

Responding to the findings of the GambleAware Final Synthesis Report

Committee of Advertising Practice and Broadcast Committee of Advertising Practice interim statement on progress with their consultation on new restrictions for gambling and lotteries advertising



Contents

Executive summary	3
1. Background	4
2. Interim statement on consultation progress.....	5
3. Outcome of Question 2 – revised responsibility guidance.....	6
4. Outcome of Question 4 – technical updates to the Codes	12
5. Implementation.....	17
Contact us	18

Executive summary

The Committee of Advertising Practice (CAP), author of the *UK Code of Non-broadcast Advertising and Direct & Promotional Marketing*, and the Broadcast Committee of Advertising Practice (BCAP), author of the *UK Code of Broadcast Advertising* (together the UK Advertising Codes), are publishing an interim statement on progress with their [consultation](#) responding to the findings of the GambleAware [Final Synthesis Report](#).

The outcome of the parts of the consultation on revisions to CAP and BCAP's guidance on protection of adult audiences, [Gambling advertising: responsibility and problem gambling](#), and technical updates to the supporting information that accompanies the gambling-specific rules are published today. CAP and BCAP's response to consultation feedback is included in this Regulatory Statement and the accompanying evaluation tables.

The revised guidance will come into effect after a transitional period with the ASA considering complaints using the revised guidance **from 01 November 2021**. The technical updates to the Codes do not result in a change in advertising policy. The Codes will be updated shortly after the publication of this Regulatory Statement.

CAP and BCAP have also made an interim statement on progress with the remaining areas of the consultation including proposals to increase protections for under-18s by strengthening rules that limit the appeal of content included in gambling and lotteries advertising. They commit to publishing the final outcome in Q4 2021.

1. Background

1.1 Outline

CAP and BCAP place the protection of young and vulnerable people at the heart of their work. The UK Advertising Codes have long contained strict, category-specific restrictions around gambling and lotteries ads, which are designed to significantly limit children's exposure and ensure that their content is responsible protecting vulnerable groups and audiences in general.

CAP and BCAP are committed to continually reviewing the available evidence on risks and potential harms arising from gambling advertising updating rules and guidance where there is an evidence-based case to do so.

In October, the Committees [launched a consultation](#) with the aim of responding to key findings emerging from GambleAware's [research](#) on the impact of marketing and advertising. The research is the first dedicated body of evidence looking at circumstances in the UK; it is a significant addition to our understanding of gambling-advertising related harms. It provides evidence which suggests that the creative content of gambling and lotteries advertising compliant with the UK Advertising Codes has more potential, than previously understood, to adversely impact under-18s and vulnerable adults.

1.2 Consultation proposals

The [consultation](#) included three questions addressing key themes emerging from the new evidence base and one related to technical information included in the Codes to help users understand how they fit into the wider regulatory framework that controls gambling across the UK.

- New rules on appeal of content to under-18s – The consultation (Question 1) proposed new rules to restrict the creative content of gambling and lotteries ads to further limit their potential to appeal to under-18s. Such advertising is presently prohibited from appealing 'particularly' to under-18s (in other words including creative content that is likely to appeal more to under-18s than to adults). The proposal was to introduce a more restrictive rule prohibiting creative content that appeals 'strongly' to under-18s. 'Strong appeal' is distinct from 'particular' appeal because it does not rely on a comparison with the likely appeal of a piece of content to adults.
- Revisions to the responsibility and problem gambling guidance – The consultation (Question 2) proposed several revisions to CAP and BCAP's guidance on protecting adult audiences, [Gambling advertising: responsibility and problem gambling](#). The changes seek to reduce the likelihood of advertising appealing irresponsibly through its content and messaging to vulnerable adults, principally those with problem gambling-related issues.
- Considering the case for new media placement restrictions – The consultation (Question 3) invited comments on CAP and BCAP's assessment of the

GambleAware recommendation for considering new restrictions on the scheduling, placement and targeting of gambling advertisements. This included a discussion of the GambleAware recommendation calling for revisions to the ‘25% test’ by which CAP ensures age-restricted ads in non-broadcast media (including gambling and lotteries) are placed only in mixed-age media where adults are the overwhelming majority of the audience (in other words 75% or more).

- Technical updates to the Codes – The consultation (Question 4) also included proposed technical changes to the introductory parts of the gambling sections of the UK Advertising Codes to ensure they are up to date with the underlying legal framework and to improve clarity for Code users. These proposals do not entail a change in advertising policy.

2. Interim statement on consultation progress

2.1 Consultation progress

The consultation closed at the end of January. CAP and BCAP would like to thank those who took the time to respond.

There were a significant number of detailed responses focusing in particular on Question 1 and how a ‘strong’ appeal-based rule to further restrict the appeal of creative content to under-18s would work in practice. Assessment of the consultation feedback is well advanced, and CAP and BCAP commit to announcing the outcome of this part of the consultation in Q4 2021. Because they both concern the protection of under-18s, the outcome of Question 3 on the scheduling, placement and targeting of gambling ads and under-18s, will also be published at that time.

2.2 Interim outputs

In the interim, CAP and BCAP see no reason to delay publication of the outcome of Questions 2 and 4; particularly, as the guidance revisions provide increased protections for vulnerable adults. Moreover, revisions to the responsibility and problem gambling and technical updates to the Codes can be separated from matters relating to the protection of under-18s. The outcomes of these parts of the consultation are set out in the next sections of this Regulatory Statement.

3. Outcome of Question 2 – revised responsibility guidance

3.1 Consultation proposals

In section 6.6.1 of the [consultation](#), CAP and BCAP proposed to add new provisions to the [Gambling advertising: responsibility and problem gambling](#) guidance addressing several issues identified in the GambleAware research. The following summarises the proposals:

- In guidance section 4.2 on erroneous perceptions of risk and control, proposed additions to the guidance would prohibit:
 - presenting complex bets in a way that emphasises the skill, knowledge or intelligence involved to suggest, inappropriately, a level of control over the bet that is unlikely to apply in practice;
 - presenting gambling as a way to be part of a community based on skill; and
 - implying that “money back” offers create security (for example, because they give gamblers the chance to play again if they fail or that a bet is ‘risk free’ or low risk).
- In guidance section 4.3 on impulsiveness and urgency, further examples of problematic approaches are proposed to be added (for example, time-limited offers emphasising the need to participate before the odds change and ads that place emphasis on the immediacy of an event).
- In guidance section 4.4 on trivialization, proposed additions would prohibit:
 - humour or light-heartedness being used specifically to play down the risks of gambling; and
 - unrealistic portrayals of winners (for example, winning first time or easily).
- In guidance section 6.2 on financial concerns, additional examples are proposed to be added to urge caution when depicting a winner: the implication that someone won easily, or approaches that take advantage of people’s hopes of winning themselves (in other words replicating the success).

The consultation asked respondents: (a) whether they agreed with the proposed amendments; and (b) whether there were additional provisions that might be added to better meet CAP and BCAP’s objective of ensuring the guidance protects vulnerable adults and audiences in general from ad content with the potential for gambling advertising-related harm.

3.2 Summary of consultation responses

There were 20 responses in which respondents made comments on Question 2. The [evaluation of responses](#) provides detailed summaries of all significant points made and contains more detailed CAP and BCAP responses to each.

There was a significant level of general support for the proposals across different respondent groups; industry (including gambling operators providing products like betting,

online gaming, bingo and lotteries), academics and NGOs (such as charities with an interest in preventing gambling-related harm). However, several industry respondents objected to the proposals, or certain aspects of the proposed changes to the guidance. The main concern was that existing rules were sufficient to cover the issues identified.

Another strong theme among responses was the need for greater clarity in certain aspects of the proposals, to ensure that they could be implemented effectively and avoid confusion for marketers. Respondents asked for more information on specific definitions; principally, of a "complex bet", a "level of control", a "community based on skill" and "money back offers [that] create security". They also asked for more guidance on how the ASA was likely to interpret new provisions relating to humour or light-heartedness and the depiction of winners. Furthermore, several respondents made suggestions as to how the proposals could be extended to cover a broader range of gambling products than betting and offers other than "money back" promotions.

One respondent, although welcoming the immediate proposals, believed the only way to address gambling-related harm was to ban gambling advertising. Another respondent raised several points relating to evidence on those with mental health issues and gambling. A respondent also provided evidence relating to issues of financial security and students as a group with specific vulnerabilities.

3.3 Assessment

Overall, CAP and BCAP conclude that there is a robust basis to revise the [Gambling advertising: responsibility and problem gambling](#) guidance in line with the proposals, but the wording should be amended responding to feedback over clarity and questions over their interpretation. Responses also lead CAP and BCAP to conclude that the scope of certain aspects of the proposals should be modified to cover gambling products more consistently and a wider range of promotional offers than the wording of the existing proposals does (section 3.4 below provides a summary).

The UK Advertising Codes include a range of rules designed to prevent irresponsible messaging and appeals. These are supported by more detailed guidance that identifies advertising approaches and content likely to be problematic. This can reflect ASA rulings that interpret the rules or – as is the case here – work by CAP and BCAP to update guidance in response to emerging evidence and understanding of gambling advertising-related harms.

The GambleAware [Final Synthesis Report](#) sets out a range of relevant findings based largely on the ScotSen qualitative research, [The Effect of Gambling Marketing and Advertising on Children, Young People and Vulnerable People: Qualitative Research Report](#), commissioned by GambleAware as part of its research project. This study highlights aspects and themes of ad content that attracted interest and attention among subjects that included young adults, those with problem gambling behaviours and people with mental health issues.

Although the findings are not of themselves decisive, when taken alongside the wider GambleAware Final Synthesis Report findings, CAP and BCAP consider that they warrant regulatory action in response. Importantly, insights provided by the research speak to existing provisions in the guidance and further established policy aims; to protect vulnerable

adults from irresponsible creative content or messages that might encourage harmful behaviour, for instance by exploiting vulnerabilities such as those relating to problem gambling or risky gambling behaviour. These are widely acknowledged areas of risk and potential harm. It is therefore proportionate to draw on insights from the GambleAware research to further inform various sections of the guidance, principally by providing further examples of themes that present risk and particular marketing approaches or content that should be avoided.

CAP and BCAP are not required to consult on guidance in every instance but in this case it has proved useful to test the proposals to ensure that they are effective, and easily understood and implemented by marketers.

3.4 Outcome

This section gives details of the outcome of the consultation, including summaries of the changes made to the proposals in response to consultation feedback and how the amended proposals have been integrated into the existing guidance provisions. This should be read in conjunction with the relevant parts of the [evaluation table](#) for Question 2. These include more detail on the proposals responding to specific points or questions raised by respondents (see the references below).

A full version of the revised [Gambling advertising: responsibility and problem gambling](#) guidance is [here](#). Readers should note that the existing version will continue to apply until the expiry of the transitional period on 1 November 2021.

Erroneous perceptions of risk and control – Several amendments to this element of the proposal have been made. They are summarised below, followed by a marked-up version of the relevant guidance text incorporating the final versions of the revisions.

- On the proposals relating to *‘Presenting complex bets in a way that emphasises the skill, knowledge or intelligence involved’*, further clarity has been added to explain the term “complex bets”; the term “levels of control” has been revised to improve clarity (see evaluations 2(a)-3.2 to 2(a)-3.5). Furthermore, the scope of the proposal has been extended to apply equally across all gambling products (see evaluation 2(a)-3.6), not just betting products.
- On the proposals relating to *‘Presenting gambling as a way to be part of a community based on skill’*, further explanation is included in the evaluation (see evaluation 2(a)-3.7).
- On the proposals relating to *‘Implying that money back offers create security’* the concerns expressed by respondents over the interpretation of “security” has resulted in amendments to improve clarity (see evaluation 2(a)-3.15). Additionally, in light of new evidence submitted by a respondent about the impact of offers more generally, the scope of the provision has been widened (see evaluation 2(b)-2.1).

The revisions to section 4.2 of the guidance are marked up in red (note, the order and structure of existing parts of the guidance section has been amended slightly to facilitate integration of the new provisions):

Marketing communications should avoid approaches that give erroneous perceptions of the level of risk involved or the extent of a gambler's control over a bet or gambling in general.

The following approaches are likely to encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm. ~~They and~~ would therefore breach these rules:

- *implying that an activity is without risk;*
- *portrayals of risk that are unrepresentative; ~~or~~*
- *placing undue emphasis on the extent of control afforded by a facility like 'cash-out';*
- *presenting complex bets or other gambling products in a way that emphasises the skill, knowledge or intelligence involved and could therefore lead to erroneous perceptions of risk or control;*
- *presenting gambling as a way to be part of a community based on skill; or*
- *stating or implying that offers (such as those involving money back, 'free' bets or bonuses, or enhanced odds) are a way to reduce risk.*

Impulsiveness and urgency – The proposal has been adopted. Further explanatory detail is included in the evaluation (see evaluation 2(a)-3.22).

The revisions to section 4.3 of the guidance are marked up in red:

In order not to encourage gambling behaviour that is irresponsible, marketing communications should not unduly pressure the audience to gamble, especially when gambling opportunities offered are subject to a significant time limitation.

*Offers such as live odds or in-play betting – where time limits exist naturally due to the nature of an event – should not be presented in such a way that creates an unjustifiable sense of urgency. The same applies to other very short-term promotions where time limits are set by marketers themselves. In such instances, urgent calls to action (for instance, "Bet now!"), ~~or~~ creative approaches, such as those that place emphasis **on the immediacy of an event** or on time running out, **and time limited offers emphasising the need to participate before the odds change**, are likely to be regarded by the ASA as a breach of these rules because they could pressure consumers into participating when they otherwise would not.*

Reminding consumers that other time-limited promotional offers are due to expire is likely to be acceptable

Trivialization – The proposal has been adopted. Further explanatory detail is included in the evaluation. In relating to the use of humour and light-heartedness, see evaluations 2(a)-3.23 to 2(a)-3.27 and, on the depiction of winners, see evaluations 2(a)-3.28 to 2(a)-3.34.

The revisions to section 4.4 of the guidance are marked up in red:

Marketers should take care to avoid approaches that trivialize gambling and avoid the impression that the decision to gamble should be taken lightly. For example, they should:

- *not use humour or light-heartedness specifically to play down the risks of gambling;*
- *not encourage repetitive or frequent participation;*
- *not encourage people to gamble more than they otherwise would;*
- *exercise caution when encouraging people to take advantage of promotions or opening accounts; ~~and~~*
- *not encourage people to spend more than they can afford; and*
- *avoid unrealistic portrayals of winners (for example, characters winning first time or easily).*

It is likely to be acceptable for marketers to refer to or demonstrate the ease of use of a service or facility such as an app, but they should be careful not to do so in a way that might be problematic under the points above.

Financial concerns – The proposal has been adopted. However, responding to a submission of evidence relating to issues of financial security and students as a group with specific vulnerabilities, CAP and BCAP have decided to make a further amendment highlighting students as an example of a group that, if obviously depicted in gambling advertising, should be presented carefully (see evaluation 2(b)-2.3).

The revisions to section 6.2 of the guidance are marked up in red:

Marketing communications that unduly play on people's fears of financial pressures are likely to breach these rules, even where risks have been set out.

*Marketing communications should not present gambling as a viable alternative to employment. References to salary or debts in gambling marketing communications are likely to be regarded by the ASA as a breach of these rules. **Alongside references to people's financial or employment circumstances, marketers should exercise heightened caution when obviously depicting groups that are likely to experience financial pressures, for example, students.***

Marketing communications that unduly emphasize financial motivations for gambling are likely to be regarded by the ASA as a breach of these rules.

*Portrayals of the rewards of gambling should be reasonable and indicative of the rewards that can be obtained through responsible play. **Marketers should also exercise caution when depicting winners avoiding the implication that a character***

has won easily, and approaches that take advantage of people's hopes of winning or replicating the success depicted. Approaches that focus on gambling as a social activity or entertainment are less likely to breach the Code.

4. Outcome of Question 4 – technical updates to the Codes

4.1 Consultation proposals

CAP and BCAP's general aim is to ensure the Codes are easily understood, easily implemented and easily enforced. The consultation presents an opportunity to update them to better align them with the underlying legal framework and to improve clarity for Code users.

The following summarise the proposals set out in section 8.2 of the [consultation document](#).

- The introductory text in the 'Background' sub-sections of both Codes' gambling rules will be amended to include more information on their statutory underpinnings and how the Codes work within them.
- A 'Scope' sub-section will be added to the CAP Code rules and the 'Definitions' sub-section of the BCAP rules will be amended to simplify and harmonise the way the Codes explain the scope of application of their respective gambling rules; principally, that they apply to marketing by gambling operators licensed in Great Britain likely to have the effect of promoting gambling (this replaces the previous approach focusing on 'play for money' and 'play for free' gambling products). A similar approach is taken for advertising by firms authorised by the Financial Conduct Authority to offer spread betting products, both financial and sports-related.
- A new 'Scope' sub-section in the CAP Code and an amended BCAP 'Definitions' sub-section will include a new provision allowing the ASA to apply principles from the gambling rules to advertising for non-gambling operators (principally, betting tipsters, who promote advice on betting selections rather than offering licensable gambling products directly) where it is likely to have the effect of promoting gambling. Additionally, for the BCAP Code, this proposed approach will replace the present structure of having 'Rules for all advertising' and 'Rules for gambling advertising' sub-sections within the list of rules bringing the two Codes into alignment.
- Further amendments to the 'Background' sub-sections of both Codes' gambling rules will clarify their territorial application, including in relation to Northern Ireland, the Channel Islands and the Isle of Man.

The consultation invited respondents' views on the detail and accuracy of the proposals as they relate to the CAP and BCAP Codes respectively.

4.2 Summary of consultation responses and assessment

The consultation received 13 responses where respondents made comments on Question 4. There was support for the proposals across different respondent groups; industry, academics and NGOs. Some respondents raised questions over the specifics of the proposals and their implementation, but these are addressed in the [evaluation table](#) for Question 4.

In the absence of any material objections or significant comments on the drafting, CAP and BCAP conclude there is a firm case to make the proposed changes to the UK Advertising Codes.

4.3 Outcome – Updates to the CAP Code

CAP has decided to implement as drafted the technical changes to CAP Code section 16 set out in [consultation document](#) section 8.3. The following table confirms the outcome:

Revised introductory text	Existing introductory text to be replaced
<p>Principle</p> <p>The rules in this section are designed to ensure that marketing communications for gambling are socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited.</p>	<p>Principle</p> <p>The rules in this section are designed to ensure that marketing communications for gambling products are socially responsible, with particular regard to the need to protect children, young persons under 18 and other vulnerable persons from being harmed or exploited by advertising that features or promotes gambling.</p>
<p>Background</p> <p>"Gambling" for the purposes of this section covers:</p> <ul style="list-style-type: none"> gaming, betting and other activities defined as gambling by the Gambling Act 2005 (as amended); and spread betting as defined in financial services legislation. <p>Rules on marketing communications for lotteries are set out separately in Section 17.</p>	<p>Background</p> <p>The term "gambling" means gaming and betting, as defined in the Gambling Act 2005, and spread betting. For rules on marketing communications for lotteries, see Section 17.</p>
<p>The legal framework for gambling in Great Britain, including the requirements for licensing gambling operators, is set out in the Gambling Act 2005 (as amended). The Gambling Commission regulates commercial gambling and permits gambling on the basis that the licensing objectives to keep gambling safe, fair and crime out, are met.</p>	<p>The legal framework for gambling in Great Britain, including the requirements for licensing operators, is set out in the Gambling Act 2005 (as amended).</p>
<p>To advertise in Great Britain, and to advertise remote gambling in Northern Ireland, gambling operators must comply with the relevant licensing requirements set out in statutes. The ASA will refer marketing communications for unlicensed operators to the Gambling Commission. The Gambling Commission's Licence Conditions and Codes of Practice make it a direct requirement on licensed operators to ensure their marketing communications comply with the UK Advertising Codes.</p> <p>The Gambling Act 2005 and Gambling (License & Marketing) Act 2014 apply to Great Britain and Northern Ireland for remote gambling.</p> <p>Specialist legal advice should be sought when considering advertising any gambling product in Northern Ireland, the Channel Islands or the Isle of Man. The ASA will</p>	<p>The Gambling Act 2005 does not apply outside Great Britain. Specialist legal advice should be sought when considering advertising any gambling product in Northern Ireland or the Channel Islands.</p>

<p>cooperate with the relevant authorities to address complaints relating to these jurisdictions.</p>	
<p>Spread betting may be advertised as an investment under the Financial Services and Markets Act 2000 (as amended) (FSMA), the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 (as amended) and other Financial Conduct Authority (FCA) rules and guidance (see Background, Section 14, Financial Products). A "spread bet" is a contract for difference that is a gaming contract, as defined in the glossary to the FCA Handbook.</p>	<p>Spread betting may be advertised as an investment under the Financial Services and Markets Act 2000 (as amended) (FSMA), the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 (as amended) and other Financial Conduct Authority (FCA) rules and guidance (see Background, Section 14, Financial Products). A "spread bet" is a contract for difference that is a gaming contract, as defined in the glossary to the FCA Handbook.</p>
<p>Scope</p> <p>Unless otherwise stated, the rules in this section apply to marketing communications by:</p> <ul style="list-style-type: none"> • gambling operators licensed in Great Britain that are likely to have the effect of promoting gambling; and • firms authorized to provide spread betting products. <p>This includes marketing by third parties (for example, affiliate marketers) acting on an advertiser's behalf.</p>	<p>The rules in this section apply to marketing communications for "play for money" gambling products and marketing communications for "play for free" gambling products that offer the chance to win a prize or explicitly or implicitly direct the consumer to a "play for money" gambling product, whether on-shore or off-shore.</p>
<p>Although they do not apply to marketing communications for non-gambling operators, the ASA may draw on the principles established in the rules to assess whether ads for products likely to encourage gambling (for example, betting tipsters) meet the standards required by the general social responsibility provisions of the Code (see Section 1).</p>	
<p>The rules are not intended to inhibit marketing communications by non-gambling operators that aim to counter problem gambling provided they are responsible and unlikely to promote a brand or type of gambling. Safer gambling messaging and marketing by gambling operators must comply with the rules.</p>	<p>These rules are not intended to inhibit marketing communications to counter problem gambling that are responsible and unlikely to promote a brand or type of gambling.</p>
<p>Unless they portray or refer to gambling, this section does not apply to marketing communications for non-gambling leisure events or facilities, for example, hotels, cinemas, bowling alleys or ice rinks, that are in the same complex as, but separate from, gambling events or facilities.</p>	<p>Unless they portray or refer to gambling, this section does not apply to marketing communications for non-gambling leisure events or facilities, for example, hotels, cinemas, bowling alleys or ice rinks, that are in the same complex as, but separate from, gambling events or facilities.</p>
<p>For the purposes of this section, "children" are people of 15 and under and "young persons" are people aged 16 or 17.</p>	<p>For the purposes of this section, "children" are people of 15 and under and "young persons" are people of 16 or 17.</p>

4.4 Outcome – Updates to the BCAP Code

BCAP has decided to implement as drafted the technical changes to BCAP Code section 17 set out in [consultation document](#) section 8.4. The following table confirms the outcome:

Revised introductory text	Existing introductory text to be replaced
<p>Principle</p> <p>The rules in this section are designed to ensure that gambling advertisements are socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited.</p>	<p>Principle</p> <p>The rules in this section are designed to ensure that gambling advertisements are socially responsible, with particular regard to the need to protect under-18s and other vulnerable persons from being harmed or exploited by advertising that features or promotes gambling.</p>
<p>Background</p> <p>The legal framework for gambling in Great Britain, including the requirements for licensing gambling operators, is set out in the Gambling Act 2005 (as amended). The Gambling Commission regulates commercial gambling and permits gambling on the basis that the licensing objectives to keep gambling safe, fair and crime out, are met.</p>	<p>Background</p> <p>The legal framework for gambling in Great Britain, including the requirements for licensing operators, is set out in the Gambling Act 2005 (as amended).</p>
<p>To advertise in Great Britain, and to advertise remote gambling in Northern Ireland, gambling operators must comply with the relevant licensing requirements set out in statutes. The ASA will advertisements for unlicensed operators to the Gambling Commission. The Gambling Commission’s Licence Conditions and Codes of Practice make it a direct requirement on licensed operators to ensure their advertising complies with the UK Advertising Codes.</p> <p>The Gambling Act 2005 and Gambling (License & Marketing) Act 2014 apply to Great Britain and Northern Ireland for remote gambling.</p> <p>Specialist legal advice should be sought when considering advertising any gambling product in Northern Ireland, the Channel Islands or the Isle of Man. The ASA will cooperate with the relevant authorities to address complaints relating to these jurisdictions.</p>	<p>The Gambling Act 2005 does not apply outside Great Britain. Licensees should ensure that specialist legal advice is sought when considering advertising any gambling product or service in Northern Ireland or the Channel Islands.</p>
<p>Spread betting may be advertised as an investment activity under the Financial Services and Markets Act 2000 (as amended) (FSMA), the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 (as amended) and in accordance with the Financial Conduct Authority (FCA) Handbook. Spread betting may be advertised on specialised financial stations or channels, in specialised financial programming or on interactive or additional television services (including text services) only (see rule 14.5.4). A "spread bet" is a contract for differences that is a gaming contract, as defined in the glossary to the FCA Handbook.</p>	<p>Spread betting may be advertised as an investment activity under the Financial Services and Markets Act 2000 (as amended) (FSMA), the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 (as amended) and in accordance with the Financial Conduct Authority (FCA) Handbook. Spread betting may be advertised on specialised financial stations or channels, in specialised financial programming or on interactive or additional television services (including text services) only (see rule 14.5.4). A "spread bet" is a contract for differences that</p>

	is a gaming contract, as defined in the glossary to the FCA Handbook.
The rules are not intended to inhibit advertisements by non-gambling operators that aim to counter problem gambling provided they are responsible and unlikely to promote a brand or type of gambling. Safer gambling messaging and marketing by gambling operators must comply with the rules.	These rules are not intended to inhibit advertisements to counter problem gambling that are responsible and unlikely to promote a brand or type of gambling.
Please refer to Section 32: Scheduling for rules on the scheduling of gambling advertisements.	Please refer to Section 32: Scheduling for rules on the scheduling of gambling advertisements.
<p>Definitions</p> <p>"Gambling" for the purposes of this section covers:</p> <ul style="list-style-type: none"> gaming, betting and other activities defined as gambling by the Gambling Act 2005; and spread betting as defined in financial services legislation. <p>Rules for lottery advertising are set out separately in Section 18.</p>	<p>Definitions</p> <p>The term "gambling" means gaming and betting, as defined in the Gambling Act 2005, and spread betting. For rules on lottery advertisements, see Section 18.</p>
<p>Unless otherwise stated, the rules in this section apply to advertisements by:</p> <ul style="list-style-type: none"> gambling operators licensed in Great Britain that are likely to have the effect of promoting gambling; and firms authorized to provide spread betting products. <p>This includes marketing by third parties (for example, affiliate marketers) acting on an advertiser's behalf.</p>	<p>The rules in this section apply to advertisements for "play for money" gambling products and advertisements for "play for free" gambling products that offer the chance to win a prize or that explicitly or implicitly direct the consumer to a "play for money" gambling product, whether on-shore or off-shore.</p>
<p>Although they do not apply to advertisements for non-gambling operators, the ASA may draw on the principles established in the rules to assess whether ads for products likely to encourage gambling (for example, betting tipsters) meet the standards required by the general social responsibility provisions of the Code (see Section 1).</p>	
<p>Unless they portray or refer to gambling, this section does not apply advertisements for non-gambling leisure events or facilities, for example, hotels, cinemas, bowling alleys or ice rinks, that are in the same complex as, but separate from, gambling events or facilities.</p>	<p>Unless they portray or refer to gambling, this section does not apply to advertisements for non-gambling leisure events or facilities, for example, hotels, cinemas, bowling alleys or ice rinks, that are in the same complex as, but separate from, gambling events or facilities.</p>

5. Implementation

5.1 Revised responsibility guidance

The revised [Gambling advertising: responsibility and problem gambling](#) guidance will come into effect after a three month period of grace, although marketers are urged to bring new campaigns into compliance as soon as they can. Accordingly, the ASA will begin to consider complaints using the guidance **from 1 November 2021**.

CAP and BCAP commit to review the implementation of the revised guidance after 12 months.

5.2 Technical updates to the UK Advertising Codes


The technical updates to the Codes do not result in a change in advertising policy. The Codes will be updated shortly after the publication of this Regulatory Statement.

Contact us

Committee of Advertising Practice

Castle House, 37-45 Paul Street
London EC2A 4LS

Telephone: 020 7492 2200
Textphone: 020 7242 8159
Email: enquiries@cap.org.uk
www.cap.org.uk

 Follow us: [@CAP_UK](https://twitter.com/CAP_UK)