



ASA Ruling on 888 UK Ltd

✓ Not upheld | VOD

| 05 January 2022

Background

Summary of Council decision:

Two issues were investigated, both of which were Not upheld.

Ad description

Two YouTube videos on Callum Airey's YouTube channel, seen in August 2021:

a. The first video was titled "I Was Youtubers TAXI driver for 24 hours". The video began with Mr Airey presenting a description of 888poker's Jackpot poker game accessed via the 888poker app. He stated, "Some of you guys may have noticed I have been working with 888poker quite a bit recently and I wanted to let you know about their Jackpot Poker

game on their app. Blast Jackpot Poker is a game of speed, fun and suspense and you could win really big”, “By playing Jackpot Poker you actually get to be in with a chance of winning a slice of the million dollars. I mean who doesn’t, how does that not appeal to people?” and “So if that does sound of any interest to you and you fancy playing the Jackpot Poker game then make sure you download the 888poker app.” The remainder of the video showed Mr Airey driving a number of YouTube influencers in a taxi.

b. The second video was titled “\$10,000 YOUTUBER POKER CHALLENGE”. The video began with Mr Airey, presenting a section about an 888poker mobile app. He stated, “Shout out to 888poker for coming through clutch and sponsoring today’s poker video. I wanted to do a poker video for absolutely ages and now they have an amazing, an awesome, mobile app. You can actually go ahead and play with your friends. Not only that but you can play across multiple tables as well. And not only that but you can actually chuck stuff at your mates across the table” and “If you guys are interested in the app then go ahead and check it out, there will be a link down below to the 888poker app. Please download it, enjoy it, have fun and yes enjoy the video guys.” The video then showed Mr Airey and friends playing a game of poker.

Issue

Two complainants, who believed Callum Airey had a large following with young people, challenged whether ads (a) and (b) for a gambling app:

1. were directed at those aged below 18 years; and

2. had particular appeal to children.

Response

1. 888 UK Ltd t/a 888 said that the two YouTube videos were ads for which they paid Mr Airey and they had editorial control. They explained while ad (a) was not initially labelled as an ad, it had been amended and was now described accurately.

888 said that at least 75% of Mr Airey's followers were over 18 years of age and so the ads were not targeted at children.

Mr Airey said for ad (a) his company was paid to promote the 888poker mobile app and 888 had editorial control over the content. That applied only to the first 90 seconds of the video, not limited to, but including the warning that the product was not for under 18s. The remainder of the video was editorial content.

Mr Airey explained that for ad (b) his company was paid to promote the 888poker mobile app and 888 had editorial control over the content.

Mr Airey stated the Calfreezy channel did not have a large proportion of viewers who were under 18. He supplied three screenshots from his YouTube analytics showing audience numbers broken down by age. The first screenshot was the viewing figures for ad (a) which showed 7.5% of the audience had been under 18, the second was for ad (b) which showed 6% of the audience had been under 18 and the third was his overall viewing figures with 8.6% of the audience who were under 18.

Mr Airey further provided Instagram analytics showing audience numbers broken down by age and gender for his Instagram page. This showed that his page had a following of 16.2% for males under 18 and 20.8% for females under 18.

2. 888 stated that Mr Airey was over 25 years old. Responsible Gambling and 18+ logos featured on both videos and an 18+ verbal disclaimer was also stated in both ads. Therefore they believed adequate steps had been taken to ensure the ads did not appeal to children.

Mr Airey said that his viewing figures demonstrated that the channel did not have particular appeal to younger children and the videos' demographics evidenced that they had taken steps to ensure the content resonated with an older audience.

Mr Airey highlighted that video (b), where poker was played, had a lower under 18 audience than ad (a). This showed that content featuring gambling had less of an appeal to under 18s.

Mr Airey stated that the figures showed that the videos did not have particular appeal to young people and that they had been successful in making sure the videos did not appeal to that age group.

Assessment

1. Not upheld

The CAP Code stated that gambling ads must not be directed at those aged below 18 years through the selection of media or context in which they appeared.

The ASA noted the viewing demographics supplied by Mr Airey from YouTube. They showed that for ads (a) and (b), 7.5% and 6% of the audience respectively, had been under 18. In addition the overall viewing figures for Mr Airey's channel showed 8.6% of the audience were under 18.

For paid-organic content published by third-party users of a platform on behalf of a marketer, the ASA required the marketer to demonstrate that under 18s were not likely to comprise 25% of the audience. Because the figures provided by Mr Airey showed the 25% threshold had not been breached, which was also supported by his Instagram statistics, and for YouTube the figures were in fact significantly below the threshold, we considered the ads were not directed at under 18s through the selection of media. We therefore concluded that the ads did not breach the Code.

On that point, we investigated the ads under CAP Code (Edition 12) rules [16.1](#) and [16.3.13](#) (Gambling), but did not find it in breach.

2. Not upheld

The CAP Code stated that gambling ads must not be likely to be of particular appeal to children or young persons, especially by reflecting or being associated with youth culture. Gambling ads could not therefore appeal more strongly to under-18s than they did to over-18s.

We noted that footage of the 888poker app was shown in ad (a) and it was depicted enthusiastically and in a stylised manner. However, there was no imagery or wording that was obviously linked to youth

culture or that was popular with young persons in its presentation. We then considered the wider section of the video and whether the content could have impacted on the ad being associated with youth culture. The video showed Mr Airey picking up YouTube personalities in a taxi and attempting to drive them to locations in London. While the video was humorous in tone, we concluded that the concept of pretending to be a taxi driver and having conversations, while playing the taxi driver role, with other YouTube personalities would not have particular appeal to children or young people.

We noted in ad (b) that again footage of the 888poker app was shown at the beginning of the video and that one of the highlighted features of the app was the ability within the game to throw items across the poker table. That was demonstrated by the graphic of a tomato being thrown onto the phone showing the poker game being played. While that facility had the potential to appeal to younger people, we considered in the absence of any other imagery or wording linked to youth culture, and that the reference was brief, the presentation overall would not appeal particularly to children or young people.

We noted that the rest of the video showed Mr Airey and friends playing poker. While they dressed up in costumes, we understood that with one exception, the roles were not linked to children or young people. While one of the participants did dress as a Ken doll (from Barbie and Ken) the humour was based on an adult male dressing up as a classic toy - one associated with stereotypical good looks. This was not likely to appeal to under 18s. Further to that, the

remainder of the video showed an edited version of a full poker game which we considered also did not have particular appeal to children or young people. We therefore concluded that the ads did not breach the Code.

On that point, we investigated the ads under CAP Code (Edition 12) rules [16.1](#) and [16.3.12](#) (Gambling,) but did not find it in breach.

Action

No further action necessary.

CAP Code (Edition 12)

[16.1](#) [16.3.12](#) [16.3.13](#)

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