



# Advice Notice:

## The marketing of gambling on eSports on social media

### Who we are

We are the [Committee of Advertising Practice](#) (CAP). We write the advertising rules, which are enforced by the Advertising Standards Authority (ASA), the UK's independent advertising regulator. You can read about the UK advertising regulatory system [on the ASA website](#).

### Why are we contacting you?

In July 2019, GambleAware [published interim findings](#) on its project to evaluate the impact of gambling advertising and marketing on children, young people and other vulnerable groups. Part of the work included a [dedicated study](#) looking at gambling marketing on social media. A large body of traditional gambling and eSport<sup>1</sup> tweets were collated for the purposes of this research.

Whilst eSports is not a new concept, a significant proportion of tweets highlighted within the report were eSport-related, with some of those tweets about how consumers can gamble on eSports. Having assessed the [report](#) and analysed a sample of the data, we have created this Advice Notice on eSport-related gambling marketing on social media, to help you keep your marketing in line with the [CAP Code](#).

To be clear, our advice concerns how to stay within the advertising rules when it comes to promoting gambling on social media, with the focus on promoting gambling on eSports events - this is not advice on how to market eSports more generally. This advice applies to gambling marketing on all social media platforms, including Facebook, Instagram, Twitter, Snapchat, Twitch and TikTok to name a few.

### The Code Rules

The Code rules that apply to the marketing of gambling on eSports:

- are the same as those of traditional marketing on gambling; and
- cover social media in the same way as they do all other non-broadcast media.

The gambling rules are located in [Section 16 of the CAP Code](#) and [Section 17 of the BCAP Code](#), but given the research focuses on non-broadcast marketing the remainder of this advice will use focus on the CAP Code. Marketers should be aware that other sections of the CAP Code may also apply. Notable sections include: [Section 2: Recognition of marketing communications](#), [Section 3: Misleading advertising](#) and [Section 8: Promotional marketing](#).

### Recognition of Marketing

If marketing for gambling on eSports appears on a gambling operator's own social media account, it is likely to be clear from the context that it is marketing; consumers expect to see marketing on a business's social media pages, which promotes that business.

If a promotion is being advertised by a third-party social media account then it needs to be clear, this includes [affiliate marketing](#). In this instance, we would recommend using a clear identifier when the content

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<sup>1</sup> eSports are competitive sports or video games played over the internet, with gambling on eSports, and the marketing thereof, similar to that of traditional sport.

is an ad (for example, '#ad' or similar at the beginning). This is because it is harder for a consumer to distinguish between editorial and advertising content where it appears on a third-party account.

The [CAP Code](#) states:

**2.1 Marketing communications must be obviously identifiable as such.**

**2.3 Marketing communications must not falsely claim or imply that the marketer is acting as a consumer or for purposes outside its trade, business, craft or profession; marketing communications must make clear their commercial intent, if that is not obvious from the context.**

Influencers who promote offers for gambling on eSports also need to make it sufficiently clear when a post is a marketing communication.

The same applies for 'Brand Ambassadors'. In this ASA [ruling](#) against Unibet, the ASA considered that although racehorse trainer Nicky Henderson's Twitter profile stated that he was a Unibet Ambassador the ASA "did not think it was sufficient to differentiate between tweets that were marketing communications and those that were not". Therefore, if a brand ambassador publishes an ad then they will likely be required to make it explicitly clear that it is an ad, and include a sufficiently clear label such as '#ad'.

If a tweet links through to an advertisement then [the tweet is also likely to be regarded as an ad](#) and the commercial intent of the tweet should therefore be made sufficiently clear.

## Targeting

It is as important to target responsibly ads for gambling on eSports on social media as it is when marketing gambling on traditional sports in any other media. There are strict rules and [advice](#) for gambling ads, including rules around targeting.

The [CAP Code](#) states:

**16.1 Marketing communications for gambling must be socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited.**

**16.3.2 Marketing communications must not...exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons or other vulnerable persons.**

**16.3.13 Marketing communications must not be directed at those aged below 18 years...through the selection of media or context in which they appear.**

The rules require that marketers take all reasonable steps to:

- ensure that advertising is not targeted at under-18s, either through the selection of media or the ad's content; and
- prevent advertising directed at adult audiences posing a risk to under-18s.

Marketers should take care to ensure they [don't inadvertently target under-18s](#) through the content of their ads. The ASA Council considered that "by targeting ads to search engine users who ... (inputted the term "Jack and the Beanstalk" into a search engine), 32Red had... directed gambling ads to those aged under 18 years of age."

Whilst that case concerned pay-per-click ads, the same principle is likely to apply across social media platforms. If your gambling marketing can be:

- searched for on a social media platform and uses specific search terms likely to have *particular* appeal to children; and,
- children are not adequately protected from seeing those gambling ads;

Then you are likely to break the targeting rules.

For example, if you were to stream an ad for the game “Jack and the Beanstalk” on the social media platform Twitch or YouTube, and you failed to take steps to prevent under-18s from viewing the ad by placing it behind a suitable conditional access mechanism, this would break the rules. An automated warning that a video may only be suitable for audiences over 18, which consumers can simply click ‘continue’ to ignore, is not sufficient to prevent under-18s from viewing a gambling ad. If the ad holds particular appeal to under-18s and there are no, or [insufficient mechanisms to target age-restricted products effectively on social media \(at the time of publishing the ad\)](#), then an advertiser should not use that media for gambling ads, including gambling on eSports marketing.

Reasonable steps were not taken by an advertiser when placing [a gambling ad within an app which was likely to hold appeal to some under-18s](#). Because the app itself was therefore directly targeted at some under-18s no gambling ads should be placed on the app unless you can definitively demonstrate that no under-18s could view the gambling ads. If a social media page, or even a specific post on an account, is specifically targeting a youth audience no gambling ads should be placed within that ad.

### Appeal to under-18s

As highlighted above, our advice on [protecting children from irresponsible gambling ads](#) covers the rules around targeting gambling ads, but the other aspect to consider is the actual content of the ad itself. If the ad holds [particular appeal to under-18s](#) due to its content or placement then the ad is likely to be of concern.

The [CAP Code](#) states:

**16.3.12 Marketing communications must not be likely to be of particular appeal to children or young persons, especially by reflecting or being associated with youth culture.**

If a gambling ad features content that is likely to be of particular appeal to children, in most contexts this is likely to be problematic under our rules. The ASA has ruled that [cartoon or cartoon-like imagery](#), [characters that are recreated as toys, fairy tales](#) and [highly animated and stylised exaggerated features](#) are all likely to hold particular appeal to children.

The ASA has [ruled](#) that if an ad that holds particular appeal is very carefully targeted - in this case, contained within an email sent to only registered users that had been validated - then it would not break the rules. However, such validation may be difficult to obtain on social media alone.

An ad that appeared on the William Hill Twitter account featuring a young child and a teddy bear were both deemed to hold particular appeal to under-18s, and given children could view the ad, therefore [broke the rules](#).

[Using an influencer who is associated with youth culture](#) is also likely to hold particular appeal in itself, so you should take care who you work with when creating and publishing gambling ads.

The [CAP Code](#) states:

**16.3.14 Marketing communications must not 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. No-one may behave in an adolescent, juvenile or loutish way.**

***Individuals who are, or seem to be under 25 years old (18-24 years old) may be featured playing a significant role only in marketing communications that appear in a place where a bet can be placed directly through a transactional facility, for instance, a gambling operator's own website. The individual may only be used to illustrate specific betting selections where that individual is the subject of the bet offered. The image or other depiction used must show them in the context of the bet and not in a gambling context.***

If someone is under the age of 25, or appears to be under 25, then they should not play a prominent role in a gambling ad on social media. The ASA Council [ruled](#) that a Betway YouTube ad featuring the footballer Declan Rice broke the rules as he was 20 years old. The same rules will apply to gambling ads that feature eSport players and viewers.

### Terms and Conditions – including Significant T&Cs

Terms and conditions should be made sufficiently clear in gambling ads on social media. Offers of [free bets and bonuses](#) on eSports is no different.

The [CAP Code](#) states:

**8.17 All marketing communications or other material referring to promotions must communicate all applicable significant conditions or information where the omission of such conditions or information is likely to mislead...**

The [terms and conditions in promotions](#) must be made suitably clear and those that are [significant terms and conditions](#) are very likely to be required in a post itself on social media. Significant T&Cs are generally ones that are likely to influence a consumer's understanding of an offer.

Where there is limited time and space, some terms and conditions can be '[one click away](#)'. But remember, many social media platforms allow for users to use various techniques to get information across in a post e.g. Twitter allows users to post an image along with the character limit for a tweet. We would expect advertisers to take advantage of all available technical options on a platform to include significant terms and conditions.

### Affiliates

Affiliates of gambling operators must also abide by the strict targeting and content rules. [Beneficiaries of an affiliates marketing material will be held equally responsible for the ad.](#)

Don't [Gamble on your Affiliates](#); make sure that ads are clear and that the content of the ad abides by the other rules of the Code.

### Influencers

Gambling operators are also held responsible for the content produced for them on social media by influencers. We have launched [guidance for social influencers](#). Remember, if an influencer has a strong youth appeal or a significant child audience, they may not be suitable for use in a gambling campaign.

### Further Information

You can find more information on how to comply with the Codes on our website [www.asa.org.uk](http://www.asa.org.uk). There are also further [advice and resources](#) on gambling from [free bets and bonuses](#) to how you can [substantiate](#) your claims. For free and confidential advice about specific non-broadcast ads, you can contact the [CAP Copy Advice Team](#).