

Regulatory statement: gambling advertising guidance

Responsibility and problem gambling

Annex C

– Joint CAP and ASA letter to DCMS, 28 February 2017





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28 February 2017
By post and email

Dear Minister,

Following the round table on gambling advertising on 30 January, it was agreed that the participants would revert to you with a plan for action to mitigate concerns about gambling advertising. We're aware that the Advertising Association are writing to you separately providing a perspective from the advertising industry, but we wanted to set out some thinking on behalf of the UK's advertising regulator, the ASA system, on how we can review our ongoing work to tackle harmful advertising and best ensure the adequacy of regulatory protections in this area.

We've listened very carefully to the concerns raised by you and your colleagues, including about the tone of gambling advertising. We keep our rules and enforcement measures under periodic review to take account of new evidence, while remaining vigilant to ensure that our regulation remains effective in preventing harm. Consequently, the ASA and CAP will announce a plan of action on gambling policy and enforcement activities to take place during 2017 and early 2018.

As part of that, CAP will review and develop its guidance on the interpretation of the current gambling rules, noting concerns about tone, taking into account the latest evidence on both problem gambling and the protection of children and young people. Through this guidance, we communicate to advertisers and the industry the strict standards that gambling advertisements have to meet to ensure that they comply with the rules.

Our work will take into account expected publications of key new research and data this year, including:

- The outcome of the DCMS call for evidence;

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Chairman Rt Hon Lord Smith of Finsbury **Chief Executive** Guy Parker
ASA Council (Broadcast) Reg Bailey, Kate Bee, Alan Bookbinder, Rachel Childs, Roisin Donnelly, Ray Gallagher, Wesley Henderson, Suzanne McCarthy, Sir Martin Narey, Shireen Peermohamed, Hamish Pringle and Sam Younger

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- The Health Survey for England problem gambling data (Gambling Commission) – expected in April 2017;
- An exploration of the gambling industry and its impact, including any local trends (Citizens Advice) – expected in July 2017;
- The Health Survey problem gambling data combined UK report (Gambling Commission) – expected in summer 2017;
- Young People and Gambling annual report (Gambling Commission) – expected in autumn 2017 and
- Children and young people research project (Responsible Gambling Strategy Board / GambleAware) – expected by the end of 2017.

Much new evidence is therefore on the way, principally in two significant tranches. In the first half of the year, new research/data will emerge from reports related to problem gambling, with further new research/data on the impact on children and young people coming towards the end of 2017. Consequently, to ensure all emerging evidence can be properly factored into a thorough appraisal of the protections, our work will be conducted in two parts.

From Q2, CAP will focus on protections for problem gamblers, people at risk of problem gambling and others who might be vulnerable to problem gambling behaviours. From Q3, CAP will focus on the protection of children and young people. This work will be conducted with a view to assessing whether tighter guidance is needed, for example to address the tone of gambling ads.

As you know from our response to the call for evidence and the discussions at the roundtable, the comprehensive literature and evidence review conducted by CAP in 2014 found the framework of the gambling rules, which include combining restrictions on placement and strict prohibitions on content that might be harmful or irresponsible, to be broadly in the right place. At the same time, the ASA carried out a review of its enforcement. This included focus group research with members of the public, who broadly agreed that the ASA was getting its decisions right. However, pursuing the plan outlined above and reviewing the guidance enables us to review any issues that emerge, develop the interpretation of the rules and provide a clearer picture to advertisers of the acceptability of different themes, claims and imagery in gambling ads.

We're aware that the principal concerns you and your officials have expressed focus on both the tone and volume of gambling advertising. While we're keen to address concerns and perceived risks through the action set out above, there are of course constraints to what the ASA system can do in addition to the strict content and placement restrictions already in place. While many people object to the very presence of gambling advertising in mainstream media, that is not an issue that the ASA system can address. We can, however, act where the content of ads has the potential to cause harm, and that is what we'll be looking at.

The ASA system is committed to striking the right balance between advertisers' right to market gambling products responsibly and the crucial need to ensure that any advertising risks associated with problem gambling are minimised. We shall publicly announce our intention to review protections in the areas we have listed, and we will be happy to share advance notice of such announcements with your officials.

In addition to this work, the ASA and CAP will also:

- Continue ongoing enforcement activities in the sector;

- Continue our work with the Competition and Markets Authority (CMA) and the Gambling Commission on misleading gambling promotions;
- Conduct joint enforcement work with the Gambling Commission to address consumer protection and responsibility issues arising from operators using affiliates to market products, including on the rare occasions when ads may inadvertently appear in children's media;
- Publish new CAP guidance on the placement of age-restricted ads, including gambling ads, which will make clear how operators should ensure that they don't place ads in children or young people's media or in media where they make up a significant proportion of the audience and
- Publish new CAP guidance which will aim to reduce children's exposure to age-restricted ads, including gambling ads, by requiring marketers placing age-restricted ads on social media platforms to use the sophisticated targeting tools available, ensuring they support their choice of demographic data with behavioural data that excludes interests and behaviours very strongly associated with people under the relevant age.

We would, of course, welcome the opportunity to discuss this issue and the work we are proposing further with you or your officials.

Yours sincerely,



Guy Parker
Chief Executive



James Best
Chairman of CAP and BCAP

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