



GAMBLING ACT 2005

ADVERTISING

MEDIA FACT PACK

August 2007

Gambling advertising is currently regulated by three different pieces of legislation: Betting, Gaming and Lotteries Act 1963; Gaming Act 1968; and Lotteries and Amusements Act 1976, as well as broadcast and non-broadcast advertising codes of practice administered by the Advertising Standards Authority (ASA).

This has led to some inconsistencies, with different sectors of the gambling industry being subject to differing degrees of advertising regulation. For example while bingo clubs and lotteries are able to advertise on TV betting and casinos are not, yet they are able to sponsor events including those shown on TV.

The Gambling Act 2005

The Gambling Act modernises gambling advertising rules making it possible for some new forms of advertising to be allowed, including on TV, and brings consistency to the advertising rules placed upon the industry. It broadens the definition of advertising to cover all kinds of promotion, sponsorship and branding, and provides powers for controls to be put in place to manage the manner and content of the adverts.

The Secretary of State also has reserve powers to make regulations controlling the form, content, timing and location and wording of gambling advertising.

Regulation

The Gambling Act has three key objectives, to ensure gambling is:

- Crime free;
- fair and open; and that
- children and vulnerable people are protected from being harmed or exploited by gambling.

The ASA, Gambling Commission and Ofcom will be responsible for enforcing the new rules on gambling advertising.

CAP and BCAP Gambling Advertising Rules

The CAP and BCAP Advertising Standards Codes give clear guidance to non-broadcast and broadcast advertisers about how they comply with provisions of the Gambling Act. The ASA will administer the codes and will respond to public concerns about gambling advertisements. In particular they will seek to ensure adverts don't:

- portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm;
- exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young people or other vulnerable people;
- suggest that gambling can be a solution to financial concerns;
- link gambling to seduction, sexual success or enhanced attractiveness; or
- be likely to be of particular appeal to children or young persons, especially by reflecting or being associated with youth culture.

Adverts that breach the code will have to be amended or withdrawn. If serious or repeated breaches of the advertising codes occur then the ASA may refer advertisers to the Gambling Commission and broadcasters to Ofcom to consider legal or regulatory sanctions.

The Gambling Commission

The Gambling Commission's Licence Conditions and Codes of Practice make it a requirement that all operators comply with the broadcast (BCAP) and non-broadcast (CAP) Advertising Codes and the industry code of practice.

Industry code of practice

In addition to the CAP and BCAP Advertising Standards Codes the gambling industry has collectively devised its own *Gambling industry code for socially responsible advertising*. This voluntary code introduces additional standards designed to protect children and vulnerable people over and above the CAP and BCAP Advertising Codes. The code has been agreed with Government and includes a number of measures requested by the Secretary of State for Culture, Media and Sport.

Measures included in the voluntary code are:

- a ban on all broadcast gambling advertising before the 9pm watershed except for bingo and lottery ads which are already permitted and sports betting advertising around sports events;
- a ban on all gambling logos on children's replica sports kits; and
- the inclusion of social responsibility signposting in adverts directing consumers to the gamble aware website – www.gambleaware.co.uk

The Secretary of State has reserve powers to introduce these measures through legislation if the industry fails to abide by the code.

White listing

Under the Gambling Act 2005 it is illegal for operators licensed in foreign countries to advertise gambling in the UK unless they are in the European Economic Area, Gibraltar or are one of the jurisdictions included on the 'white list.'

Jurisdictions wanting to be included on the white list will have to demonstrate that have in place a tough regulatory regime similar to that provided in Great Britain under the Gambling Act including measures that:

- act to protect children and vulnerable people from being harmed or exploited;
- keep out crime;
- ensure that gambling is conducted fairly;
- enforce compliance; and
- ensure that gambling operators are subject to rules on money-laundering and financial probity.

The Secretary of State's decision whether to permit gambling operators based in jurisdictions outside the EEA and Gibraltar is based on the criteria above.

To date only Alderney and the Isle of Man have successfully demonstrated that meet the white listing criteria. The DCMS will keep under review Alderney and the Isle of Man's regulatory regimes to ensure that they continue to meet the white list criteria.

DCMS press office

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