Defining harm

CAP and BCAP have developed an approach to understanding gambling advertising-related harm in relation to under-18s to assist with their evidence assessment. It has regard to the Gambling Act 2005's licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling

Early gambling participation is commonly acknowledged as a strong risk factor in direct harm and longer-term problems. Beyond the empirical evidence, the age restrictions on gambling render underage play unlawful and there is a broader ethical dimension in the need to protect children from risky or harmful situations more generally.

CAP and BCAP have assessed the studies and information identified for evidence that advertising might:

- influence under-18s to participate in gambling directly;
- effect attitudinal change that could result in underage participation later; or
- affect longer-term attitudes that could result in irresponsible or harmful gambling behaviour when the audience eventually comes of age and can gamble legally.

In relation to objectives (i) and (ii) in Section 3.2 above, the key question is whether evidence suggests advertising compliant with the gambling rules in the UK Advertising Codes could still cause harm or carry real potential for harm. If it could, CAP and BCAP consider it could be the basis for potential strengthening of the scheduling, placement or content rules.

In making such an assessment, CAP and BCAP must also have regard to the key legal and regulatory considerations; the principal legal tests derive from Article 10 of the European Convention on Human Rights concerning freedom of expression. Key considerations are the:

- right to commercial freedom of expression;
- principle that restrictions must be necessary in a democratic society for a legitimate aim;
- existence of evidence of harm, or a real potential for harm; and
- principle that restrictions must be a proportionate means of achieving a legitimate aim (CAP and BCAP must consider whether there are less restrictive alternative means of achieving the aim).

3.4. Identifying “risk factors

In regard to the objective to identify additional insights on risk factors in potential advertising-related harm, CAP and BCAP’s [call for evidence](#) in 2015 adopted the following definition of “risk factors”:

Advertising content, themes or approaches that are generally irresponsible or might cause, sustain or exacerbate problem behaviours amongst those exposed to a communication; including, behaviours related to problem gambling and under age participation.

This is a more focused definition looking at how ads on an immediate level might unduly influence under-18s or convey irresponsible messages about gambling or gambling behaviour. It provides the appropriate flexibility for a guidance-centred project to identify and counter such specific issues.

3.5. Consultation

In developing the guidance, CAP and BCAP sought the input of key stakeholders. These included gambling industry stakeholders, such as the Remote Gambling Association (RGA) and the Association of British Bookmakers (ABB), and associations representing other

gambling sectors, such as, gaming and amusements, casinos, bingo and lotteries³. They also invited input from relevant regulatory bodies in the sector; the Gambling Commission, the Responsible Gambling Strategy Board and Ofcom⁴. Additionally, CAP and BCAP sought advice from BCAP's independent panel that represents the interests of consumers, the [Advertising Advisory Committee](#).

³ Lotteries, principally, the National Lottery, are regulated under a different statutory framework to other gambling activities. As such, the UK Advertising Codes have separate sections for lotteries. Many of the rules in these sections are similar, however. Owing to this commonality, CAP and BCAP included lottery stakeholders.

⁴ Ofcom is BCAP's co-regulatory partner in the regulation of broadcast advertising. Part of Ofcom's role is to regulate programme sponsorship and teleshopping channels and windows under the terms of both the BCAP Code and relevant sections of its own programming Code.

4. Assessment of the evidence base

4.1. Overview

This section discusses the nature of the evidence available on gambling advertising. One of the underlying conclusions of this review is that the evidence-base around gambling advertising and its impact on under-18s remains quite limited.

4.2. Scope and evidence gaps

In CAP and BCAP's view the evidence is limited in the following respects:

- There is little dedicated work on the effects of gambling advertising in a UK context. This is supported by Valentine (2016), a broad-ranging review of the evidence around under-18s and gambling for the Responsible Gambling Trust (RGT) in the UK.
- Only one developed body of work – involving one or more of the Australian academics renowned in this field of research: Samantha Thomas, Hannah Pitt and Amy Bestman – looks specifically at gambling advertising and its effects on children and young people through a series of qualitative studies.
- Several studies explore wider influences on underage gambling participation, in particular, maladaptive behaviours like substance abuse, parental influences and socio-economic factors. However, none considered advertising among the influences assessed.
- Only one study (Pitt et al, 2017a), a qualitative piece of research identified (involving 48 Australian children) sought to compare advertising's role with other factors influencing behaviour and attitudes.
- There are established sources of wider data on under-18s, gambling and advertising; principally, the Gambling Commission (2017) providing contextual information and data on participation and attitudes, which also includes a section on advertising. Readers should note the recent publication of the [2018 iteration of this study](#). Published in December, it came after the CAP and BCAP evidence review was complete. However, the relevant findings have been assessed and are discussed in the sections below alongside those from the 2017 version of the study.
- There are a few topic-specific exceptions to the general picture. For instance, social and online gaming is an area bearing some relation to gambling advertising where a reasonably well-developed evidence base is beginning to emerge on under-18s' interaction with new technologies.

4.3. Making an assessment of the advertising regulatory framework

CAP and BCAP consider that, although limited, the evidence base is sufficient to allow a reasonable assessment of the present regulatory framework for gambling advertising. As the subsequent sections of this statement demonstrate, the evidence base allows areas and themes of potential risk to be identified. It provides useful insights that either support existing ASA policy in interpreting the UK Advertising Codes' rules on gambling or fresh insights on new advertising-related risk factors. The latter have usefully contributed to development of the new guidance (see section 5.3).

CAP and BCAP nevertheless acknowledge the need for more, UK-specific research. Given the concerns about gambling and its advertising, it is important to continually review the rules and address issues that might arise. The Committees note the ongoing and extensive programme of research projects commissioned by GambleAware, publication of which is

expected later in 2019. CAP and BCAP commit to evaluating this more UK-centric body of research and assessing its regulatory implications for the UK Advertising Codes when the findings become available.

5. Under-18s, advertising and gambling-related harm

5.1. Evidence of attributable impacts

5.1.1. Overview

This section discusses evidence relating to how advertising affects under-18s. This can be evidence showing that advertising:

- influences behaviour directly (most importantly, in terms of actual participation in gambling after seeing or hearing a gambling ad);
- affects changes in attitudes and/or intentions towards gambling that might influence behaviour later;
- has lower-level and indirect effects such as levels of gambling brand awareness.

The following parts of this section are structured around these three types of evidence.

It is necessary to consider the impact of gambling advertising on under-18s in a real-world context where there are established controls in place to regulate gambling operators and their advertising. To that end, it is important to consider whether there is evidence that gambling ads that are compliant with the UK Advertising Codes are likely to cause harm. CAP and BCAP conclude that there is very little evidence of this.

This is not to say that gambling advertising has no effect at all. Evidence consistently shows, for example, that under-18s are aware of gambling advertising, which might play a part in children's recognition of gambling-related brands. However, the evidence of these low-level effects is not backed by evidence that shows how advertising exposure translates into immediate or longer-term harm. Where the evidence base suggests there are significant risks, the Codes already have corresponding provisions in place. For example, they include a broad-based rule prohibiting ads from including content of particular appeal to under-18s, under which the ASA has frequently taken enforcement action. Moreover, the new CAP and BCAP guidance identifies further content-related risk factors that will now be restricted under this provision.

5.1.2. Behaviour and gambling participation

Underage participation in age-restricted gambling activities is commonly acknowledged to be a significant risk. Therefore, causal links between advertising and under-18s participating in gambling are particularly concerning.

The Gambling Commission (2017) study is an important source of data on under-18s and gambling in the UK. It was a large-scale, UK-based study based on a questionnaire carried out in schools involving 2,881 pupils. The longer-term trend in underage participation is downward; from 23% who gambled in the past 7 days in 2011, to 12% in 2017. However, it should be noted the 2018 version of the report shows a slight increase in this figure to 14%. Also included is a new version of the question asking about behaviour over a longer period; it shows 39% of respondents had spent their own money gambling in the past 12 months. Nevertheless, both iterations of the study suggest that by far the most popular activities are those that are rarely if ever advertised; primarily, betting or playing cards with friends and playing fruit machines or scratch cards.

The Gambling Commission (2017) also included specific questions on advertising. In 2016, 1% of children aged 11-16 said advertising prompted them to start or increase gambling.

There was a similar finding for gambling participation after children saw gambling operator posts on social media. The 2018 study included a slightly different question, which found that 7% of respondents who had ever seen gambling adverts or sponsorships reported that this had ever prompted them to spend money on gambling when they were not otherwise planning to.

While these findings are concerning, the absence of further studies looking more closely at these associations between underage gambling and various influencing factors – in terms of types of advertising and levels of exposure – makes it difficult to draw firm conclusions.

Valentine (2016) found little evidence around a direct link to advertising but cited earlier evidence: Deverensky et al (2010), which suggested advertising's role was more nuanced. Advertising encouraged existing underage gamblers to gamble rather than to prompt children who had previously not gambled to gamble. As Valentine pointed out, however, such isolated findings have to be treated with caution owing to the problem of adequately proving causation. It nevertheless raises the possibility of more nuanced and irregular effects on particular groups.

The balance of the available evidence suggests that exposure to advertising compliant with the UK Advertising Codes, of itself, is unlikely to be a direct cause of harm; certainly not to the overwhelming majority of under-18s. The studies identifying moderating effects on attitudes and participation (see 'Intentions and attitudes' below), such as negative views of gambling, are particularly relevant in this respect. CAP and BCAP consider that this conclusion underscores the importance of focused interventions – such as this guidance project – to target protections where they are needed.

CAP and BCAP consider that one of the notable gaps in the evidence is the absence of larger-scale studies exploring associations between different influencing factors, including advertising and marketing, and patterns of participation and gambling behaviour. Such studies are highly useful as they position advertising's effect in the context of the multiple factors that influence behaviour.

There are several larger-scale studies, which – regrettably – do not include advertising among the influencing factors assessed. Dowling et al (2017), a systematic review of the longitudinal evidence around early risk factors for problem gambling, examined a broad list of potential risk factors, but omitted the influence of advertising). It identified a variety of key thematic risk factors, including alcohol use, anti-social behaviour, male gender, depression and impulsivity. It also found that peer anti-social behaviour was a key, specific risk factor. Other similar studies include Hanss et al (2014a), Hanss et al (2014b), Fröberg et al (2014), Canale et al (2016) and Sagoe et al (2017). Firm conclusions about advertising's effect cannot be drawn from these studies. However, they reaffirm the multifactorial nature of the influences on under-18s in relation to their gambling behaviour.

5.1.3. Intention and attitudes

There is a larger body of evidence of advertising's influence on intentions and attitudes, mostly from Australia. By influencing perceptions of gambling activities as fun or enjoyable, downplaying perceptions of risks of gambling or building associations with other activities (like watching sport) advertising might, over time, result in harmful outcomes for under-18s or later, as individuals reach the legal age for gambling.

Pitt et al (2017a) is the only study that directly explores advertising's impact in context with other factors. The study was a qualitative exercise involving 48 Australian children aged 4-

16. The main finding was that gambling advertising was the most impactful influence when compared to factors such as family and peer influences. However, such an isolated finding from a non-UK context must be treated with caution (as noted in section 4.3).

Pitt et al (2017a) also found several insights on children's interpretation of ad content and messages. Gambling was regarded as fun and entertaining and some respondents believed knowledge of sport increased the chances of winning. Other studies support these findings. For example, Thomas (2014), a qualitative study of 59 Australian families, found the common take-out from ads was the 'feel good' factor of positive framing and that gambling was easy, entertaining and fun.

This is supported by several other studies (e.g. Thomas et al (2016), Pitt et al (2016) and Pitt et al (2017b), which suggest gambling advertising has a variety of impacts from simple recall e.g. of brand logos or specific creative features, to impressions that gambling is "easy" and fun and an integral part of sports. Several studies have identified use of characters, animations, celebrity endorsements and other marketing techniques in advertising as having potential influence on children.

Beyond the direct research into advertising's impact on attitudes and intentions, there are several studies highlighting likely moderating factors on children's behaviour. Valentine (2016) cited older studies suggesting that, although children could recall ads and their messages, in general, they also understood the risks. More generally, the Gambling Commission (2017) found that 62% of UK children responding agreed or strongly agreed that gambling was dangerous with only 8% regarding it as an easy way to make money. The 2018 iteration of this study had slightly different questions but found that 62% agreed or strongly agreed with the statement 'I feel well informed about the risks of gambling' and 59% agreed that 'gambling is dangerous'.

Kristiansen (2014), a study of 2,223 Danish 11-17 year olds based on responses to a national gambling behaviour survey, explored perceptions of risk; understanding of the roles of skill and luck; and, prevalence of irrational beliefs. It found gambling participation was associated with a reduced perception of the risks of gambling. However, overall, children and young people had a good understanding of the risks involved.

In CAP and BCAP's view, without a body of research looking at how attitudes and intentions are associated to actual behaviour, it is difficult to draw clear conclusions on the wider impacts of gambling advertising in general. There are further potential problems in cross-applying findings from other countries to the UK. Cultural, media and regulatory differences relating to gambling and its advertising must be adequately accounted for; for instance, whether the ads to which participants in a study were exposed complied with the standards set out in the UK Advertising Codes.

The latest body of evidence on gambling advertising and its impact does not, in CAP and BCAP's opinion, challenge the fundamental basis of the advertising rules. Insights from the research support decisions taken by the ASA when it has applied the rules in particular circumstances. For example, the research strongly supports ASA decisions to restrict the use of certain advertisement content and techniques (like characters and animations) that are likely to appeal particularly to under-18s. Where new advertising-related risk factors emerge from the evidence, the rules are sufficiently broad in scope to counter them (see part 5.3 below for more details).

Separately, a key finding from the research – in particular, Thomas (2014), Thomas et al (2016), Pitt et al (2016) and Pitt et al (2017b) – related to the alignment of gambling with

sporting events. For example, children reported the belief that gambling was a normal part of sport and their experience of watching sport, whether live or in media. They also reported effects on children's discourse e.g. through use of words like "wagering" and "odds". Thomas et al (2016) also found that the effects observed around advertising were also true for other forms of promotional activity like sponsorship and promotion in venues. Bestman et al (2015), a qualitative study of 85 Australian 9-12 year olds, found that sports shirt sponsorships (for betting and other brands) held a special salience.

CAP and BCAP recognise that the evidence base points to wider concerns about the links between sport and gambling in the minds of children. This extends beyond advertising into commercial practices not covered by the UK Advertising Codes, like sports and events sponsorship agreements. CAP and BCAP are open to further engagement with regulatory partners and other stakeholders to explore these issues.

5.1.4. Awareness and recall

There is consistent evidence that children see and recall gambling advertising. The Gambling Commission (2017) study showed that 80% of children recalled seeing a TV gambling advertisement and 39% saw more than one a week. The same figures for social media were 70% and 27% respectively with posters and billboards recording 62% and 13% respectively. 10% of child respondents reported that they followed gambling companies on social media. Furthermore, several of the studies cited above also reported significant findings in terms of children's recall of exposure and details about commercial messages across advertising and related disciplines studied (for instance, food and soft drink and alcohol studies). While this evidence has relevance to questions of children's awareness and recall of gambling ads, it does not of itself provide evidence of harm or the real potential for harm without further studies exploring how these findings link to actual behaviour.

5.2. Wider indicators of the potential for harm

5.2.1. Overview

Whilst it is difficult to draw strong or determinative conclusions from such data in relation to the regulation of gambling advertising, CAP and BCAP consider the following indicators provide relevant context to its work and thereby help to supplement the evidence base.

5.2.2. Participation rates

It is commonly acknowledged that gambling participation increases risk and that under-age participation increases the longer-term risks of problem gambling behaviour (Valentine, 2016). Alongside the findings from the Gambling Commission's 2017 and 2018 studies noted in section 5.1.2 (above), Valentine (2016) and Delfabbro (2016) support the finding that underage participation is likely to be significantly prevalent.

Online platforms are commonly acknowledged to be a new risk (Valentine, 2016 and Delfabbro, 2016) as they offer significant new opportunities for participation and opportunities to circumvent age controls. Valentine in particular highlighted the risks around pre-paid debit cards facilitating online gambling. The Gambling Commission (2017) study found that only 3% of 11-16 year olds spent their own money in online gambling at least once a year, while 7% had ever gambled online using their parents' accounts. The 2018

study reported online gambling in the past seven days at 1% of respondents and in the past 12 months at 5%.

5.2.3. Problem gambling rates

Evidence of problem gambling amongst children and young people is particularly concerning because these behaviours often carry over into adulthood. The Gambling Commission (2017) study found a problem gambling rate among 11-16 year olds of 0.9% with 1.3% at risk; boys accounted for the majority of each finding. The 2018 iteration of this report showed respective increases to 1.7% for problem gambling 2.2% for those at risk. The latter report, however, urges caution owing to methodological differences between the studies that are likely to account for variability in these trends.

Calado (2016), a review of global studies of underage problem gambling, confirms that problem gambling is an issue for under-18s. This is supported by Valentine (2016) and Delfabbro (2016), a review of the evidence around adolescent gambling.

5.2.4. Ad exposure

The ASA [recently published data on children's exposure to TV ads](#) for gambling products. In 2017, children saw, on average, 2.8 gambling ads during the average week; fewer than 2% of their total exposure to all TV ads. In terms of product breakdown, children's average weekly exposure can be broken down as follows:

- Lottery and scratchcards – 0.9 ads/week
- Bingo – 0.8 ads/week
- Casino – 0.7 ads/week
- Sports betting – 0.4 ads/week

By comparison, adults saw, on average, a total of 14.3 ads per week. Another useful comparator is ads for toys: in 2017, children saw, on average, around 35 ads per week. This provides an indication of the high exposure levels that can be achieved when it is legitimate for advertisers to specifically target children.

Various studies suggest that owing to the rapid growth of online media use among under-18s, this age group is potentially exposed to more and more online gambling ads. The Gambling Commission (2017) study found significant numbers of children reported seeing advertising in online environments and many also reported following gambling operators on social media. This picture was confirmed by the 2018 version of the report.

These self-reported findings haven't, to date, been complemented by research based on media measurement to attempt to quantify the likely level of exposure to online gambling ads and to better understand the context in which it occurs. However, the ASA is in the process of carrying out research using child and young person 'avatars' to better understand what ads children see online. This research involves capturing data on the dynamic serving of ads when an avatar visits different websites. Avatars are constructed using internet 'cookies' that identify it as have a certain set of interests; these can be set to identify an avatar as a visitor likely to be a child or young person. The CAP Code requires that advertisers take all reasonable steps to avoid serving gambling ads to such users.

5.2.5. New modes of play

There is a very strong consensus in the evidence base around the potential for online modes of play to present risks to under-18s. Owing to the dynamic nature of the market, it is unreasonable to expect a completely up-to-date picture in the academic evidence. However, there are some useful insights.

Blaszczynski and Gainsbury (2017) is a report prepared for GambleAware on skins betting and blockchains. Skins are virtual property, usually something that can be used in a game (weapons, armour or equipment, for example). They can be purchased or won through a variety of activities (for example, betting on e-sports) that are very similar to gambling. Blaszczynski and Gainsbury reported that around three million people wagered some \$2.3bn on skins betting in 2015 and the Gambling Commission (2017) study found that 11% of 11-16 year olds claimed to have participated in it (the 2018 iteration of the study, with a modified question wording, had a corresponding figure of 3%). However, such activities are not generally regulated as gambling in the UK.

Miller et al (2016), a review for the RGT, shows the considerable development of a gambling and betting ecosystem in social media through network analysis techniques. There is an extensive social media network of gambling operators, tipsters, journalists and other commentators around sports. While operators might have policies to limit underage followers, it is difficult, if not impossible to exclude under-18s from these networks entirely.

A key debate around new modes of play is over the links between simulated gambling or other games with gambling-like features and real money gambling. The evidence of advertising's role in this very limited; these types of game are not of themselves advertising for the purposes of CAP Code.

One study, Abarbanel et al (2016), involved a content analysis of 115 social casino games. It found ads typically featured content of likely appeal to young adults including images of young adults, cartoon animals, characters and references to popular culture.

At the time of the 2014 research, there was evidence of convergence between gaming and gambling content; this has developed further (notably, Valentine, 2016 and Deverensky and Gainsbury, 2015) as have concerns around how gaming content and experiences that have salience for younger people are increasingly found in gambling games. Calado (2014), a focus group study of 37 13-26 year olds in Portugal, also found convergence in the motivations behind video game play and online gambling. McBride and Deverensky (2016), a study of the gaming and gambling behaviour of 1,229 Canadian adolescents elaborated further on this finding. They observed significant connections between video game play and gambling.

Several further studies have identified the potential for simulated gambling to be a direct gateway to gambling for under-18s. Notably, King et al (2016) surveyed 555 adolescents including 130 social casino game users that followed up on two previous large-scale studies (King et al, 2012 and King et al, 2014) into social and online gaming. It found that paying users were more frequently involved in for-money gambling with two thirds progressing from one to the other. It also reported a likelihood of higher problem gambling behaviours, although causality is difficult to determine.

Carran and Griffiths (2015) confirmed some of these findings but present a more nuanced view of the wider field of social and online gaming. The study involved focus groups of 14-19 year olds in the UK. It highlighted how different types of social and online gaming were

viewed differently and how even non-monetary, simulated gambling games were distinct in the minds of most respondents and unlikely to trigger a transition of interest to real gambling. It nevertheless confirmed the greater risks associated with demo or trial gambling games.

5.2.6. Assessing contextual indicators

The four sections above provide little direct evidence of advertising-related harms. Even ad exposure rates, the most strongly associated of the four with advertising, reveal little about how advertising influences behaviour among under-18s. Only tentative conclusion may be drawn but CAP and BCAP consider it notable that there is a lack of correlation between the undoubted growth in gambling advertising volumes and the movement of the indicators. However, at the same time, they acknowledge the potential for this lack of a positive association to mask more specific instances of harm, for instance, to particular individuals. In part, for this reason, it is important to keep gambling advertising under close scrutiny from both policy and enforcement perspectives. CAP and BCAP's new guidance forms part of this wider effort.

There is a clear need for more data on under-18s' exposure to gambling advertising. The ASA's recent publication on children's exposure to age-restricted ads is an important contribution to this area of work. The ASA has now commissioned research examining dynamic serving of advertising in online media in relation to sensitive product categories including gambling. The ASA will report on this in early 2019 and provide an indication of how interest-based online targeting is being used by gambling operators and the implications, if any, for the protection of children and young-persons online.

The issue of new modes of online play is not straightforwardly a matter for the UK Advertising Codes, which do not cover the games themselves. Moreover, as with skins betting, such activities might not be classified as gambling under UK law. Nevertheless, there is clearly the potential for risks, especially to younger players. CAP and BCAP therefore commit to engage with regulatory partners and other stakeholders to ensure that advertising regulation is playing its part in wider efforts to understand the risks in this area and to mitigate them.

Finally, CAP and BCAP note several insights on risk factors from the evidence reviewed around new modes of play. These relate to links between gambling and video games and transitions between simulated and for-money gambling; responses are outlined in part 5.3.

5.3. Informing new guidance: risk factors identified

5.3.1. Overview

The emerging evidence base over recent years has yielded several useful insights on potential risk factors that have been incorporated into new guidance provisions.

5.3.2. What the evidence base can add to existing policy

The guidance is based mostly on ASA precedent and existing guidance. An immediate reason for this is that the ASA has established precedents on the types of content likely to fall foul of the particular appeal rules; principally, the use of animations and characters. It is also important to note the present rules are deliberately broad in scope to meet their aim of prohibiting gambling ad content specifically directed at under-18s or content that is likely to

appeal particularly to under-18s. This overarching principle limits the scope for using some of the risk factors identified in the evidence base.

Although there is evidence, for instance, of impulsivity (see Sacades-Villa et al, 2016) being a problem for under-18s or that some children have quite limited understanding of the risks of gambling (see Valentine, 2016 or Kristiansen, 2014), any ad directed at them would be inherently irresponsible and breach the general requirement of the Codes that gambling ads must be socially responsible with particular regard to the need to protect children, young people and other vulnerable persons. Moreover, potential for these types of irresponsible appeal or encouragement, in general, are subject to significant restrictions imposed by the various rules and pieces of guidance protecting adults.

5.3.3. New guidance provisions

The following outline the insights drawn from the research to inform new guidance provisions:

- **Gaming - real money gambling transitions** – Although the evidence in section 5.2.5 (above) relating to online gaming is not clear-cut, there is an accepted risk factor in anything that might encourage children and young people who participate in simulated gambling to transition to real money gambling. A provision aimed at mitigating associated harms has been included in section 5.5 of the guidance.
- **Subgroups** – Several studies highlight the importance of assessing content from the perspective of different groups of under-18s owing to differences in how age ranges perceive types of content and messages. A provision is included in section 7.1 of the guidance explaining how the ASA will be likely to assess ad content.
- **Video game convergence** – Several studies highlight this effect and the potential cross-overs in terms of play and motivations. Although games themselves are not regulated as advertising, there is a potential risk where ad content references video games. A provision aimed at mitigating associated harms has been added in section 7.8 of the guidance relating to youth culture.
- **Humour** – Pitt et al (2017b) explored different appeal strategies through a focus group study. Although most of the findings (on the appeal of cartoons, characters etc.) have been addressed by ASA precedent, the appeal of certain types of humour to under-18s is a new risk factor. A provision aimed at mitigating associated harms has been included in section 7.9 of the guidance.

6. Outcome

6.1. New guidance

The new guidance will come into effect **on 1 April 2019**, when the ASA will begin to have regard to it when it applies the rules in the gambling sections of the Advertising Codes.

Marketers must ensure that gambling ads that appear on and after 1 April 2019 have due regard to the guidance in supporting their compliance with the underlying advertising rules. They are encouraged to seek guidance on non-broadcast ads from the [CAP Copy Advice service](#). For advice TV advertisements, they should contact [Clearcast](#), and, for radio advertisements, they should contact [Radiocentre](#).

6.2. Next steps

CAP and BCAP have committed to:

- considering the regulatory implications of the outcome of the GambleAware research projects when they are published in 2019;
- working with the ASA to publish more data and insights on exposure to gambling advertising; and
- engage with key regulatory partners – principally, the Gambling Commission – on wider policy issues that go beyond advertising, such as the relationship between sport and gambling and new modes of gambling such as skins betting.

This will complement the guidance published today to ensure that all gambling ads are responsible and mitigate potential negative impacts on vulnerable groups, particularly children and young people.

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