

GAMBLING INDUSTRY CODE FOR SOCIALLY RESPONSIBLE ADVERTISING

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Introduction

1. The purpose of this code is to provide social responsibility standards for gambling operators to apply to their advertising from 1 September 2007. In addition it provides a number of recommendations for operators who might wish to go beyond the minimum standards which are set out within it.
2. 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.
3. 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.**

4. The intention is that this code will apply to all gambling advertising within Great Britain. It has been developed collectively by the gambling industry and is specifically supported by organisations listed in the attached Annex.

Legislative, licensing & regulatory context

5. 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.
6. 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'*.
7. 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.
8. Taken together the CAP/BCAP rules and this industry code should be more than sufficient to ensure that gambling advertising in Britain is conducted safely, fairly, and in a socially responsible manner.
9. Further information about the CAP/BCAP rules can be found at www.cap.org.uk/gambling and the Gambling Commission's Licence Conditions and Codes of Practice are available at www.gamblingcommission.gov.uk.

General Principles

10. Before the code moves on to address a number of specific issues, the following contains a list of 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

11. The case for having educational or warning messages in advertising for products such as gambling and those in comparable sectors such as alcohol is far from clear cut. In developing their rules for advertising, CAP and BCAP were sceptical about the effectiveness of such messaging and decided not to make it a requirement. In the absence of clear evidence one way or the other, the socially responsible approach is to err on the side of caution and this code therefore sets out a particular requirement in this area and also offers guidance for operators who might wish to add further educational messaging.
12. The specific content of an advertisement is the responsibility of the gambling operator who is placing it. However, in terms of carrying an educational message, there is clear merit in having a common strap line or similar as a standard for operators to use. It would also be sensible in most circumstances to direct consumers to a source of information about gambling and gambling responsibly.
13. The best solution is to merge these two functions and make available a website whose name itself carries an educational message. On the advice of experts in the field, the Responsibility in Gambling Trust (RIGT), has selected www.gambleaware.co.uk as the name for this site.

14. www.gambleaware.co.uk is 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

The site will provide advice and information about responsible gambling as well as links to both national and local problem gambling services, such as Gamcare and Gordon House.

15. With the ever increasing level of internet penetration in the UK (eg 30m UK adults are 'actively online' Forrester Research 2006 and 33% of adults have internet-enabled mobile phones Ofcom 2007) this will provide an accessible source of independent information for consumers. It will also be supplemented in licensed gambling premises and on online gambling websites by further information about problem gambling and social responsibility.

16. The effectiveness of both the educational message and the website will be reviewed periodically.

17. **The website address should be carried on all non-broadcast advertising which is produced from 1 September 2007 where it is feasible, practical, and necessary to do so. It should be presented in such a way that it is clearly legible. The same principles should apply to broadcast advertising.**

18. **The website address would not be 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.**

19. 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.
20. It is of course open to gambling operators to have additional educational messaging in some or all of their advertising material should they choose to do so. 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.
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 be likely to come to the attention of those viewing the advertisement. The intent of these provisions is clear and gambling operators will be expected to apply the spirit of this code.
23. If in doubt, gambling operators are recommended to seek the advice of their relevant trade association.

Display of licensed status

24. From 1 September 2007 only companies licensed in Britain, the European Economic Area (EEA), or the 'white-list' jurisdictions (those which Parliament has agreed under the Gambling Act 2005 to treat for these purposes as if they were in the EEA), will be allowed to advertise in this country. Whether or not the public is aware of the distinction, the Government's policy objective in introducing this restriction was to ensure that British consumers could only access advertising from operators in jurisdictions where the regulation of gambling was at an acceptable level.
25. If the licensed status of each gambling operator is of interest or relevance to its customers, then they will find that information at the place they gamble.
26. Against this background, and as advertising space will already be taken up with the educational message/website address, there is little benefit and much practical difficulty in adding information about licensed status.
27. There is nothing to prevent individual gambling operators from including their licensed status if they choose to do so and, if licensed in Britain, they are advised to use the following form of words which has been agreed with the Gambling Commission: '*Licensed by the Gambling Commission (Great Britain).*'

Broadcast media - Messaging

28. Television advertising will display educational messages in the same way as print advertising. Again additional messaging or, for example, information about licensed status, can be included as required by the operator.
29. Radio advertising raises slightly different issues and it will not always be practical or appropriate to carry the www.gambleaware.co.uk website address (paragraph 13 refers). Although the default position is to refer to the gamble aware website, there may be occasions when it will be confusing or unclear to do so, for example when a remote gambling operator is primarily using an advertisement to promote its own website. In such circumstances it is recommended that an educational message along the lines of the examples given in paragraph 20 should be added at the end of the advertisements.

Television advertising – Watershed

30. Under the Gambling Act 2005 it is legal to offer a wider range of gambling advertising than was previously the case. The content of

that advertising will be governed by the BCAP codes (see paragraph 5), but the gambling industry is aware that concerns exist about the potential effect of a rapid growth in television advertising. Although gambling operators will advertise in a socially responsible manner in compliance with the BCAP codes it is right to proceed with caution, especially in relation to the protection of children.

31. **Consequently, this code requires 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 is 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.

Sports' Sponsorship

33. The advertising of adult-only gambling products or product suppliers should never be targeted at children. This applies equally to sponsorship and this code requires that gambling operators will 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 which in future would not be permitted under the terms of this code. Children's shirts and other merchandise will be defined as those that do not attract VAT.
34. This should be reflected in all sponsorship agreements which are signed after 1 September 2007.
35. This provision does not apply to the activities referred to in paragraph 18.

Coverage of the code

36. This 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 by both the Gambling Commission and the Secretary of State. Its success depends on the gambling industry adhering to its provisions and the aim must be for all gambling operators to comply with it.
37. 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 (June 2007) where one of the ordinary code provisions states that "*Licensees should comply with the advertising codes of practice which apply to the form and media in which they advertise their gambling facilities or services*" (see page 49 of the LCCP document).
38. 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.
39. For those operators based outside of Britain, but who advertise here, they will be urged by their trade associations to follow the code and there is no reason to believe that they would not support it. In that respect it is worth remembering that they can only advertise if they are licensed in the EEA or a 'white-list' jurisdiction. In either case the Gambling Commission, the Government or others would have the options of bringing any concerns in this area to the attention of the regulators in the relevant jurisdictions.

Monitoring and review

40. A review group including representatives from all sectors of the gambling industry has been established to (i) liaise with interested parties such as the Government, Gambling Commission, ASA, RIGT, and problem gambling experts; (ii) monitor and review the code; and (iii) consider possible breaches of the code and any related complaints. Initially the code will be reviewed on a six monthly basis.
41. Before any significant alterations are made to the code the review group will consult stakeholders both within and outside of the gambling industry.

42. Finally, it bears repeating that if the industry does not satisfactorily address these issues then the Government has the powers to make these, and possibly additional requirements, legally binding.

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Annex

Supporting organisations

The following organisations have agreed to support this code:

Association of British Bookmakers (ABB)

The Bingo Association

British Amusement Catering Trade Association (BACTA)

British Association of Leisure Parks, Piers, & Attractions (BALPPA)

British Casino Association (BCA)

British Holiday & Home Parks Association (BH&HPA)

British Hospitality Association (BHA) tbc

Business in Sport and Leisure (BISL)

Casino Operators Association (COA)

Kerzner International

Pools Promoters Association tbc

Remote Gambling Association (RGA)

These organisations are listed to indicate the breadth of industry support, but it is not exhaustive. It will be amended as necessary.