**Gambling Health Alliance response to CAP and BCAP Consultation Responding to the findings of the GambleAware Final Synthesis Report**

*The* [*Gambling Health Alliance*](https://www.rsph.org.uk/our-work/alliances/the-gambling-health-alliance.html) *(GHA) is a coalition of 50 organisations and individuals with a shared interest in reducing the damage caused to health and wellbeing from gambling. The secretariat is provided by the* [*Royal Society for Public Health*](https://www.rsph.org.uk/) *(RSPH). The objective of the Alliance is to support policy-making to address the social, economic and cultural factors that contribute to gambling harm and the inequalities in health caused by it. We do this by highlighting gambling-related harm, engaging with policy makers, and promoting evidence that can be translated into reducing gambling harms.*

*We welcome the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) consultation to change the rules and guidance on gambling and lottery advertising in response to the GambleAware report. Exposure to gambling advertising normalises participation in gambling and gambling-like activity. We are pleased to respond to this consultation, and believe that the public health approach to reducing harm from gambling should include tighter restrictions for gambling advertising to de-normalise it, in order to protect young people and vulnerable individuals. We will call for tougher advertising rules for gambling products in our response to the Gambling Act Review; our full position statement can be found* [*here*](https://www.rsph.org.uk/static/cbefb158-0efd-4ce6-88c4851281beda45/GHA-response-to-gambling-act-4.pdf)*.*

*Recommendations*

* *Advertising with ‘strong appeal’ to children and young people should be prohibited.*
* *Ban all advertising associated with real and virtual sport.*
* *Restrictions should be based on appeal rather than age-verification processes.*
* *Lower the 25% test level to 5%.*

**1a) Do respondents agree with the proposed amendments (set out in section 6.4.1 above) to CAP rule 16.3.12 (gambling) and BCAP rule 17.4.5 (gambling)? If not, please state why including details of any alternative approach(es) to achieving CAP and BCAP’s policy aims.**

Yes, we support the amendments to prohibit marketing communications and advertising for gambling that has ‘strong appeal’ to children and young people, as opposed to ‘particular appeal’. We believe this may be more effective at protecting young adults aged 18 to 24 who are often overlooked, as marketing and advertising with a ‘strong appeal’ may be more likely to also apply to this group too, than communications with ‘particular appeal’.

The public health approach to other issues such as smoking and obesity includes tighter advertising controls than we currently have for gambling products. Virtually all tobacco advertising is now prohibited in the UK, with most advertising and sponsorship being prohibited from February 2003 (for example on billboards and in printed publications) and a ban on tobacco sponsorship of international sport introduced from July 2005.[[1]](#footnote-1) Similarly, the government’s latest obesity plan promised a ban on adverts for food high in fat, salt and sugar (HFSS) on TV and online before the 9pm watershed,[[2]](#footnote-2) and an additional consultation followed, exploring introducing a total ban of HFSS advertising online.

The World Health Organisation have recognised that a total ban on advertising “substantially reduce tobacco consumption and protect people, particularly youths, from industry marketing tactics. To be effective, bans must be complete and apply to all marketing categories. Otherwise, the industry merely redirects resources to nonregulated marketing channels. The tobacco industry strongly opposes such comprehensive bans because they are effective in reducing tobacco use.”[[3]](#footnote-3),[[4]](#footnote-4)

In the case of smoking and obesity, advertising restrictions are by no means a silver bullet to solving the problem, but these measures contribute to the wider harm reduction approach. Gambling advertising must be brought in line with this, particularly to protect children and young people. There is public support for this: Clean Up Gambling’s monthly tracker polling has consistently found 75-85% in favour of the statement ‘Children shouldn’t be exposed to gambling advertising at all’,[[5]](#footnote-5) which indicates the public would go further than ’strong appeal to children’, possibly to ‘any appeal to children’ or at the very least ‘reasonable appeal to children’.

**1b) Do respondents agree with the proposed amendments (set out in section 6.4.1 above) to CAP rule 17.13 (lotteries) and BCAP rule 18.5 (lotteries)? If not, please state why including any alternative approach(es) to achieving CAP and BCAP’s policy aims.**

Yes, for the same reasons as stated in our answer to 1a we support the proposed amendments in relation to advertising lotteries.

**1c) Do respondents consider the intended application of the rules proposed in questions 1(a) and 1(b) and the guidance to support their application (set out in sections 6.4.2 and 6.4.3 above) are broadly proportionate to the intended purpose of preventing gambling ads from appealing ‘strongly’ to under-18s? If not, please state why.**

While we agree that the rules are proportionate, we raise the need for greater clarification of how they would work regarding advertising sports betting. Despite the ‘whistle-to-whistle’ advertising ban, sport and gambling are inextricably linked, and famous players are often used to market gambling firms. For instance, Wayne Rooney wears the number 32 for Derby County, and subsequently the club secured sponsorship from the betting firm 32Red.[[6]](#footnote-6) Similarly, in 2018 Anthony Joshua became William Hill’s global brand ambassador.[[7]](#footnote-7) One study found that because gambling sponsorship extends much beyond adverts in commercial breaks, the ‘whistle-to-whistle’ ban will have limited effect on gambling exposure.[[8]](#footnote-8)

When RSPH researched young people’s relationship with gambling, its normalisation through sport was a common theme. A 16 year old male focus group participant from England told us: *“It [gambling advertising] is everywhere you look when you go to the football. It would probably look weird it all without it now”*.[[9]](#footnote-9) At the time we recommended that the Department for Digital, Culture, Media and Sport propose legislation preventing gambling operators from acting as title sponsors for sports clubs.

As many famous sports personalities and eSports players appeal to children and young people, we suggest that all gambling advertising associated with sport, both real and virtual, is banned. We are part of the Coalition Against Gambling Ads,[[10]](#footnote-10) and we support its campaign to end all gambling advertising, promotion and sponsorship. This is particularly pertinent within sport, because of its appeal to children and young people. RSPH’s research showed how interlinked sport and gambling are for young people (in the month prior to the survey, one in ten respondents had been to a stadium sponsored by a gambling operator), and that the notion of ‘strong’ appeal powerfully applies to sport.

The research also raised the importance of consulting with young people directly to understand their perception of gambling and advertising. We suggest young people are involved with defining what constitutes ‘strong appeal’, in the context of the proposals being considered here, and then on an ongoing basis.

**1d) Do respondents agree with the proposal (set out in section 6.4.4 above) to exempt from the rules, proposed in questions 1(a) and 1(b), certain content inextricably linked to licensed gambling activity or the good causes that benefit from lottery funds? If not, please state why.**

We do not agree with exempting the logos of eSports games from the rules. The British eSports Association found that 35% of eSports players in the UK are aged 18 to 24,[[11]](#footnote-11) and the majority (93%) of children in the UK play video games on average three hours a day.[[12]](#footnote-12) These groups are intended to be protected from exposure to gambling advertising by the proposals set out in this consultation, yet excluding eSports could allow a significant number of children and young people to see appealing gambling advertising. We reiterate our suggestion that gambling advertising associated with virtual sport is banned.

**1e) Do respondents agree the rules proposed in questions 1(a) and 1(b) should not apply to advertisements restricted on the basis of robust age-verification measures (set out in section 6.4.5 above), which, for all intents and purposes, exclude under-18s from the audience? If not, please state why.**

We do not agree that the rules should not apply to adverts restricted on the basis of age-verification. Online age-verification is not robust enough to prevent under-18s accessing gambling activities. Our research found that nine in ten young people view buying a loot box as a form of gambling,[[13]](#footnote-13) and that one in ten young gamers had used their parent’s debit or credit card to purchase loot boxes.[[14]](#footnote-14) While loot boxes in video games are currently not a form of gambling, using a parent’s card and identification online is a potential loophole for under-18s to engage in gambling activity. Furthermore, because of the presence of advertising cookies, individuals will continue to receive gambling marketing after accessing that material online.

In addition, this potential exemption provides no protection for young people over the age of 18 who may be vulnerable to gambling related harm. We suggest restrictions are applied on the ‘strong appeal’ basis rather than age-verification.

**2a) Do respondents agree with CAP and BCAP’s proposed additions to the Gambling advertising: responsibility and problem gambling guidance? If not, please state why.**

Yes, we agree with the proposed additions.

**2b) Do respondents consider that there are additional provisions, which might be added to better meet CAP and BCAP’s objective of ensuring that its guidance protects vulnerable adults from ad content with the potential for gambling advertising-related harm? If so, please set out the reasons including reference to the evidence base, further information and examples as necessary.**

No additional provisions identified.

**3a) Do respondents agree that evidence, identified by the GambleAware research, of an association between exposure to gambling and “susceptibility” to gambling for people aged 11-17 are, at most, modest and do not present a sufficiently robust basis to merit restricting further the media in which, and the audience to which, gambling advertisements may be served? If not, please state why setting the basis upon which you believe the GambleAware evidence merits further regulatory interventions and what those interventions should be.**

While the evidence suggests there is a ‘modest’ link between exposure to gambling and gambling susceptibility in 11 to 17 year olds, this is not a strong enough argument against introducing further restrictions. The Gambling Commission’s Young People and Gambling Survey 2020[[15]](#footnote-15) provides results on the impact of advertising in young people. Table 1342 shows the number of young people in England and Scotland prompted to spend money on gambling after seeing marketing when they were not otherwise planning to. Of this sample of n=962, 7% reported yes, 84% no, and 8% don’t know. In this sample of n=962, 19 suffered the most severe form of gambling-harm from own gambling. Half (51%) of problem gamblers and one-third (33%) of at-risk gamblers went on to spend money on gambling when they were not otherwise planning to. Thus, these results provide early evidence that young people who suffer harm from their gambling are more susceptible to gambling advertising.

Drawing a comparison with policies to reduce obesity, despite research showing a modest association between food promotion and behaviour,[[16]](#footnote-16) the Government has further tightened restrictions to limit children’s exposure to adverts for HFSS food and drink.[[17]](#footnote-17) We suggest this precautionary approach is adopted here, and further restrictions are considered, such as recommendations outlined in response to questions 1c and 1d.

**3b) Respondents are invited to submit further evidence, which suggests that exposure to gambling advertising can, in and of itself, result in gambling advertising-related harms? Respondents to this question are encouraged to have regard to the CAP and BCAP guidance on their approach to evidence-based policy making.**

NA

**3c) Although CAP considers the GambleAware evidence does not present a case for change to the ‘25% test’ (subject to its evaluation of responses to this consultation), do respondents consider there is a better way for CAP to meet its policy objective of balancing, on the one hand, necessary advertising freedoms for gambling operators and, on the other hand, necessary protection for under-18s? Respondents are invited to consider the full range of restrictions that apply to gambling advertising and, where available, provide evidence to support their submissions, particularly, that which bears out the regulatory benefits of an alternative approach.**

The industry spend on advertising and marketing in the UK makes up about 7% of all advertising spend in the UK and about 10% of all online advertising spend.[[18]](#footnote-18),[[19]](#footnote-19) At this level of advertising, achieving protection for under-18s is not possible unless the level of advertising is substantially reduced on top of changes to the content.

The 25% test does not balance advertising freedoms and adequate protection for under 18s. If 25% of an audience who are children are permitted to seeing adverts for gambling, that represents a significant proportion of under-18s who are seemingly acceptable collateral damage for the potential harms. We want to see an end to gambling advertising, but recognise that this would have to take place in increments, and therefore suggest the 25% threshold is reduce to 5% for now.

**4a) Do respondents agree with the proposed amendments to the introductory sub-section of the CAP Code’s gambling rules? If not, please say why including any suggested wording that would better meet this part of the consultation’s objective.**

Yes, we agree with the proposed amendments.

**4b) Do respondents agree with the proposed amendments to the introductory sub-section of the BCAP Code’s gambling rules? If not, please say why including any suggested wording that would better meet this part of the consultation’s objective.**

Yes, we agree with the proposed amendments.

*For more information on this response please contact Louisa Mason, Alliance Lead:* *gha@rsph.org.uk**.*

*These recommendations reflect priority areas for action agreed by GHA members. Individual members may submit their own recommendations with their organisational priorities. A full list of GHA members can be found* [*here*](https://www.rsph.org.uk/our-work/alliances/the-gambling-health-alliance/members-of-the-gambling-health-alliance.html)*.*

1. https://ash.org.uk/category/information-and-resources/advertising-promotion-sponsorship/ [↑](#footnote-ref-1)
2. https://www.gov.uk/government/publications/tackling-obesity-government-strategy/tackling-obesity-empowering-adults-and-children-to-live-healthier-lives [↑](#footnote-ref-2)
3. https://www.who.int/tobacco/mpower/enforce/en/ [↑](#footnote-ref-3)
4. https://www.euro.who.int/\_\_data/assets/pdf\_file/0004/74722/E82993.pdf [↑](#footnote-ref-4)
5. https://cleanupgambling.com/news/huge-public-support-for-online-gambling-reforms [↑](#footnote-ref-5)
6. https://www.derbytelegraph.co.uk/sport/football/football-news/wayne-rooney-number-derby-county-3700534 [↑](#footnote-ref-6)
7. https://www.williamhillplc.com/newsmedia/newsroom/corporate-news/2018/anthony-joshua-becomes-william-hill-global-brand-ambassador/ [↑](#footnote-ref-7)
8. https://www.sciencedirect.com/science/article/pii/S0033350620300512 [↑](#footnote-ref-8)
9. https://www.rsph.org.uk/our-work/policy/gambling/skins-in-the-game.html [↑](#footnote-ref-9)
10. https://caga.uk/ [↑](#footnote-ref-10)
11. https://britishesports.org/news/new-reports-explore-the-size-of-uk-esports/ [↑](#footnote-ref-11)
12. https://www.childrenscommissioner.gov.uk/report/gaming-the-system/ [↑](#footnote-ref-12)
13. https://www.rsph.org.uk/our-work/campaigns/lid-on-loots.html [↑](#footnote-ref-13)
14. https://www.rsph.org.uk/about-us/news/over-1-in-10-young-gamers-get-into-debt-because-of-loot-boxes.html [↑](#footnote-ref-14)
15. https://www.gamblingcommission.gov.uk/news-action-and-statistics/Statistics-and-research/Levels-of-participation-and-problem-gambling/Young-persons-survey.aspx [↑](#footnote-ref-15)
16. https://www.who.int/dietphysicalactivity/Evidence\_Update\_2009.pdf [↑](#footnote-ref-16)
17. https://www.gov.uk/government/publications/tackling-obesity-government-strategy/tackling-obesity-empowering-adults-and-children-to-live-healthier-lives#fn:31 [↑](#footnote-ref-17)
18. https://www.begambleaware.org/media/1853/2018-11-24-rp-ga-gb-marketing-spend-infographic-final.pdf [↑](#footnote-ref-18)
19. https://www.talkgen.org/post/exposure-to-gambling-advertising-in-young-people [↑](#footnote-ref-19)