

# Gambling advertising: responsibility and problem gambling

Advertising Guidance (non-broadcast  
and broadcast)

Legal, decent, honest and truthful

CAP 

## Foreword

The Committee of Advertising Practice (CAP) offers guidance on the interpretation of the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (the CAP Code) in relation to non-broadcast marketing communications.

The Broadcast Committee of Advertising Practice (BCAP) offers guidance on the interpretation of the UK Code of Broadcast Advertising (the BCAP Code) in relation to broadcast advertisements.

Advertising Guidance is intended to guide advertisers, agencies and media owners on how to interpret the Codes but is not a substitute for those Codes. Advertising Guidance reflects CAP's and/or BCAP's intended effect of the Codes but neither constitutes new rules nor binds the ASA Councils in the event of a complaint about an advertisement that follows it.

For pre-publication advice on specific non-broadcast advertisements, consult the CAP Copy Advice team by telephone on 020 7492 2100, by fax on 020 7404 3404 or you can log a written enquiry via our [online request form](#).

For advice on specific TV advertisements, please contact [Clearcast](#).

For clearance advice on specific radio advertisements, please contact [Radiocentre](#). Please also note that BCAP Code rule 17.1 requires that radio broadcasters must ensure that advertisements for gambling are centrally cleared.

For the full list of Advertising Guidance, please [visit our website](#).

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## 1. Introduction

This guidance is intended to help marketers and agencies interpret CAP and BCAP's gambling rules as they relate to responsibility and problem gambling issues.

Compulsive gamblers can experience considerable financial, social and emotional harm. Individuals who display some problem gambling behaviours are at risk of developing greater problems. Evidence suggests that gambling advertising has a relatively small role in problem gambling behaviour. Nevertheless, marketers must take all reasonable steps to prevent it posing a risk to vulnerable groups. They must also ensure that advertising meets general standards of responsibility to protect wider audiences of their marketing communications.

The Codes are already designed to achieve this. They combine general provisions, such as that prohibiting marketing communications that portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm, with specific rules targeting irresponsible appeals, such as playing on peoples' financial concerns, or specific risk factors in problem gambling, such as solitary play.

This guidance has been produced to enhance those protections by providing greater detail on approaches that are likely to be unacceptable in individual marketing communications.

## 2. Scope

CAP and BCAP have developed this guidance based on ASA rulings and a review of the evidence around advertising's impact. It neither constitutes new rules nor binds the ASA Council when it considers complaints about a marketing communication. It is intended to bear out in greater detail the interpretation of the rules in section 16 of the CAP Code and section 17 of the BCAP Code, including examples of approaches that are likely to be problematic. Marketers should note the rules apply in spirit as well as in letter and whether or not a gambling product is shown or referred to (see CAP rule 16.2).

Marketers should take particular care when preparing campaigns using social media; the rules and this guidance apply in full in such spaces. Gambling operators should also note it is their responsibility to ensure that affiliates or other third parties acting on their behalf to publish or otherwise disseminate marketing communications comply with the Codes.

The rules and this guidance are not intended to restrict legitimate responsibility messaging and marketing campaigns.

Lotteries are regulated under a different statutory framework to other gambling activities. As such, the UK Advertising Codes have separate sections for lotteries (CAP section 17 and BCAP section 18). Many of the rules in these sections are similar to those in the gambling sections. Although this guidance focuses on gambling advertising, the ASA may draw insights from it to inform its interpretation of those rules where appropriate.

The Gambling sections of the CAP and BCAP Codes also ensure the protection of children and young people. The rules related to those groups are not directly within scope here. Dedicated guidance on their interpretation will be published later in 2018 to complement this document.

### 3. Definitions

Gambling in Great Britain is regulated under the Gambling Act 2005. Specialist legal advice should be sought when considering advertising any gambling product in Northern Ireland or the Channel Islands.

For the purposes of the gambling sections of the UK Advertising Codes, the term “gambling” means gaming and betting, as defined in the Gambling Act 2005, and spread betting.

Spread betting may be advertised as an investment under the Financial Services and Markets Act 2000, 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 in the CAP and BCAP Code). A “spread bet” is a contract for difference that is a gaming contract, as defined in the glossary to the FCA Handbook.

The gambling rules 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.

For the purposes of the gambling rules, “children” are those aged 15 and under and “young persons” those aged 16 or 17.

### 4. Social responsibility, harm and gambling behaviour

The Codes require all gambling advertising to be socially responsible. Marketers should take all reasonable steps to protect children, young people and other vulnerable persons – principally, problem gamblers and those at risk from such behaviours – from being harmed or exploited by advertising that features or promotes gambling.

CAP rules 16.1 and 16.3.1, and BCAP rule 17.3.1 are principle-based provisions that give the ASA broad scope to take action where marketing communications are likely to be considered irresponsible.

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.

**16.3.1** Marketing communications must not portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm

The BCAP Code states:

**17.3.1** Advertisements must not portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm

The following provisions in this part of guidance address different themes to help advertisers comply with these rules.

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## **4.1 Vulnerability**

In general, marketers should exercise caution when preparing campaigns. They should consider how they might affect vulnerable groups and ensure that marketing communications do not contain content likely to cause harm.

Although the Gambling Act 2005 includes protection of children and “other vulnerable persons” among its licensing objectives, the latter term is not defined. The ASA therefore assesses marketing communications on a case-by-case basis to determine whether the vulnerabilities of groups within the audience are relevant to a decision over whether the communication has breached the Code.

In line with the main focus of this guidance, evidence suggests that certain marketing approaches are likely to have a disproportionate impact on problem gamblers and those at risk of problem gambling. GambleAware defines problem gambling as:

behaviour related to gambling which causes harm to the gambler and those around them. This may include family, friends and others who know them or care for them, such as those they work with.

If someone is struggling to control their gambling behaviour it can cause stress, depression, anxiety, or they may fall behind at work and worry about money. If someone's gambling is causing any of these effects, it is considered problem gambling.

The ASA will have regard to the vulnerability of particular groups when considering complaints. For instance, the evidence strongly suggests that younger men (aged 18-34) are at heightened risk of irresponsible gambling behaviour. The ASA might consider that this factor is relevant when assessing complaints under rules such as 16.3.10 (gambling as a rite of passage) that are in large part focused on protecting younger people.

At the same time, the ASA will have regard to vulnerabilities affecting individuals, groups of whom may be disproportionately represented in an audience. These include economic constraints, limitations on the capacity to understand information, mental health issues and engaging in riskier patterns of play (for example, loyalty card holders or people who participate late at night).

#### **4.2 Erroneous perceptions of risk and control**

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.

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' are likely to encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm. They would therefore breach these rules.

#### **4.3 Impulsiveness and urgency**

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 time running out, 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.

#### **4.4 Trivialization**

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

- 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.

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.

#### **4.5 Problem gambling behaviours and other indicators of problem gambling**

Marketing communications that portray or otherwise refer to individuals displaying problem gambling behaviours or other behavioural indicators linked to problem gambling are likely to be regarded by the ASA as a breach of these rules.

Although it is unlikely that marketers would do this intentionally, they should take care to avoid an implication of such behaviours, for instance, outwardly light-hearted or humorous approaches that could be regarded as portrayals of the behaviours listed below.

Direct problem gambling behaviours include chasing losses, losing track of time while gambling and protracted play. Other behaviours associated with people displaying or at risk from problem gambling include:

- mood swings (including, highs and lows, irritability and shortness of temper);
- manipulative, dishonest, disruptive, secretive or evasive behaviour;
- detachment from surroundings;
- preoccupation with gambling; and
- isolating oneself from others or avoiding other activities to spend more time gambling.

## 5. Rules on specific problem gambling behaviours

The Code includes rules prohibiting portrayals of problem gambling behaviours that are of particular concern.

### 5.1 Taking priority

The CAP Code states:

- 16.3.5** Marketing communications must not portray gambling as indispensable or as taking priority in life; for example, over family, friends or professional or educational commitments

The BCAP Code states:

- 17.3.4** Advertisements must not portray gambling as indispensable or as taking priority in life; for example, over family, friends or professional or educational commitments

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It is generally acceptable for marketing communications to show gambling as being interesting to characters portrayed or an entertaining leisure activity, as long as it is not to the exclusion of other activities or interactions with people.

### 5.2 Solitary gambling

The CAP Code states:

- 16.3.11** Marketing communications must not suggest that solitary gambling is preferable to social gambling

The BCAP Code states:

- 17.3.10** Advertisements must not suggest that solitary gambling is preferable to social gambling.

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Approaches that contrast solitary gambling with social gambling favorably are likely to be regarded by the ASA as a breach of these rules.

The rules are not intended to prevent the portrayal of individuals gambling alone. However, marketers should exercise caution, especially when promoting



online or mobile activities – including those accessible through social media – that more easily facilitate solitary play. Portraying or encouraging people gambling alone at inappropriate times or in inappropriate environments, such as late at night, are likely to breach these rules.

### **5.3 Gambling in the work place**

The CAP Code states:

**16.3.17** Marketing communications must not condone or feature gambling in a working environment. An exception exists for licensed gambling premises.

The BCAP Code states:

**17.4.3** Advertisements must not condone or feature gambling in a working environment (an exception exists for licensed gambling premises).

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Marketers are cautioned to avoid any portrayal of someone gambling in their working environment.

The exception included in these rules does not extend to allowing the depiction of licensed premises staff gambling in their own working environment.

## **6. Appeals associated with problem gambling**

Alongside behaviours associated with problem gambling, there are motivations to gamble that are associated with heightened risk.

### **6.1 Personal problems**

The CAP Code states:

**16.3.3** Marketing communications must not suggest that gambling can provide an escape from personal, professional or educational problems such as loneliness or depression

The BCAP Code states:

**17.3.2** Advertisements must not suggest that gambling can provide an escape from personal, professional or educational problems such as loneliness or depression

Marketers should exercise strong caution when referring to characters' or others' personal problems. It is unlikely to be sufficient to rely on a depiction being seen as light-hearted or only implicitly signaling problem behaviours to avoid breaching the Code.

Portrayals or references to emotional trauma or psychological distress – in particular, inter-personal problems affecting family or friendship groups – are likely to be regarded by the ASA as a breach of these rules.

Marketers should not imply that gambling is a means of coping with personal, professional or educational problems.

## 6.2 Financial concerns

The CAP Code states:

**16.3.4** Marketing communications must not suggest that gambling can be a solution to financial concerns, an alternative to employment or a way to achieve financial security

The BCAP Code states:

**17.3.3** Advertisements must not suggest that gambling can be a solution to financial concerns, an alternative to employment or a way to achieve financial security

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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.

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.

Approaches that focus on gambling as a social activity or entertainment are less likely to breach the Code.

## 7. Other irresponsible appeals

In line with the over-arching responsibility principles underpinning the gambling sections, other types of appeal can be irresponsible.

### 7.1 Seduction, sexual success and enhanced attractiveness

The CAP Code states:

**16.3.8** Marketing communications must not link gambling to seduction, sexual success or enhanced attractiveness

The BCAP Code states:

**17.3.7** Advertisements must not link gambling to seduction, sexual success or enhanced attractiveness

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Marketing communications may feature attractive people, as long as the communication as a whole does not link gambling with seduction, sexual success or enhanced attractiveness.

The ASA is likely to consider that the following approaches breach these rules:

- portrayal of a character who is treated with admiration by others as a result of their gambling; or
- portraying a character's transformation (e.g. an individual becoming glamorous and popular) owing to their participation in gambling.

### 7.2 Toughness, resilience and recklessness

The CAP Code states:

**16.3.9** Marketing communications must not portray gambling in a context of toughness or link it to resilience or recklessness

The BCAP Code states:

**17.3.8** Advertisements must not portray gambling in a context of toughness or link it to resilience or recklessness

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Marketing communications will be judged on whether, as a whole, they create a link between gambling and resilience or toughness, or portray gambling in a context of toughness.

Marketers should, for example, exercise caution when portraying character's physical or mental strength in a way that links to their gambling behaviour.

Marketing communications should avoid portrayals that could be interpreted as reckless gambling behaviour such as a character betting all their remaining chips. They should also avoid portrayals of other reckless behaviour that might imply a link to gambling.

### **7.3 Enhancing personal qualities**

The CAP Code states:

**16.3.6** Marketing communications must not suggest that gambling can enhance personal qualities, for example, that it can improve self-image or self-esteem, or is a way to gain control, superiority, recognition or admiration

The BCAP Code states:

**17.3.6** Advertisements must not suggest that gambling can enhance personal qualities; for example, that it can improve self-image or self-esteem, or is a way to gain control, superiority, recognition or admiration

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Marketing communications may feature attractive people, as long as the communication as a whole does not link gambling with these qualities.

Portrayal of a character that is treated with admiration by others as a result of their gambling is likely to link gambling with improved self-image or self-esteem and would breach these rules.

Marketing communications portraying a character's transformation following their participation in gambling can link gambling to with improved self-image or self-esteem and would breach these rules.

### **7.4 Cultural beliefs or traditions about gambling or luck**

The CAP Code states:

**16.3.15** Marketing communications must not exploit cultural beliefs or traditions about gambling or luck

The BCAP Code states

- 17.4.1** Advertisements for gambling must not exploit cultural beliefs or traditions about gambling or luck

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Marketers should avoid the use of cultural symbols and systems such as horoscopes, if those symbols relate to an existing, strongly and communally held belief. These rules are not intended to prevent references to symbols or obsolete superstitions that are unlikely to be taken seriously, such as a clover leaf.

## 8. Other guidance

### 8.1 Crime and anti-social behaviour

The CAP Code states:

- 16.3.16** Marketing communications must not condone or encourage criminal or anti-social behaviour

The BCAP Code states:

- 17.4.2** Advertisements for gambling must not condone or encourage criminal or anti-social behaviour

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The ASA is likely to consider an ad in breach of the Code if it portrays or otherwise refers to criminal or anti-social behaviour.

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*Advice on specific non-broadcast marketing communications is available from the Copy Advice team by telephone on 020 7492 2100, or you can log a specific written enquiry via the [online request form](#).*

*The [Advice and Training](#) section of the CAP website contains a full list of Advertising Guidance notes as well as access to the full AdviceOnline database, which links through to relevant Code rules and ASA rulings.*

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