

Regulatory statement: gambling advertising guidance

Responsibility and problem gambling

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

The UK Advertising Codes are the responsibility of two industry Committees – the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) and are independently administered by the Advertising Standards Authority (ASA).

The Codes require advertisements across media to be legal, decent, honest and truthful, promoting consumer trust in advertising and maintaining fair competition between businesses. The Codes also include additional, sector-specific rules, such as those for alcohol, food and gambling, to ensure responsible advertising and the protection of vulnerable groups in certain sectors.

1. Introduction

Executive summary

Today, the [Committees of Advertising Practice](#) (CAP and BCAP) publish the first of two dedicated pieces of guidance on gambling advertising. It sets new standards to ensure that ads remain responsible with a particular focus on mitigating potential harms associated with problem gambling. The second piece of guidance will follow later this year and address concerns around the impact of gambling advertising on children and young people.

This new, strengthened guidance is part of the Committees' response to the Department for Digital, Culture, Media and Sport (DCMS) [review](#) of social responsibility measures for gambling. It will guide the [Advertising Standards Authority's](#) (ASA) interpretation of the gambling sections of the UK Advertising Codes¹. New provisions will:

- Restrict ads that create an inappropriate sense of urgency (e.g. encouraging people to “Bet Now!” during live events);
- Curb the trivialisation of gambling (e.g. encouraging repetitive play);
- Prevent approaches that give an erroneous perception of the risk or control (e.g. “Risk Free Deposit Bonus”);
- Provide greater detail on problem gambling behaviours and associated behaviours that should not be portrayed, even indirectly;
- Prevent undue emphasis on money-motives for gambling; and
- Provide greater detail on vulnerable groups like problem gamblers that marketers need to work to protect.

Gambling advertising remains a key focus for the self-regulatory system. 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 is reviewing matters to determine what, if any, changes are needed to continue to strike the right balance between socially responsible growth and the protection of consumers and the communities they live in. Problem gambling is of particular concern and presents a complex public policy challenge for regulators.

As the UK's advertising regulator, the wider context is important; we're keen to play our part in harm minimisation efforts around gambling. However, our role is to ensure that gambling advertising remains responsible and to respond proportionately to evidence of potential harm.

The evidence reviewed in developing the guidance does not suggest advertising plays a causal or even a significant role in problem gambling or harm in general. In this respect, it's notable that problem gambling rates have remained stable during a period of quite considerable growth in advertising volumes. Although reassuring, this cannot be a cause for complacency. The evidence does point to new potential risk factors in gambling advertising; claims, imagery or marketing approaches that might

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](#).

unduly influence people. That's why we've developed the guidance published today targeting risk factors such as those summarised in the list above.

Although advertising's detrimental impact is small, it is vital for advertising self-regulation to ensure it is doing all it can on an on-going basis to mitigate potential harms. The Committees, along with the ASA, will continue to contribute to wider regulatory efforts to meet policy challenges presented by gambling.

CAP and BCAP's new guidance, *Gambling advertising: responsibility and problem gambling* (see [Annex A](#)), will come **into effect on 2 April 2018** when the ASA begins to consider complaints under it.

Marketers must ensure that they follow the guidance from that date.

2. Background

2.1. Concerns around gambling advertising

Data prepared for the Gambling Commission suggests that around 0.7% of the population in Great Britain – some 300,000 people – are problem gamblers². A further 3.9% are classified as “at risk” because they display behaviours linked to problem gambling.

GambleAware [defines](#) problem gambling as:

“behaviour related to gambling which causes harm to the gambler and those around them. This may include family, friends and others who know them or care for them, such as those they work with. If someone is struggling to control their gambling behaviour it can cause stress, depression, anxiety, or they may fall behind at work and worry about money. If someone’s gambling is causing any of these effects, it is considered problem gambling.”

The evidence strongly suggests gambling advertising has a relatively small impact on problem gambling. However, the potential risks mean gambling is an area of particular interest for CAP and BCAP and, separately, the ASA, as it enforces the UK Advertising Codes.

The liberalising nature of the Gambling Act 2005 removed advertising prohibitions previously in place for many gambling products. It is unsurprising that the volume of gambling ads has grown significantly since then as operators have taken advantage of greater freedom to promote their products. 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 mobile device apps. Developments in social media have given rise to new marketing channels through which operators seek to engage more directly with consumers.

Our work and the UK Government’s concern to review the current environment and ensure gamblers and the public, in general, are adequately protected is set against this backdrop of wider concern around gambling.

2.2. Regulating gambling advertising in Great Britain

The Gambling Act 2005 regarded gambling as a legitimate leisure activity. As such, it permitted operators – including those offering remote services – to advertise legally 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.

The UK Advertising Codes play their part in this wider harm minimisation effort. Alongside general requirements that advertising must not be likely to cause harm,

² NatCen (2017), [Gambling behaviour in Great Britain in 2015: Evidence from England, Scotland and Wales](#). Quoted data is based on the PGSI measure of problem gambling.

offend or mislead people, the Codes include extensive and strict rules controlling placement and content of gambling advertising. As an overarching principle, marketing communications must not portray, condone or encourage gambling behaviour that is socially irresponsible.

2.3. UK Government review

In 2016, DCMS announced the inclusion of advertising in its [Review of Gaming Machines and Social Responsibility Measures](#). DCMS echoed wider public concerns over the effects of gambling advertising; in particular, how “Bet now!” offers during live sport might lead 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 C](#)) with the ASA detailing on-going enforcement and policy work. It highlighted:

- new [guidance published in April](#) to ensure marketers are not targeting under-18s;
- action to tackle misleading “free” bet and bonus offers; and
- work to ensure that operators’ affiliates are not targeting 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 second of these will follow later in 2018. Together, they will be the latest in a line of initiatives CAP and BCAP have undertaken to address the challenges presented by gambling advertising.

2.4. CAP and BCAP review of the gambling rules

In 2014, the Committees 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 worthy of further research interest.

CAP and BCAP concluded that their rules were proportionate to advertising’s likely impact and effective in mitigating potential harms. They noted the causes of problem gambling are multiple and complex; importantly, direct studies suggest advertising plays only a relatively small part.

Alongside this, data on problem gambling suggests gambling advertising has, at most, a very limited causal role and is unlikely to have contributed to an increase in harm. Problem gambling rates have remained stable over a period when advertising volumes have risen very significantly. Furthermore, advertising volumes do not correspond to more problematic activities. Problem gamblers tend to participate in multiple activities; those where players can engage in repetitive play with quick rewards are of higher risk. Many such activities, like playing slot machines or fixed odds betting terminals, horse race betting and private betting, are not advertised prominently. Activities like bingo and lotteries, which are, do not fit the characterisation of enabling repetitive play.

Relying on problem gambling and participation data alone as an indicator of the Codes' effectiveness is not straight-forward, however, as the data 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 to flesh out the interpretation of the rules. In 2015, an [open call for evidence](#) was held seeking input from key stakeholders, including, regulators, NGOs, treatment providers and academics. This process was unsuccessful, however, in providing the insights necessary to develop new guidance.

DCMS's review has been a timely opportunity to revisit this recommendation. With more academic evidence on gambling advertising emerging, CAP and BCAP have now been able to assemble an evidence base that was not available in 2015.

3. Process

3.1. Guidance development

CAP and BCAP guidance informs the ASA's interpretation of the rules. It also plays an important role in setting industry and practitioner expectations of marketing approaches, claims or images that are likely to be unacceptable. The underlying objective is to ensure that advertising is compliant before it is published or broadcast.

The new *Gambling advertising: responsibility and problem gambling* guidance is based on a review of emerging primary evidence on gambling advertising's impact, combined with insights from existing CAP and BCAP guidance and recent ASA rulings.

CAP and BCAP identified over 50 academic studies and other pieces of evidence relating to gambling, advertising/marketing and problem gambling published after the Binde (2014) evidence review for the RGT. 22 studies were directly or strongly relevant to advertising and informed the development of this guidance. These are summarised in [Annex D](#).

In reviewing this body of evidence, the objectives were to:

- assess whether the conclusion of CAP and BCAP's 2014 review on the impact of advertising was still valid; and
- identify additional insights on risk factors in potential advertising-related harm to inform new guidance.

3.2. Defining "risk factors"

As noted above, CAP and BCAP sought information on risk factors through a [call for evidence](#) in 2015. The following definition was developed:

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.

Insights on risk factors are particularly useful in developing the interpretation of concepts embodied in the rules; for instance, what does socially irresponsible gambling behaviour look like (as per rule 16.3.1) or what types of approaches or claims might unacceptably suggest gambling could be a solution to financial concerns (as per rule 16.3.4)? From the evidence base, we have developed several new or significantly amended provisions (see section 3.4 below) to flesh out these concepts and improve protections.

3.3. Evidence assessment: advertising's overall impact

More evidence is now available allowing for a better picture of advertising's influence on gambling behaviour. In general, it suggests that there is some level of impact on particular groups. Several studies, for instance, Hanss et al (2015), have found associations between advertising exposure and the behaviour of problem and at-risk gamblers. Other studies, looking at risk factors for different gambling activities, identified particular at-risk groups or characteristics. For example, Hing et al (2017b) corroborated the long-held view that younger men are a key at-risk group.

Many of the studies are of moderate quality based on self-reporting. This makes demonstrating causality and accurate quantification of impacts difficult. However, methodological limitations are often offset by large sample sizes and strong findings of a disparity in the impact of advertising and promotions on non-gamblers compared to that on vulnerable individuals.

Another issue is that little of the primary research is focused on the UK. The most relevant studies were carried out in Norway and Australia with their distinct gambling markets and cultural perspectives on gambling. CAP and BCAP consider evidence from other countries with caution owing to confounding factors like different approaches to advertising regulation. However, the evidence is robust enough to provide relevant insights on likely risk factors.

On a wider level, given its limitations, the evidence base does not CAP and BCAP from the view of advertising's impact. Other factors such as individual circumstances and environmental influences (for example, peer group and family influences) are likely to play a greater role in behaviour. Consequently, it does not point to the need for significant changes to the Codes, such as broad prohibitions on particular practices like promotional offers or further limits on exposure.

3.4. Evidence assessment: insights on risk factors

The evidence base also lends support to the approach CAP and BCAP have taken in developing the guidance. Binde (2014) called for "evidence-inspired" interventions to counter risk factors. Similarly, Blaszczynski et al (2014), a review of operator-based harm minimisation for the Gambling Commission, called for more guidance to flesh out the interpretation of the gambling advertising rules.

Importantly, Binde also maintained that the concept of harm minimisation could and should be applied to advertising as it is in other gambling policy areas. Higher risk advertising approaches can be identified and steps taken to mitigate potential harm while not unduly constraining responsible advertising.

The following table lists significant new provisions and summarises the evidence for each of the key new provisions. [Annex B](#) provides a full guide to the origins of each provision of the guidance.

Issue	Detail	Rationale and evidence base
Vulnerability	<p>New guidance reaffirms the importance of marketers having regard to the potential vulnerabilities of certain groups and individuals in an audience. It makes clear the ASA will have regard to vulnerability when considering complaints against individual ads.</p> <p>See guidance section 4.1</p>	<ul style="list-style-type: none"> • Younger men are widely acknowledged, in both problem gambling data and academic studies, to be at heightened risk. • A large-scale study, Hing et al (2017b), looking at risk factors for different gambling activities strongly identified young men as a key risk group. This reflects findings from an earlier study, Hing et al (2015b), focusing on demographic characteristics. It study identified young, single, educated, males in full time employment or education as a particular concern. • These dedicated studies are supported by the findings of more general research exploring the impact of advertising or promotions. These include Hanss et al (2015) and Hing et al (2017c).
Erroneous perceptions of risk and control	<p>A new provision cautions against approaches that exaggerate either of these. Examples include implying an activity is without risk or placing undue emphasis on the extent of control afforded by a facility like 'cash-out'</p> <p>See guidance section 4.2</p>	<ul style="list-style-type: none"> • Spurrier and Blaszczynski (2013), a systematic review, outlined a model of risk perception in gamblers drawing also from several different addiction studies disciplines. Perception is important in determining intention and behaviour when individuals are faced with risky choices. Individuals are, however, prone to error in their estimations and external factors, like marketing, can influence that. • There are few studies looking directly at these effects for gambling advertising. Deans et al (2017) identified the effect in the responses of the 50 young male gamblers interviewed in Australia. Subjects cited the perception of "free money" as influential on their perception of risk and "tap-out" promotions (usually, "cash-out" in the UK) as increasing the sense of control. • There is other primary support, however. Hing et al (2014b) found through a large-scale, mixed methods study, that offers described as "risk free" were more enticing for problem gamblers. • Another example comes from Frahn et al (2014), an experimental study looking at online games. Subjects playing a trial version or practice mode of a game with inflated chances of winning that misrepresented the performance of the full, for-money game took greater risks when playing the latter. • Lopez-Gonzalez (2017b) found that a significant number of UK gambling ads either include approaches that are likely to reduce the perception of risk or increase that of control.
Impulsiveness and urgency	<p>A new provision makes clear that ads should not unduly pressure people to gamble. It specifically cautions against the use of urgent calls to action when gambling opportunities offered are subject to a significant time limitation; for example, the use of "Bet now!" during a live sporting event.</p>	<ul style="list-style-type: none"> • Gainsbury and Blaszczynski (2017) recommended intervention to reduce the impact of urgent calls to action. As well as looking at the evidence, they cited underlying behavioural psychology in support. Binde (2014) also cited impulse as a particular risk factor. • Hing et al (2015a) found links between exposure to promotions and intention to gamble. They considered possible explanations and, noting wider addiction studies research into marketing cues, suggested the role of advertising in triggering what were described as "hot decision-making modes"; states where an individual participates irrespective of their underlying preferences.

	<p>See guidance section 4.3</p>	<ul style="list-style-type: none"> • On a wider level, Hing et al (2017a) looked at the role of impulsiveness in general gambling behaviour. It found that many sports gamblers made a significant number of bets based on impulse and that levels of impulsiveness were associated with higher problem gambling severity. • Impulsive behaviour is clearly a problem but the evidence suggests that certain types of gambling are of most concern. La Plante (2008) (cited in Lopez-Gonzalez, 2017b) used an analysis of 47,000 user accounts to model behaviour of those with problem gambling issues. Live/in-play betting was the only activity that resulted in escalated behaviour and where participation predicted problem gambling severity.
Trivialisation	<p>New provisions place an onus on marketers to avoid approaches that trivialise gambling. They should avoid the impression that the decision to gamble should be taken lightly.</p> <p>See guidance section 4.4</p>	<ul style="list-style-type: none"> • There is a strong view that increased participation increases risk. The effect is not uniform, but it's commonly accepted that people should not be encouraged to gamble more than they otherwise would. For instance, Hing et al (2017b) explored risk factors associated with higher problem gambling severity and identified play that was frequent and/or protracted as significant risk factors. • Gainsbury et al (2015) identified an association concerning multiple betting account holders. A review of the evidence and wider literature highlighted the relatively greater effectiveness – including on those with problem gambling issues – of promotions with detailed instructions on participation.
Problem gambling behaviours and other behavioural indicators	<p>This provision expands on existing references to problem gambling behaviours adopting a new distinction between behaviours related to gambling and behavioural indicators in general. These should not be portrayed in ads, even indirectly.</p> <p>See guidance section 4.5</p>	<ul style="list-style-type: none"> • A large-scale Irish study, Fulton, 2015, on harm in general provides a detailed picture of behaviours and indicators from in-depth interviews carried out with problem gamblers, their families and treatment providers.
Undue emphasis on money motives for gambling	<p>An expanded provision on references to financial concerns now cautions against undue emphasis on money motivations for gambling.</p> <p>See guidance section 6.2</p>	<ul style="list-style-type: none"> • There is a common consensus and evidence that money-motivations – winning a big prize, seeking wealth or reacting to losses – are more strongly associated with problem gambling (notably, Binde, 2014). • This adds to evidence cited above about the potential impact of advertising on individual's risk perceptions as they decide whether to participate.

3.5. Process

In developing the guidance, CAP and BCAP sought the input of key stakeholders. These included betting 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 their independent consumer panel, [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. Outcome

4.1. New guidance

The new guidance published today will **come into effect on 2 April 2018**.

Marketers must have regard to the guidance when creating new campaigns and take steps to bring existing campaigns into line as soon as possible. They are encouraged to seek guidance from the [CAP Copy Advice service](#).

4.2. Next steps

CAP and BCAP will continue their proactive work on gambling policy. Later in 2018, we will produce a second, dedicated piece of Advertising Guidance on the protection of under-18s. This will complement the guidance published today as part of the effort to ensure that all gambling ads are responsible and mitigate potential negative impacts on vulnerable groups.

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