

ASA System briefing note on gambling advertising

A note for policymakers



Background

The UK Advertising Codes reflect and in many places are underpinned by UK law. In relation to gambling advertising, the advertising rules respond to and reflect the Gambling Act 2005. This legislation, passed by UK Government, gave betting and gaming operators greater freedom to promote their products, including the opportunity for many gambling products to be advertised on TV for the first time.

In response to the Gambling Act 2005 the Committees of Advertising Practice (CAP), who are responsible for writing the UK Advertising Codes, publicly consulted on and created strict new rules that govern UK gambling ads across media including online. The Advertising Standards Authority's (ASA) role is to administer the rules which are designed to ensure gambling advertising is responsible.

At the heart of the gambling rules and the work of ASA and CAP (the 'ASA System') is the protection of young and vulnerable people.

In administering the gambling rules, we're supported by a range of expert statutory backstops, who can assist us, where necessary, to bring non-compliant advertisers into compliance. For gambling advertising, our statutory backstops include Ofcom for broadcast gambling ads, and the Gambling Commission for non-broadcast gambling ads.

It is not in the ASA System's gift to prohibit gambling ads in and of themselves. That would require legislation. Gambling is widely recognised as a legitimate leisure pursuit subject to a strict product licensing regime; gambling operators can promote gambling provided their advertising complies with the UK Advertising Codes. Our role is to create a framework in which gambling can be advertised responsibly and to take action if the rules are being broken.

The ASA System is aware of concerns that gambling advertising 'normalises' gambling behaviour. It was a predicted consequence of the Gambling Act 2005 that gambling would become 'normalised'. Our rules prevent gambling advertising that 'normalises' irresponsible or potentially harmful gambling behaviour.

We maintain a watching brief on gambling advertising to ensure our rules are working effectively and provide the appropriate protection. Over time, our rules and guidance have been tightened in response to the evidence base around potential gambling advertising-related harms.

The gambling advertising rules

The gambling advertising rules place a particular emphasis on the need to protect children, young people under 18 and other vulnerable groups from harm or exploitation.

In summary, gambling ads must not:

- Portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm
- Link gambling to seduction, sexual success or enhanced attractiveness
- Exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons or other vulnerable persons
- Be likely to be of strong appeal to children or young persons, especially by reflecting or being associated with youth culture
- Include a person or character whose example is likely to be followed by those aged under 18 years or who has a strong appeal to those aged under 18
- Be directed at those aged below 18 years
- Include a child or a young person. No-one who is, or seems to be, under 25 years old may be featured gambling or playing a significant role

Scheduling, placement and targeting

On TV, as well as being subject to the strict content rules, gambling ads are prohibited on dedicated children's channels as well as from appearing in and around TV programmes which are likely to appeal particularly to those under the age of 18.

In non-broadcast media, gambling ads cannot appear in dedicated children's media, including websites or social media, or where under-18s make up 25% of the audience.

Advertisers and media owners must ensure that outdoor ads are not placed in areas where under-18s make up more than 25% of the audience. For example, gambling ads must not be placed within 100 metres of primary or secondary schools, because the audience for such ads is likely to be significantly skewed towards under-18s.

In the cinema, gambling ads cannot feature where more than 25% of the audience is under the age of 18, or where the film is likely to appeal to those under the age of 18.

Strengthened rules and guidance

In October 2022, following public consultation, CAP introduced new strengthened rules to safeguard young people and vulnerable audiences from gambling ads.

The previous rules required that ads must not be of 'particular appeal' to children. The new 'strong' appeal test now prohibits content (imagery, themes and characters) that has a strong level of appeal to under-18s regardless of how it is viewed by adults. This significantly impacts gambling advertisers looking to promote their brands using prominent sports people and celebrities as well as individuals like social media influencers, who are of strong appeal to those under 18.

In practice, it significantly restricts the imagery and references that gambling ads are allowed to use and decreases the potential for gambling ads to attract the attention of under-18s in an audience. For example, ads are now not able to use:

- Topflight footballers and footballers with a considerable following among under-18 on social media.
- All sportspeople well-known to under-18s, including sportspeople with a considerable volume of under-18 followers on social media.
- References to video game content and gameplay popular with under-18s.
- Stars from reality shows popular with under-18s, such as Love Island.

And in November 2022, CAP published [new guidance](#) for advertisers on how to target age-restricted ads responsibly online. Developed with insights from industry bodies, tech providers and expert research partners, the guidance breaks new ground by providing principles-based checklists to help advertisers and their agencies to limit children and young people's exposure to age-restricted ads, including gambling ads.

Monitoring and enforcement

The ASA is harnessing technology to help identify and tackle problem online ads at pace and scale. Avatar Monitoring technology in the form of child avatars, which simulate children's online browsing activity, help us identify ads they see online and provides the ASA with intelligence to help better protect children and vulnerable groups. It has enabled us to [take action](#) against gambling firms for irresponsibly serving ads to children.

A separate [Avatar Monitoring report](#) focussed on age-restricted ads in mixed-age online media (websites and YouTube channels likely to appeal to both adults and children, but where under-18s make up less than 25% of the audience). Despite gambling ads being allowed in mixed-age media attracting a heavily weighted (75%+) adult audience, we believe it is a legitimate regulatory objective to seek to minimise children's exposure to age-restricted ads generally. We therefore called on advertisers to make better use of audience and media targeting tools to help minimise children's exposure to age-restricted ads in mixed-age sites, even where the vast majority of an audience is over 18.

As part of our zero-tolerance approach to gambling ads being served to children, we also carried out a year-long CCTV-style watch, prioritising identifying and tackling online ads for gambling (and other age-restricted ads) on websites and YouTube channels attracting a disproportionately high child audience. [Our findings](#) revealed that the vast majority of gambling ads online are targeted in compliance with the rules but where gambling ads broke the rules, we contacted the advertisers to ensure they were removed.

We also monitor, on an ongoing basis, children's exposure to TV gambling ads. Our [latest findings](#) reveal that between 2010 and 2022 children's exposure to gambling ads on TV decreased by just over a quarter from an average of 3.0 ads per week in 2010 to 2.2 ads per week in 2021. Exposure to gambling ads relative to adults' has fallen year-on-year, from 36.0% in 2010 to 15.4% in 2021. In Scotland, children saw a drop in exposure to TV gambling ads, falling from 3.5 per week in 2010 to 2.8 in 2021.

Recognising that children's media consumption habits have shifted away from TV, we undertook to monitor children's real-world mobile phone and tablet use, the platforms and sites they visit and the ads they're exposed to over the course of one week. Our ['100 Children' report](#) found that of the 11,424 occasions when an online ad was served to the personal devices of our children's panel, 435 (3.8% of the total) related to an alcohol, gambling or other age-restricted ad. Of these, there were 73 occasions (0.6% of the total number) when the ad was served in likely breach of the UK targeting rules. As a priority we followed up with the 30 advertisers behind these ads (and the platforms, where relevant) to corroborate our findings and, as necessary, secure remedial action and assurances of future compliance.

Key rulings

Hillside (UK Sports) ENC t/a bet365: A tweet published by Sky Sports Premier League's Twitter account, promoted by bet365 broke our strict rules, by featuring Granit Xhaka who has a strong appeal to those under 18 years of age.

LC International Ltd t/a Ladbrokes: A promoted tweet broke our strict gambling rules by including Premier League footballers who were likely to have strong appeal to those under-18 years of age.

Lindar Media Ltd t/a MRQ.com: A paid-for Reddit ad for a gaming website featuring cartoon Spiderman figures broke the strict gambling rules by having a particular appeal to under 18s.

Jumpman Gaming Ltd t/a Lights Camera Bingo: A website for an online bingo site encouraged irresponsible gambling behaviour.

ANNEX

Below are key points from our submission to the Westminster Gambling Harm APPG's inquiry into the UK Government's Gambling White Paper (July 2023). While the White Paper's marketing and advertising recommendations are not directed at the ASA, our response is focussed on the APPG's query around gambling advertising.

On the evidence base

- Overall, the evidence base highlighted in the White Paper aligns with our understanding of it from previous reviews. There have been few shifts in the underlying metrics and indicators of gambling harm and the picture in relation to advertising's role remains consistent. There is no significant new evidence that suggests advertising's impact is greater than previously understood.
- Given the evidence base, the White Paper takes a proportionate approach to gambling regulation, recognizing the need to balance the fact that gambling is a legal and legitimate form of entertainment with the need for interventions to protect groups who are at risk of harm.
- The White Paper concludes that there is some high-quality evidence linking exposure and participation (particularly for those in at-risk groups) but finds little evidence of a causal link with harms. The White Paper is particularly forthright on the impact of TV advertising, concluding that compliant ads are unlikely to pose an undue risk of harm. In terms of enforcement, it noted that data suggested a good standard of compliance with the Advertising Codes.
- The White Paper did not find evidence of harm from gambling advertising to which volume restrictions (as opposed to scheduling, placement, or content restrictions) are likely to be an appropriate response.
- The White Paper agrees with the ASA's position on 'normalisation': That gambling is widely recognised as a legitimate leisure pursuit subject to a strict product licensing regime; gambling operators can promote gambling provided their advertising complies with the UK Advertising Codes. The ASA's role is to prevent gambling advertising that 'normalises' irresponsible or potentially harmful gambling behaviour.

- The White Paper's marketing and advertising-related recommendations are not directed at the ASA system. The proposed changes are to be carried out through Gambling Commission-led processes and voluntary arrangements with industry, media owners, and sports governing bodies.
- However, we still have our part to play. The White Paper provides a strong indication of where concerns over gambling advertising-related harm continue, and this is where we'll commit to focusing our policy and enforcement work as outlined in the below sections.

On incentives and promotions

- The White Paper instructs the Gambling Commission to review the design and targeting of incentives such as free bets and bonuses to ensure there are clear rules and fair limits on re-wagering requirements and time limits, so they do not encourage excessive or harmful gambling.
- The proposal is based on evidence that suggests those at heightened risk are more susceptible to such marketing, which tends to be directed at those who play more frequently. Commission research found that a third of people spent money in response to seeing advertising in the past year, and among that group, direct marketing was the most likely to prompt individuals to increase the amount of money that they spend gambling, or restart gambling after taking a break. Similarly, 31% of respondents who had received a promotional offer stated that free bets or bonus offers encouraged them to gamble more than they wanted to. This figure rose to 77% for those classified as 'problem gamblers'.
- The Gambling Commission's review relates to operator business practices under their licenses but will impact on advertising indirectly (since certain types of promotion may be prohibited). We consider it essential to work with the Commission to ensure that it understands the potential consequences for the Codes, and to develop CAP and BCAP's eventual response to the Commission's conclusions. We have already begun discussions with the Commission on this issue.

On 18-24s age category

- The White Paper strongly suggests that the 18-24 age category should be the focus of dedicated protections, notably the proposal to introduce lower staking limits for members of this group. CAP and BCAP are exploring the possibility of policy measures to address the particular susceptibilities of the 18-24 age group.