

ASA submission to Department for Digital, Culture, Media & Sport

Consultation: Gambling

1. Background and Introduction

- 1.1. This submission is provided by the Advertising Standards Authority (ASA), the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) – the ‘ASA system.’
- 1.2. The ASA is the UK’s independent advertising regulator. We have been administering the non-broadcast Advertising Code (written and maintained by CAP) for 55 years and the broadcast Advertising Code (written and maintained by BCAP) for over ten, with our remit further extended in 2011 to include companies’ advertising claims on their own websites and in social media spaces under their control.
- 1.3. We are responsible for ensuring that advertising is legal, decent, honest and truthful and our work includes undertaking proactive projects and acting on complaints to take action against misleading, harmful or offensive advertisements. We are committed to evidence-based regulation and we continually review new evidence to ensure the rules remain fit-for-purpose.
- 1.4. In addition to investigating ads, we also provide a wealth of training and advice services (most of which are free) for advertisers, agencies and media to help them understand their responsibilities under the Codes and to ensure that fewer problem ads appear in the first place. CAP and BCAP provided over 389,000 pieces of advice in 2017, more than 12,700 of which were specifically related to gambling.
- 1.5. The ASA is providing this written submission in response to the Department for Digital, Culture, Media & Sport’s consultation on the government’s proposals on gambling.

2. Consultation question: *On the whole, do you support this package of measures to address concerns about gambling advertising?*

- 2.1 The ASA acknowledges the findings from the department’s call for evidence; in particular that there are concerns around the increase in gambling advertising even if current evidence has shown that advertising has little impact on problem gambling.
- 2.2 We support the government’s proposal that further research be carried out on the effect on vulnerable groups, including children and those with an existing gambling problem. In all of its work the self-regulatory system takes an evidence-based approach. When reviewing our rules and their application we will continue to take into account evidence about the impact of gambling advertising on potential problem behaviour as well as gauging wider societal concerns, to ensure that they remain effective.
- 2.3 As outlined in the consultation document we’re producing two new pieces of dedicated guidance to make even clearer to operators what is not allowed under our gambling rules. Both pieces of guidance will be based on recent ASA rulings as well as a review of new evidence that has emerged since CAP’s 2014 review of the gambling rules.

- 2.4 New CAP guidance on problem gambling issues is being developed with the aim to be clearer around approaches, appeals and general content that present a risk of encouraging or condoning problem gambling behaviours. The guidance will strengthen the ASA's approach to enforcing CAP's existing rules. We expect this to be published by spring, 2018.
- 2.5 CAP is also developing guidance on issues relating to the protection of children and young people, which it intends to publish by autumn 2018.
- 2.6 We note the proposals that those who benefit from gambling advertising should look at how they can contribute to raising awareness of potential risk. As the UK's Advertising Regulator, we have primary responsibility for public protection. We're committed to maintaining consistent standards that address evidence of harm. This year the ASA ran a well-attended webinar which enabled us to provide advice to gambling operators on how to ensure that ads for gambling which hold particular appeal to children are not seen in freely accessible space, in particular, on an operator's own website.
- 2.7 As referenced in the consultation document we have been working closely with the Gambling Commission and will be keen to see the outcome of their consultation on making compliance with CAP/BCAP codes a social responsibility requirement, as well as their work to develop guides on how to limit exposure to gambling advertising. We recently wrote a joint letter with the Gambling Commission and RGA to all operators with a remote operating licence in the UK and made it clear that no ad of particular appeal to children should appear in media freely accessible to people aged 17 or younger (or 15 or younger for lotteries).

Contact

Advertising Standards Authority