

# ASA Ruling on 888 UK Ltd

 Upheld | Website (ad feature) | 10 November 2021

## Background

Summary of Council decision:

Three issues were investigated, all of which were Upheld.

## Ad description

An advertorial for 777.com, seen on [www.betterdeals.live](http://www.betterdeals.live), on 14 June 2021. At the top of the page was the heading “This is a Slot Machine App You Should be Playing in 2021”. Text underneath stated “Using the free spins from the popular 777 Slots app, 32 year old Simona Moron wins the progressive jackpot\*” and “Casinos are trying to shut down a free Android App that’s allowing everyday people, like Simona Moron, to win huge progressive jackpots using nothing but free spins”. At the bottom of the page, text stated “77 Free Spins (\*T&C's apply) ENABLED FOR ANOTHER” and a countdown timer from three minutes.

## Issue

1. The complainant challenged whether the countdown timer was misleading, because they understood the free spins offer did not end when it reached zero.

The ASA challenged whether the following claims were misleading and could be substantiated:

2. “Casinos are trying to shut down a free Android App”; and,

3. “that’s allowing everyday people, like Simona Moron, to win huge progressive jackpots using nothing but free spins”.

## Response

1., 2. & 3. 888 UK Ltd t/a 777.com said that they had a policy in place with third-party publishers who created marketing materials for them, which prohibited them from using agencies to create ads which had not been provided by 777.com themselves. They told us that in this instance, the third-party publisher had used a creative which had not been designed or approved by 888, and had been posted without their knowledge or approval.

777.com said that they identified the ad themselves on 2 July 2021, and instructed the third-party publisher to remove it on the same day. They also told us that following the identification and removal of the ad, they had suspended all campaigns with the relevant publisher until further notice. They said that if they decided to resume working with the publisher in the future, they would do so subject to a review and monitoring process of any potential campaigns’ promotional materials.

## Assessment

### 1. Upheld

The ASA acknowledged 777.com’s comment that the ad was published by an affiliate marketer without their approval or knowledge and in breach of their agreement. However, we considered that, as the beneficiaries of the marketing material, they were responsible for the ad and for responding to the ASA investigation.

We considered that consumers would understand that the countdown timer would relate to a specific time limitation in which the “77 Free Spins” promotion needed to be claimed, and that once it ran down to zero the offer would no longer be available.

However, we understood that if the page was refreshed, the timer would reset to start counting down from three minutes again. Therefore, because the promotion was not time limited, we concluded the ad was misleading.

On that point, the ad breached CAP Code (Edition 12) rules **3.1** (Misleading advertising), **8.17** and **8.17** 4e (Significant conditions for promotions).

### 2. & 3. Upheld

We considered that consumers would understand the claim “Casinos are trying to shut down a free Android App” as an indication that action had been taken by casinos to try and prevent the app from operating.

We also considered that consumers would understand the claim “that’s allowing everyday people, like Simona Moron, to win huge progressive jackpots using nothing but free spins” as an indication that consumers had accrued sizeable winnings using only free spins.

However, 777.com provided us with no evidence to support either claim. In the absence of such evidence, we concluded the ad was misleading.

On those points, the ad breached CAP Code (Edition 12) rules [3.1](#) (Misleading advertising) and [3.7](#) (Substantiation).

## Action

The ad must not appear again in the form complained about. We told 888 UK Ltd t/a 777.com to ensure that they held adequate evidence to substantiate claims made in ads for 777, even when placed by affiliate marketers. We also reminded them that they must ensure that future advertising for 777 did not misleadingly imply that offers were time-limited, for example by using a countdown clock, if that was not the case.

## CAP Code (Edition 12)

[3.1](#) [3.7](#) [8.17](#) [8.17.4.E](#)

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