

ASA Ruling on Tombola (International) plc t/a tombola arcade

 Upheld | In-game (apps) | 06 February 2019

Ad description

Ads for tombola arcade, displayed in the 'I'm A Celebrity, Get Me Out Of Here' app in late November 2018.

Ads which were displayed occasionally in a section of the app where users could watch video clips included one headed "PLAY OUR SLOT GAMES" which featured images of masks, an animal skull, vase, compass, map and glass, and one with the text "Play our scratch card games". Both included the text "tombola arcade proudly sponsors I'm A Celebrity", "begambleaware.org Terms apply. 18+" and featured the logos of the Google Play and Apple App Store.

An ad which always appeared in the "Vote" section of the app stated in large text "A CHANCE TO WIN A SHARE OF £250,000 FOR FREE CLICK HERE", with small text underneath which stated "18+ begambleaware.org T&Cs apply" and "tombola arcade proudly sponsors I'm A Celebrity".

Clicking on the ads opened the tombola arcade website in the user's browser app.

Issue

The ASA challenged whether the ads were appropriately targeted.

Response

tombola (International) plc t/a tombola arcade said that the content in the 'I'm A Celebrity' app was part of their wider sponsorship package for the programme. Before they were confirmed as the sponsor of the programme they, along with ITV and their media buying agency, had reviewed the age profile of the programme's viewers to determine whether their sponsorship was appropriate and to ensure that they would be accurately targeting their desired market of adults aged 18 and over.

tombola arcade said that the viewing figures of the 2018 TV series of I'm A Celebrity (up to the point in the series when they responded to the ASA) showed that 91% of all viewers were aged 18 and over. The percentage of viewers of the entire 2017 series who were aged 18 and over was 90%.

They highlighted that they had chosen to include "18+" and "begambleaware.org" in the ads as they wanted to establish and be clear that they were a brand for those aged 18 and over. They also used considered language in the ads, for example, "PLAY OUR SLOT GAMES" had an adult tone, and purposely did not name their games. The ads were intended to raise awareness of their brand and educate users of the app that tombola arcade offered slot and instant win games. In general the creative in their advertising was chosen to target adults and avoid being appealing to under-18s.

tombola arcade said that if app users clicked on the ads they were taken to their mobile website which also included the text "18+". If users tried to download the tombola arcade app they could see the app was tagged with an adult age gate, and there were stringent checks in place which prevented under-18s from registering.

ITV Broadcasting Ltd (ITV), the publishers of the app, said the I'm A Celebrity programme was broadcast after 9 pm due to the potential age-inappropriate content. The programme was not targeted at, or of particular appeal to, audiences aged under 18. They said the audience indexing data (BARB) also demonstrated that the programme did not have particular appeal to under-18s. The average audience in the relevant age category did not index higher than 86 in 2017, and in 2018 (up to the point in the series when they responded to the ASA) it did not index higher than 73. An index of 120 or over indicated that a programme had particular appeal to under-18s. No single programme broadcast in either 2017 or 2018 indexed at 120.

ITV said the app's primary purpose was for viewers of the programme to interact with programme editorial. Merchandise could also be purchased through the app. During the programme viewers were encouraged to download the app to vote on camp evictions

and engage with editorial elements, displayed in a feed, which included articles, video teasers of past and future show content, bush-tucker trials and reviews of camp-mates' time in the jungle. ITV said that when scrolling through the feeds in those sections of the app, editorial formed the vast bulk of the content. The ads were displayed in the feeds of all users, and were pushed down the feed as newer content was added.

They added that if app users responded to the ads they were taken to tombola arcade's own website and had to undergo age verification if they wished to use their products and services. ITV said the app was not targeted to under-18s but to a wide range of adults who wished to maintain a high level of interaction and engagement with the programme content.

Assessment

Upheld

The CAP Code required that ads for gambling products such as those offered by tombola arcade must not be directed at those aged below 18 years through the selection of media or the context in which they appeared. The ASA therefore considered that marketers should be able to demonstrate that they had taken reasonable steps to ensure that gambling ads were directed at an audience aged 18 and over so as to minimise under-18s' exposure to them.

The I'm A Celebrity app featured a wide range of editorial content relating to the programme. There was also a section which allowed users to vote on who they wanted to be evicted from the camp and a section which allowed users to purchase programme merchandise. We considered the app was unlikely to be of interest to consumers who were not already viewers of the programme and that it was therefore unlikely that it would have been downloaded by consumers who were not programme viewers. We acknowledged that the app would be of appeal to some under-18s who watched I'm A Celebrity, but considered that the design, features and content of the app were not directed at those aged under 18.

We understood that there was no data available relating to the age profile of those who had downloaded the app. We considered that younger viewers of the programme might be more inclined to download and engage with the app than older viewers. We had not seen, however, evidence to suggest that the age profile of those who downloaded the app was likely to be significantly skewed more towards children than the programme audience. The BARB data showed that the programme itself was not of particular

appeal to under-18s. While we therefore considered it was unlikely that under-18s made up a disproportionately high percentage of app users, we understood that some under-18s would nonetheless have downloaded the app.

We understood that all ads were displayed to all users of the app; there were no mechanisms built into the app to target ads towards, or direct them away from, certain groups of users.

In the context of an app that was likely to be used by under-18s, but which did not have a mechanism through which age-restricted ads could be targeted only to the appropriate age group, we considered tombola arcade should not have used the app to deliver gambling ads to consumers. We therefore considered the advertiser had not taken sufficient care, through the selection of media, to ensure that the ads were directed at an audience aged 18 and over so as to minimise under-18s' exposure to them. We concluded the ads breached the Code.

The ads breached CAP Code (Edition 12) rules [16.1](#) [16.3](#) and [16.3.13](#) (Gambling).

Action

The ads must not be used again in the form complained of without specific targeting to minimise the likelihood of under-18s being exposed to them. We told tombola (International) plc t/a tombola arcade to ensure their ads were appropriately targeted in future.

CAP Code (Edition 12)

[16.1](#) [16.3](#) [16.3.13](#)

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