



Gambling Advertisements: Effect on Children Debate on 14 September 2017

Summary

On 14 September 2017, the House of Lords is due to debate a motion moved by Lord Chadlington (Conservative) that “this House takes note of the effect of gambling advertisements on children”.

This short briefing provides an overview of how gambling advertising is regulated, particularly with regard to protecting children, and includes a summary of statistics and comment on the issue. A selection of key documents are identified at the end of the briefing.

Regulation

The Gambling Act 2005 provides the basis for the regulation of gambling in Great Britain.¹ The Act sets out three key licensing objectives:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.²

The Act established the Gambling Commission and introduced the licensing system requiring operators and key personnel to be licensed by the Commission. Regarding the regulation of gambling advertising, the Advertising Standards Authority (ASA) has stated that:

The Gambling Act 2005 introduced a broad legal definition of advertising covering remote gambling, non-remote gambling and marketing arrangements such as brand-sharing.³ It permitted operators to advertise legally and to engage in marketing activities with the aim of stimulating demand [...]

The main responsibility for regulating the placement and the content of gambling advertising rests with the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) and the ASA acting as the enforcement body for the UK Advertising Codes. However, the framework is broader, encompassing statutory oversight by the DCMS [now the Department for Digital, Culture, Media and Sport], Ofcom and the Gambling Commission as well as industry initiatives that commit the gambling industry in Britain to promote responsible gambling.⁴

The CAP and BCAP both have codes setting out the rules ensuring marketing and advertising is “socially responsible, with particular regard to the need to protect children, young persons under 18 and other vulnerable persons from being harmed or exploited by advertising that features or promotes gambling”.⁵

The [CAP code](#) covers non-broadcast advertising, such as press, poster, cinema or online advertising.⁶ The [BCAP code](#) covers broadcast advertising on radio and television.⁷ Both codes include similar rules aimed at protecting children, including that the advertising should not appeal to young people (especially through being connected to ‘youth culture’) and should not feature anyone who appears to be aged under 25 (with certain exceptions). Rules regarding the broadcast scheduling of gambling advertisements, such as the prohibition on adverts on channels aimed at children, are set out in section 32 of the BCAP code. The [Advertising Standards Authority has also published guidance](#) on interpreting the two codes.⁸

Enforcement of the codes is handled in the main by the Advertising Standards Authority, with the backing and support of Trading Standards, Ofcom or the Gambling Commission.⁹ Organisations and individuals may face fines for failures to comply with the codes.

Statistics and Commentary

The latest annual survey by the Gambling Commission on the incidence and frequency of young people gambling included the following findings:¹⁰

- 16 percent of 11–15 year olds had spent their own money on a gambling activity in the week prior to taking part in the study, with boys being almost twice more likely to have gambled (21 percent compared with 11 percent for girls).
- The most popular forms of gambling were fruit machines (5 percent), placing a private bet with friends (5 percent), playing cards for money with friends (4 percent), and National Lottery scratchcards (4 percent).
- 11–15 year olds were most likely to have said they had seen gambling adverts on TV (75 percent), followed by social media adverts (63 percent) and other online adverts (57 percent).
- Reasons for gambling given, included: ‘to make money’ (24 percent), ‘I thought it would be fun/entertaining’ (23 percent) and ‘I thought it would be exciting’ (21 percent).

The report stated that the “prevalence of gambling in the last week among 11–15 year olds is considerably higher than the comparable figures for smoking, drinking alcohol and using drugs”.¹¹ However, the Gambling Commission also noted that the claimed rate of gambling has remained relatively static over time, and that the proportion of 12–15 year olds classified as ‘problem gamblers’ was 0.4 percent (dropping from 0.6 percent in 2015) and those classified as ‘at risk’ was 1.6 percent (a rise from 1.2 percent in 2015).¹²

Following the publication of the annual survey, the Bishop of St Albans asked an oral question (on 12 January 2017) regarding the Government’s steps to tackle the prevalence of underage gambling.¹³ The Bishop also highlighted the prevalence of young people playing “gambling-style games” (often through smartphones) which he stated normalised the behaviour at a formative age and may therefore lead to problems later on, asking: “what more can Her Majesty’s Government do to limit their exposure to adverts and games that are explicitly trying to encourage gambling?”. The Parliamentary Under Secretary of State at the Department for Culture, Media and Sport, Lord Ashton of Hyde, responded by emphasising the Gambling Commission’s findings that the number of children engaged in gambling had remained relatively static and that there were strict controls backed up by the threat of regulatory or criminal action. The Minister also stated:

My Lords, of course I share the right reverend Prelate’s concern that there might be risks attached

to social gaming. These gambling-style games were considered in detail by the commission in 2015, which concluded that there was no compelling reason to impose additional regulation on the social gaming sector, particularly given that it is subject to extensive consumer protection, such as the Consumer Rights Act. As far as advertising is concerned, there are strict controls over advertising and the content of gambling advertisements already. Gambling advertising was part of the recent call for evidence in the gambling review for the first time, so we await that evidence.¹⁴

The Government ran a consultation between 24 October 2016 and 4 December 2016 for its ‘Review of Gaming Machines and Social Responsibility Measures’, which sought views on a number of matters, including:

For the industry as a whole, including but not limited to gaming machines, social responsibility measures to minimise the risk of gambling related harm. This includes looking at gambling advertising to understand whether we have the right measures in place to ensure that the young and vulnerable are protected.¹⁵

It is now expected that the results of the consultation will be published in “October at the earliest”.¹⁶

The Advertising Standards Authority published a review of the operation of the CAP and BCAP codes in relation to gambling advertising in 2014. The review included an analysis of how effectively the current regulations protected young people from gambling advertising.¹⁷ Overall, the review concluded that the current regulations remained effective. However, it did stress the need to continue focusing on the sphere of online media.¹⁸

Key Documents

- Committee of Advertising Practice, [Gambling: Advertising Guidance \(Non-broadcast and Broadcast\)](#), 4 January 2016
- Committee of Advertising Practice, [CAP and BCAP Gambling Review](#), 1 January 2015, pp 2–15, 21–8, 38–44 and 49–50
- Gambling Commission, [Young People and Gambling 2016](#), November 2016, pp 3–4
- Responsible Gambling Strategy Board, [Young People and Gambling-related Harm](#), July 2014
- [Oral Question on ‘Gambling: Young People’](#), HL *Hansard*, 12 January 2017, cols 2064–6
- Selection of parliamentary written questions from both Houses: [HL 6601](#), [HL 6430](#), [HL 6429](#), [68856](#), [56206](#), [45623](#), [45223](#), and [32042](#)

Further Information

- House of Commons Library, [Gambling Advertising: Regulation in Great Britain](#), 28 July 2017
- GamCare, [‘Youth’](#), accessed 7 September 2017
- [Young Gamblers Education Trust website](#), accessed 7 September 2017
- [BeGambleAware website](#), accessed 7 September 2017

¹ In Northern Ireland the basis of the regulations is the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.

² Gambling Act 2005, s 1.

³ See sections 327 to 333 of the Gambling Act 2005. The Act was also recently amended by the Gambling (Licensing and Advertising) Act 2014 to extend regulation of remote gambling providers.

⁴ Committee of Advertising Practice, [CAP and BCAP Gambling Review](#), 1 January 2015, pp 9 and 12.

⁵ Advertising Standards Authority, [CAP Code: 16 Gambling](#), accessed 6 September 2017.

⁶ *ibid.*

⁷ Advertising Standards Authority, [BCAP Code: 17 Gambling](#), accessed 6 September 2017.

⁸ Committee of Advertising Practice, [Gambling: Advertising Guidance \(Non-Broadcast and Broadcast\)](#), 4 January 2016.

⁹ Committee of Advertising Practice, [CAP and BCAP Gambling Review](#), 1 January 2015, pp 12–15.

¹⁰ Gambling Commission, [Young People and Gambling 2016](#), November 2016, pp 3–4. The report noted that the survey was based on a sample of 2,411 children aged 11–15 from a sample of 103 state secondary and middle schools in England and Wales (see p 5).

¹¹ *ibid.*, p 3.

¹² *ibid.*, p 4.

¹³ [Oral Question on 'Gambling: Young People'](#), HL *Hansard*, 12 January 2017, col 2064.

¹⁴ *ibid.*

¹⁵ Department for Digital, Culture, Media and Sport, ['Call for Evidence: Review of Gaming Machines and Social Responsibility Measures'](#), 24 October 2016.

¹⁶ [HC Hansard, 29 June 2017, col 725.](#)

¹⁷ Committee of Advertising Practice, [CAP and BCAP Gambling Review](#), 1 January 2015, pp 38–44.

¹⁸ *ibid.*, 49–50.

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