



# **GAMBLING INDUSTRY CODE FOR SOCIALLY RESPONSIBLE ADVERTISING**

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## Introduction

1. The Industry Code for Socially Responsible Advertising (the 'Industry Code') was originally introduced on 1 September 2007. Its aim was to provide gambling operators with a range of measures that would enhance the social responsibility of their advertising and which went over and above the extensive requirements already placed on them by the gambling and advertising regulators.
2. It was always envisaged that the Industry Code would be reviewed and the Industry welcomed the Government's decision in 2014 to initiate a review of all aspects of the regulation of gambling advertising.
3. As part of that process, on 28<sup>th</sup> February 2014, the then Secretary of State at the Department for Culture, Media and Sport (DCMS) wrote to the Remote Gambling Association (RGA) to request a review of the Industry Code:

*'to ensure that controls keep pace with developments in the market, and continue to reflect public attitudes towards gambling advertising'.*

4. Following this review and subsequent engagement with DCMS, a number of improvements and additions have been made to the Code. They are contained in this Second Edition and come into force in February 2016.

## Origins and role of the Industry Code

5. The Gambling Act 2005 amended some of the longstanding advertising restrictions. For example, for the first time it permitted television advertising for all forms of gambling. Before that only very few types of gambling such as bingo and the National Lottery could be advertised in this way. This change reflected the then Government's often repeated position that gambling had become a mainstream leisure activity.
6. However, implementation of the Act and the new advertising provisions did not take place until September 2007. In the intervening period concerns were expressed by Ministers about the potential risks of the new, more liberal, advertising regime and questions were raised about possible regulatory gaps. As the advertising freedoms were untested and there was little evidence about their potential impact, the gambling industry proactively offered to produce the Industry Code. It introduced a number of precautionary measures on that basis.
7. Among the more significant of these were (i) the 9.00pm television watershed for all gambling products except for bingo and sports betting around televised sports events; (ii) the requirement for advertisements to carry information about the Gamble Aware website; and (iii) the removal of sponsoring operators' logos from all children's merchandise, such as replica football kits.

8. Although the Industry Code provides a benchmark for the Industry, operators can and often do go beyond its requirements. The gambling industry has a responsibility to ensure that it takes all reasonable steps to minimise the extent of problem gambling and to prevent underage gambling from taking place. Socially responsible advertising is essential if that is to be achieved.
9. The Second Edition of the Industry Code has been developed collectively by the gambling industry under the umbrella of the Industry Group for Responsible Gambling (IGRG) which is currently comprised of the Association of British Bookmakers; BACTA; the Bingo Association; National Casino Forum; and the Remote Gambling Association.
10. It will continue to be the case that the principal rules governing gambling advertising in Great Britain will be those produced and administered by the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP), which are adjudicated upon by the Advertising Standards Authority (ASA). Further information about those is provided below. ***It must be stressed that this code is designed to supplement, rather than repeat or supersede those rules, by providing industry standards in a very limited number of related areas, especially educational messaging, that are not covered by the CAP/BCAP rules.***

#### **Legislative, licensing & regulatory context**

11. Following implementation of the Gambling Act 2005, the primary responsibility for the regulation of advertising by gambling operators is shared by the relevant Secretary of State, the Gambling Commission, and the advertising regulatory bodies CAP, BCAP and the Advertising Standards Authority (ASA). Under the Gambling Act 2005, Ofcom, in consultation with the Gambling Commission, is responsible for setting, reviewing and revising standards for broadcast gambling advertising. BCAP exercises that role under delegation from Ofcom. The Gambling Commission may issue code of practice provisions on non-broadcast advertising. It has asked CAP to perform that function.
12. In deciding what provisions might be required the Gambling Commission has a duty to refer to the licensing objectives of the Gambling Act 2005. In relation to social responsibility in advertising the Gambling Commission will pay particular attention to the objective of *'protecting children and other vulnerable persons from being harmed or exploited by gambling'*.
13. The Gambling Act 2005 also contains reserve powers (Section 328 refers) for the Secretary of State to make regulations to control non-broadcast forms of gambling advertising. The Government has the option at any time of taking proposals to Parliament in order to implement this reserve power.
14. The Gambling (Licensing and Advertising) Act 2014 amended the 2005 Act with the primary effect of making it illegal for any operator not licensed by the Gambling Commission to accept bets from consumers in Great Britain

15. One consequence of this is that almost all gambling advertising that is accessible in Britain is provided by operators licensed by the Gambling Commission.
16. Together the CAP/BCAP rules and the Industry Code ensure that gambling advertising in Britain is conducted safely, fairly, and in a socially responsible manner.
17. Further information about the CAP/BCAP rules can be found at [www.cap.org.uk/gambling](http://www.cap.org.uk/gambling) and the Gambling Commission's Licence Conditions and Codes of Practice are available at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

### **General Principles**

18. Before the Industry Code moves on to address a number of specific issues, the following list contains general principles that gambling operators should take particular care to adhere to when they are developing and placing advertisements:
  - they should comply with the CAP and BCAP rules;
  - advertisements must be legal and not misleading;
  - advertisements and promotions should be socially responsible as described in the CAP and BCAP rules;
  - care must be taken not to exploit children and other vulnerable persons in relation to gambling activity; and
  - advertisements should not be specifically and intentionally targeted towards people under the age of 18 through the selection of media, style of presentation, content or context in which they appear. All advertisers and gambling operators should already be aware that it is an offence under Section 46 of the Gambling Act 2005 to invite a child or young person to gamble.

### **Social responsibility messaging**

19. The specific content of an advertisement is the responsibility of the gambling operator who is placing it. It is good practice to include social responsibility messaging in all forms of gambling where it is practicable to do so, however, it is a requirement of the Industry Code that messaging should appear on all broadcast media. Further details are set out below.
20. However, in terms of carrying an educational message, there is clear merit in having at least a degree of commonality. Some gambling operators already have their own messaging and will wish to continue with it. For those that do not there is limited evidence, certainly in Britain, of what form

of words is most effective. However, in order to provide some guidance, the Gambling Commission listed the following in its consultation paper *Gambling Advertisements and impact on responsible gambling* (January 2007) as examples of messaging that had been used in other jurisdictions:

- Don't let the game play you
- Gaming – more than a game
- Bet with your head, but not above it
- If it's no longer fun walk away
- Have fun, but play it safe
- If you play with real dollars, play with real sense
- Winners know when to stop
- Know your limit and play within it
- Please play responsibly
- Gamble for fun, not to win.

21. This is not a prescriptive list and serves only to indicate the sort of messaging that might be appropriate. For example, the Senet Group has, following research, adopted the strapline of 'When the fun stops, stop'. Although that line is trademarked, it may be used freely by members of the Senet Group.

22. Given the many different forms of advertising and the various media through which advertisements can be displayed, it would be impractical to be overly prescriptive about the presentation of the message (for instance through attempting to set out font sizes for every circumstance), but the aim should be to ensure that any educational messages are displayed in such a way as to come to the attention of those viewing the advertisement. The intent of these provisions is clear and gambling operators will be expected to comply with the spirit of this Industry Code.

23. If in doubt, gambling operators are recommended to seek the advice of their relevant trade association or the IGRG.

### **Inclusion of [www.gambleaware.co.uk](http://www.gambleaware.co.uk) in advertising**

24. On the advice of experts in the field, the Responsibility in Gambling Trust (now the Responsible Gambling Trust), selected [www.gambleaware.co.uk](http://www.gambleaware.co.uk) as the name for a website to provide information about gambling and particularly issues related to problem gambling. That information is there to provide a single resource for those seeking advice and guidance. It also provides links to specialist support and treatment for those who need it.

25. [www.gambleaware.co.uk](http://www.gambleaware.co.uk) was originally an initiative of the Responsibility in Gambling Trust's Public Awareness Taskforce consisting of:

- Gambling Commission
- National Lottery Commission
- Department of Health

- Department for Culture, Media and Sport (DCMS)
- GamCare
- Anglia Ruskin University
- University of Glasgow
- University of Salford
- Lancaster University
- British Amusement Catering Trade Association (BACTA)
- Business in Sport and Leisure (BISL)
- National Consumer Council

26. **The website address should be carried on all print and broadcast advertising where it is feasible, practical, and necessary to do so. It should be presented in such a way that it is clearly legible.**

27. The website address is not required to be included where the name of the operator, the operator's brand or the name of the premises is used where the provision of facilities for gambling is not the sole or main activity undertaken under that name, or the manner or context in which such name is displayed is not designed to draw attention to the fact that facilities for gambling are provided.

28. Including the website address alone is sufficient to meet the basic requirement of this code, but where practical operators should consider using the words '*For more information and advice visit*' before referring to the website.

29. This Second Edition of the Industry Code introduces additional requirements with regard to the prominence of gambleaware.co.uk in adverts. **They are:**

- **For television advertising that gambleaware must remain on the screen for at least 10% of the advert's length; and**

**For print advertising that it should be clearly legible in proportion to the advertising script.**

- **For digital advertising it should be a minimum of 100px across**

### **Television advertising – Watershed**

30. The Gambling Act 2005 made it possible to offer a wider range of gambling advertising than was previously the case. The content of that advertising is largely governed by the BCAP codes (see above), but the gambling industry is acutely aware of the requirements of social responsibility, not least in relation to the protection of children.

31. **It was because of this that the Industry Code required that new gambling products (NB not those, such as bingo, that were permissible prior to 1 September 2007), should not be advertised on television before the commonly accepted watershed time of 9.00pm.**

**For the avoidance of doubt, it is worth underlining here that the sponsorship of television programmes is classified as advertising (for a definition of advertising, see Section 327 of the Gambling Act 2005).**

32. The exception to this rule was and remains the advertising of sports betting around televised sporting events. The majority of these events take place or begin before 9.00pm and given the direct relationship between the two it would be unreasonable to prevent the advertising of betting opportunities. For the purposes of this code sporting events do not include sports-themed entertainment programmes such as (but not exclusively) dancing and ice-skating competitions and quizzes. The sponsorship of sporting events themselves, as opposed to their televised coverage, is not affected by this code.

33. However, the Second Edition of the Industry Code has added further requirements which are that:

- **pre-watershed television advertising cannot include sign-up offers which are targeted solely at new customers; and**
- **pre-watershed television advertising cannot make reference to other gambling products that would not normally qualify for pre-9.00pm exemption.**

34. With regard to the second of these points, advertisers are also reminded that Clearcast, as the organisation that pre-clears all television advertising, included the following in its checklist which is used when adverts go through the clearance process:

*'If the advertisement features a website URL and has links to licensed gaming (eg casino, poker etc) on that landing page, then a 56 code restriction will be given. This means the ad can only go on post 9pm as it will be classed as advertising gaming. To avoid this, any licensed gaming must be '2 clicks away' (i.e the home page is one click, the next page is the second click - where there can be links to licensed gaming)'*

### **Television advertising – responsible gambling messaging**

35. Concern has been expressed about the tone of some television advertising for gambling. The overall content, and therefore the tone, of gambling advertising is addressed in the BCAP Code and consequently there is only a limited role for the Industry Code to play in this area.

36. It is nevertheless socially responsible to ensure that, irrespective of the content of every advert, that each will end with a reminder for what might best be described as the need to act responsibly when gambling. As mentioned in the *Social Responsibility Messaging* section above, **there are a range of recommended social responsibility messages, and this Industry Code now requires that all gambling adverts on television must include such a message prominently at the end of every advert.**



## Television advertising – text and subtitling

37. The previous edition of the Industry Code was silent on the size and prominence of responsible gambling messaging on television. **It is now a requirement that the messaging in advertising follows the good practice set out in the ASA guidance, *On-screen text and subtitling in television advertisement*.** Copies can be downloaded from: <http://www.cap.org.uk/Advice-Training-on-the-rules/Help-Notes/Onscreen-text-and-subtitling-in-TV-advertisements-note-1.aspx#.VOHxPfm5nZY>

## Radio - Messaging

38. Radio advertising raises slightly different practical issues to television advertising. **However, the Industry Code now makes it a requirement for advertisers to include (i) a brief responsible gambling message of the kind described in paragraph 19 above.; or (ii) a voiceover at the end which will refer listeners to [www.gambleaware.co.uk](http://www.gambleaware.co.uk)**

## 18+ messaging

39. **This Second Edition of the Industry Code now makes it a specific requirement that every television and print advert should carry clearly either a '18+' symbol or a 'no under 18s' type message, except in the case where lotteries are being marketed. In the case of lotteries a comparable 'no under 16s' message should appear.**

## Online banner advertising

40. It is not possible or appropriate to require that all online banner advertising should carry responsible gambling messaging, but it is not unusual for such adverts to provide click-throughs to further product information. **Therefore the industry Code is recommending that where this happens the landing page should provide a further click through to either (i) the operator's own responsible gambling microsite or web pages; or (ii) a generic source of information such as [www.gambleaware.co.uk](http://www.gambleaware.co.uk).** For the avoidance of doubt this provision does not apply to banner advertising on gambling websites themselves because they already provide links to responsible gambling information.

## Sports' Sponsorship

41. The advertising of adult-only gambling products or product suppliers should never be targeted at children. This applies equally to sponsorship and this Industry Code continues to require that gambling operators do not allow their logos or other promotional material to appear on any commercial merchandising which is designed for use by children. A clear example of this would be the use of logos on children's sports' shirts. Children's shirts and other merchandise will be defined as those that do not attract VAT.

## Sponsorship of television programmes

42. The sponsorship of television programmes was not covered explicitly by the original Industry Code on the basis that such sponsorship is technically different from advertising and is, for example, subject to different regulatory controls by Ofcom which prevent any kind of sales message or call to action.
43. Nevertheless, in order to reinforce the consistency of the viewing experience, where sponsorship of a television programme takes place **the Industry Code has been amended to make it a requirement that the Gamble Aware website address should now be included.** Anything more than that may well fall foul of the Ofcom rules, but in any event the future inclusion of [gambleaware.co.uk](http://gambleaware.co.uk) in the sponsorship of television programmes is a worthwhile addition.

## Social media - marketing

44. Marketing on social media is the responsibility of both the platform providers, such as Facebook, and the gambling operators themselves. The gambling industry through its Code can only seek compliance by the operators, but social media has grown in importance since the Industry Code was first established and it should now be extended accordingly.
45. It should also be remembered that the CAP Code already covers marketing on social media. **Despite that, the Industry Code is designed to complement existing regulation of this kind and the following provision has been added in the Second Edition:**
- **All gambling operators should have on their corporate webpages (i) responsible gambling messaging; and (ii) links through to sources of more detailed information.**
  - **Account profiles for operators' branded websites on social media will also clearly carry '18+' symbols or a 'no-under 18s' type message as well as a reference to [www.gambleaware.co.uk](http://www.gambleaware.co.uk)**

46. More generally, it is understood that the government intends, in co-operation with the industry and other stakeholders, to undertake further work to ensure that under 18s are suitably protected when using social media.

## Coverage of the code

47. This Industry Code is designed to apply to all forms of advertising and all sizes of gambling operator. As this is an industry code it cannot be made mandatory but it will set a benchmark against which operators' commitment to social responsibility will be measured.

48. Its success depends on the gambling industry adhering to its provisions and the aim must be for all gambling operators to comply with it.
49. The gambling industry will look to the Gambling Commission to assist it wherever it is appropriate to do so in encouraging compliance with this code and this is provided for in its Licence Conditions and Codes of Practice. (<http://www.gamblingcommission.gov.uk/pdf/Latest-LCCP-and-Extracts/Licence-conditions-and-codes-of-practice.pdf>) where Ordinary Code Provision 5.1.6 states that '*Licensees should also follow any relevant industry code of practice on advertising, notably the Gambling Industry Code for Socially Responsible Advertising.*'
50. The Industry Code therefore covers all forms of licensed gambling in Britain, including society lotteries. The current exception to this is the National Lottery whose licence does not carry the same requirement and which is presently excluded from the remit of the Industry Code.
51. Also, unless they portray or refer to gambling, the code does not apply to marketing communications for non-gaming events or facilities e.g. tenpin bowling or hotels that are in the same complex as, but separate from, gambling events or facilities.

### **Monitoring and review**

52. Complaints and breaches of the Industry Code will be addressed under a system that will be put in place by IGRG prior to the full implementation of this Second Edition of the Code in [December 2015]. Arrangement will also be put in place to keep consider potential improvements to the Industry Code as part of a regular review process.
53. The focus of this Industry Code is on the more common forms of advertising, notably through print and broadcast media. However, it is apparent that technology is opening up new pathways to consumers. It is impossible to legislate specifically for each them, but due to the potential for new developments in this area it is one which has been identified as a priority for monitoring.

### **Checklist**

54. A checklist of the Industry Code's key requirements is at Annex A.

## Key requirements of the Industry Code: checklist

1. Include reference to [www.gambleaware.co.uk](http://www.gambleaware.co.uk) in all print and broadcast adverts (para 26)
2. Gambleaware.co.uk must be presented in accordance with the requirement in para 29.
3. Television watershed – product restrictions in para 31.
4. Television watershed – sign up offers and references to other products para 33.
5. Responsible gambling message at the end of every television advert para 36.
6. Television advertising - minimum size of text in para 37.
7. Radio messaging – para 38.
8. Adult only messaging – para 39.
9. Online banner advertising click throughs – para 40.
10. Sports' sponsorships – restrictions para 41
11. Sponsorship of television programmes – inclusion of gambleaware.co.uk para 43
12. Social Media – messaging on operator profiles and corporate pages para 45

