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**GAMBLING
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KnowNow Responsible Marketing Conference

Introduction

Good morning everyone.

It's a pleasure to be speaking at this conference again (albeit virtually this time), a little over two years since I issued a clarion call to gambling businesses to take heed of public concerns, learn from past mistakes, and put responsible marketing and advertising practices at the heart of their businesses.

The public debate about gambling advertising hasn't gone away; arguably it has intensified. However, it would be unfair to say that progress hasn't been made and standards haven't improved – they have.

I'd like to use this opportunity to reflect on the Commission's overarching priorities, the current climate regarding gambling advertising, the associated research and evidence base, regulatory and industry developments and progress, and the key advertising issues for you to focus on over the coming months.

Overview of Commission priorities

I'd like to kick off with a brief summary of our wider work and focus.

Our priorities are clear and we constantly look to improve the way we regulate, and now we are going further and faster to protect the interests of consumers, prevent harm, and continue to raise standards across the gambling market.

Everything we do is centred around making gambling safer, balancing the enjoyment people get from gambling and identifying the risks that gambling can present to consumers and the wider public.

For example, we have just recently introduced new rules to stamp out irresponsible 'VIP customer' practices and in the weeks and months ahead we are addressing and tightening our policies around addictive games, player affordability and improvements around customer interaction.

This work will build on changes we have already made to age and ID verification, compulsory use of self-exclusion scheme GAMSTOP, and banning gambling through credit cards.

Our enforcement and compliance approach has also toughened further since the launch of our enforcement strategy in 2017 – with us suspending more operators and individuals, revoking more licences, and issuing more and higher fines than ever before.

And, of course, another current major priority is running a robust, fair and open competition for the next National Lottery licence to find the right operator, who will innovate to engage players and protect them, whilst maximising returns to good causes to benefit society.

Advertising: the current climate

You will all be aware that a series of gambling-focused inquiries and reports have published over the summer period which can make for difficult reading. Of course, their observations and recommendations reach well beyond gambling *advertising* but for the purposes of today it is worth reminding ourselves of what a couple of those reports said about advertising.

In June, the All Party Parliamentary Group for Gambling Related Harm (APPG) published its final report and called for a total ban on gambling advertising. And in July, the House of Lords Select Committee on the Social and Economic Impact of the Gambling Industry made a series of recommendations which bite very firmly on advertising:

- The Government should commission independent research to establish the links between gambling advertising and gambling-related harm for both adults and children

- Gambling operators should no longer be allowed to advertise on the shirts of sports teams or any other part of their kit. There should be no gambling advertising in or near any sports grounds or sports venues including sports programmes [exemptions for horseracing and greyhound racing]
- The prohibition of bet to view inducements
- Advertisements which are objectively seen as offering inducements to people to start or to continue gambling, or which create a sense of urgency about placing bets, should be banned
- A licensing regime for affiliates

Whatever your views on the recommendations, they do reflect a hardening public mood towards gambling advertising.

Government will be responding soon to the House of Lords' recommendations and, of course, a review of the Gambling Act is in the pipeline.

Research and evidence

Some of you will recall that gambling advertising has been subject to ministerial-level reviews in the not too distant past (2014 and 2017/18). On both occasions, the rules were found to be *broadly* appropriate set against the existing evidence base and legislation.

A key milestone since the last review of gambling advertising has been the publication of new research assessing the effect of gambling marketing and advertising on children, young people, and vulnerable adults. The research was commissioned by GambleAware as part of the Commission's research programme, contributing to the National Strategy to Reduce Gambling Harms. The final report was published by Ipsos MORI in March.

The key objectives of the whole research study were:

- To explore whether and how gambling marketing and advertising influences children, young people and vulnerable adults' attitudes towards gambling
- To examine the tone and content of gambling marketing and advertising across all media, including social media, and to explore the potential impact of these on children, young people and vulnerable adults
- To identify specific themes and features of gambling advertising that children, young people and vulnerable adults are particularly susceptible to.

Although the research was not able to ascertain a causal link between exposure to gambling advertising and problem gambling in later life, it filled previously identified research gaps, drew important conclusions, and made a series of recommendations for the gambling, advertising, and technology sectors, for policy and regulation, and for research.

Key conclusions from the research:

- There has been a clear growth in the volume of gambling marketing and advertising in recent years, and reported exposure among children, young people and vulnerable adults is high
- There are reasonable grounds for concern about gambling marketing and advertising. In the absence of conclusive longitudinal research and wider comparisons, there is a clear link between gambling advertising and the attitudes, current and likely future behaviours of children, young people, and vulnerable adults
- This is not to say that gambling cannot be enjoyed recreationally at a legal age; however, it is important to note that these are all groups who have already been identified as more likely to experience gambling disorder or be vulnerable to gambling related harms.
- The relationship between advertising and actual gambling behaviour is complex and multifaceted. The attitudes and gambling behaviours of peers and carers are also important in shaping behaviour
- Changes to advertising practices should be an intrinsic part of a wider policy initiative that also considers the influence of peers and family members in exposure to gambling brands and practices, as the research shows that these factors correlate more closely with current gambling behaviour than exposure to, or engagement with, advertising.

The report – with its 18 recommendations – suggests applying the precautionary principle and that action would be warranted in:

- Reducing exposure to gambling advertising
- Reducing the appeal of gambling advertising
- Improving customer protection messaging within advertising
- Improving wider education initiatives
- Improving understanding through further research

Reflection on developments

There have been a *lot* of relevant developments since the research project was commissioned and since the interim and final reports were published. It's worth

taking stock of those developments because they do tell a story of progress and improved standards.

- In late 2018 we introduced a range of new or tightened LCCP requirements for gambling businesses relevant to advertising. It included the elevation of adherence to the UK Ad Codes from an Ordinary Code provision to a Social Responsibility code provision enabling us to take tough action against serious or persistent breaches of the ad rules; we clarified our position on third parties making very clear that we will hold gambling businesses accountable for the actions of their affiliates; and we introduced requirements – broadly mirroring the Privacy and Electronic Communications Regulations (PECR) – to prevent consumers receiving unsolicited marketing by SMS or email. Associated standards have improved markedly.
- In 2019 we concluded a major joint investigation with the Competition & Markets Authority concerned with suspected breaches of consumer protection law in the remote gambling sector. This work focused in particular on the fairness, transparency, and potential for consumers to be misled by a number of terms and practices relating to online bonus promotions, and on obstacles preventing withdrawal of customer funds. It resulted in significant changes to industry practices.
- In January we set out our 'Ad Tech Challenge' to industry, which stemmed directly from Ipsos MORI's interim research findings. The aim was to explore and quickly accelerate opportunities to reduce the amount of online advertising seen by children, young people, and vulnerable adults. A range of new commitments including shared negative keyword lists, a 25+ age approach to prospecting ad campaigns on social media, better and more consistent use of customer data to ensure paid-for ads are targeting away from vulnerable groups across social media platforms, instead of targeting for business, and age gating YouTube channels and content, have been codified in an updated version of the Gambling Industry Code for Socially Responsible Advertising which came into effect from 1 October. A BGC-led AdTech Forum will continue to explore further opportunities in this area.
- In May we issued new guidance to remote operators as a response to the publication of new evidence that showed some gamblers may be at greater risk of harm during lockdown. Amongst other things, the guidance made clear

that gambling businesses should cease to offer bonuses or promotions to all customers who are displaying indicators of harm. That guidance remains in place.

- We have also published and promoted consumer guides with Twitter and Facebook to help consumers limit their exposure to ads and gambling-related content on those major social media platforms.

- In 2019, the Committees of Advertising Practice published significantly updated guidance on gambling advertising and the protection of under-18s, which focused heavily on online targeting and ad appeal to children.

- And more recently – again stemming directly from Ipsos MORI’s research findings – CAP published guidance for gambling businesses on how to stay on the right side of the advertising rules when creating marketing for gambling on eSports on social media.
 - Based on the new evidence, CAP will also shortly be consulting on proposals to further restrict the content of gambling ads to limit their potential to appeal to u18s and vulnerable adults.
 - On 1 August 2019, the industry’s voluntary ‘whistle-to-whistle’ ban on all TV betting adverts during pre-watershed live sport came into effect. A recent analysis of the ban by Enders Analysis for the BGC found that gambling advertising on TV was virtually eliminated during the restricted period, resulting in 109 million fewer views over comparative weekends, and children (4-17 year olds) saw 78% fewer gambling ads over the full duration of the live sports programmes shown before 9pm.
 - The BCG has also committed to a new Code of Conduct for sports sponsorship activities and are reviewing the ‘When the Fun Stops Stop’ slogan.
 - GambleAware has recently launched a new wave of it’s Safer Gambling ‘Bet Regret’ broadcast ad campaign which has been designed to help prevent impulsive sports betting.
 - There are several projects by partners in support of the National Strategy for Reducing Gambling Harms that address some of the research gaps identified in the report e.g. the delivery of education initiatives to children and parents.

Room for improvement

I've painted a pretty positive picture so far - and it is only fair to acknowledge a marked improvement in advertising compliance standards over the past couple of years. However, there is still more to do, particularly in the online space.

The ASA is now using technology to proactively monitor online ads to help build a culture of zero tolerance for age-restricted ads appearing on websites aimed at children. In its first sweep of a year-long project it found **70** different betting ads from **4** gambling operators on websites aimed at, or attracting, a disproportionately large child audience. The ASA will continue to report on this work, and we are monitoring with interest. Significant or repeated breaches risk tough regulatory action.

ASA rulings and our own compliance work also uncovered failings in respect of targeting via GoogleAds. The ASA ruled against a gambling business whose casino product was returned in a paid-for ad after a Google search for 'Jack and the Beanstalk' and we found numerous examples of cash back offers, free spins and bonuses being promoted from search terms which might commonly be used by young people or vulnerable adults to source information or help about gambling (e.g. 'how can I self-exclude from gambling?'). The evidence suggested that was no *intent* to target young or vulnerable people but that doesn't make it ok. Industry must do better.

And we also continue to work closely with the ICO to tackle reports of unsolicited marketing by email and SMS. Again, standards have improved but there are still shortcomings. I won't name and shame but a while ago I received an unsolicited marketing email from a gambling business to my personal email account. I complained and asked them to remove me from their mailing list with immediate effect. Despite my numerous requests to "stop", I received another 20+ marketing emails from the same business over the course of the next 12 weeks before they finally stopped sending them. It was a frustrating experience for me, but I came to no harm. It could, however, have had serious consequences for somebody struggling with a gambling addiction. It isn't good enough.

Looking forward

The debate about gambling advertising has evolved. It is perhaps a little less about industry compliance failings now and more about the fundamental freedom to

advertise gambling products and services. People are increasingly concerned about the *amount* of gambling advertising across all media, and its omnipresence in sport. In this respect, a gambling review is perhaps timely.

In the meantime, here are a few pointers for focus:

- Embrace what ad tech has to offer to ensure that you not only target your advertising appropriately but that you also go above and beyond in seeking to reduce the likelihood of vulnerable audiences being exposed to your ads online. Familiarise yourself with the relevant CAP guidance and the new provisions contained within the updated Industry Code. And cut out the avoidable compliance errors; they can do so much damage to the industry's reputation.
- Ensure that your ads don't mislead. Promotional ads do now routinely contain the significant T&Cs but remember, they must be prominent too. I've seen a few ads of late - mostly on social media – which embed the significant T&Cs in the *tiniest* font possible making them virtually unreadable. That isn't acceptable.
- Maintain tight control over your affiliates, particularly on social media. Ensure that their practices align with LCCP, the UK Ad Codes and the updated Industry Code. Affiliate failings can put licences at risk.

And finally, as we head into a winter period likely to be dominated by Covid-19 restrictions, it is worth recalling the warnings issued by the Commission and the ASA to industry during lockdown regarding ad standards and your responsibilities at a time when many people are at home for long periods, are anxious and uncertain about the future, and may be facing financial hardship.

Your marketing **must** be conducted responsibly:

- We expect you to on-board new customers in a socially responsible way.
- You must not exploit the current situation for marketing purposes and should be very cautious when seeking to cross-sell online gaming products to customers who signed up with you in order to bet.
- We expect you to ensure that your affiliates are conducting themselves appropriately.

If we see irresponsible behaviour we will step in immediately. You have a responsibility - even more so in the current climate – to do everything possible to keep people safe.

Thank you for your time and I am happy to take questions