

Julie James AC/AM  
Arweinydd y Tŷ a'r Prif Chwip  
Leader of the House and Chief Whip



Vaughan Gething AC/AM  
Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau Cymdeithasol  
Cabinet Secretary for Health and Social Services

Llywodraeth Cymru  
Welsh Government

Guy Parker  
Chief Executive  
Advertising Standards Authority  
Mid City Place,  
71 High Holborn  
London  
WC1V 6QT

By email:

13 April 2018

Dear Mr Parker

This year's annual report from our Chief Medical Officer *Gambling with Our Health* identifies problem gambling as a clear, prominent and growing public health priority for Wales and Welsh Government.

Adverts for gambling on television and on-line concern us particularly in relation to how they influence the vulnerable and, especially children and young people. Since changes to the Gambling Act (2005) we have seen the amount of adverts on television and on-line increase rapidly. Your recent announcement on moves to implement tougher standards is therefore very welcome. There needs to be a clear focus on the potential harms to individuals and wider society from problem gambling. Whilst your announcement is a positive step in relation to the content of adverts, we are also concerned about the sheer quantity of adverts broadcast each day encouraging this activity.

The issue of gambling advertising reaching children and young people through social media and online advertising has yet to be adequately addressed. Children and young people are also exposed to gambling advertising through a number of means including billboards and through sponsorship of sports events, personalities and teams. We note that you will be publishing further guidance later to help protect children and young people from targeted gambling advertising. Within this guidance we call on you to continue to place stronger restrictions, especially online, to restrict the exposure of children and young people to this activity.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Concern with the issue of problem gambling and the role of advertising has been raised on a number of occasions recently within proceedings of the Assembly. We look forward to your consideration of this letter and a response we can share with Assembly Members.

Yours sincerely



**Julie James AC/AM**

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25 May 2018  
By email

*Dear Julie & Vaughan,*

Thank you for writing to me on 13 April expressing your concerns about gambling advertising.

The ASA is committed to protecting children and young people from irresponsible gambling advertising. Our rules place a particular emphasis on protecting under-18s and other vulnerable groups applying across all media, including company websites and social media spaces. Later this year, the Committees of Advertising Practice – the body which writes the UK Advertising Codes that we enforce - will publish further standards for advertisers focusing on the impact of gambling advertising on children and young people.

The gambling advertising rules:

- Prohibit the targeting of under-18s in media for that group or in other media where under-18s make up a significant proportion of the audience – this considerably reduces the amount of exposure and, importantly, keeps gambling away from young people’s media spaces.
- Protect under-18s from being unduly influenced by gambling ads they do see – no gambling ads may appeal particularly to under-18s, especially by reflecting or being associated with youth culture.
- Prohibit irresponsible appeals – for example, implying gambling can solve financial or personal problems or that it is indispensable, a rite of passage or linked with sexual success.
- Protect problem gamblers and those at risk – ads must not portray, condone or encourage gambling behaviour that is socially irresponsible.

Legal, decent, honest and truthful

Chairman Rt Hon Lord Currie of Marylebone Chief Executive Guy Parker  
ASA Council David Hepworth, Tess Alps, Reg Bailey, Kate Bee, Wesley Henderson, Nita Patel, Aaqil Ahmed, Zaid Al-Qassab, Suzanne McCarthy, Shireen Peermohamed, Sam Younger, Tracey Follows and Neil Stevenson

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The Advertising Standards Authority (Broadcast) Limited, registered in England No 05130991, Mid City Place, 71 High Holborn, London WC1V 6QT

Last summer, CAP published tough [new standards](#) to protect children in relation to age-restricted ads online (such as gambling and alcoholic drinks ads). The standards require advertisers to prove they've taken full advantage of the range of social media targeting tools to make sure their ads are directed away from children. Simply filtering users according to age alone won't be sufficient since some children register accounts using false dates of birth. The burden of proof is on the advertiser to show they've used the interest-based tools to target their ad responsibly. These standards were enforced in a recent ruling on a Diageo ad for Captain Morgan's rum where images were found to be likely to appeal particularly to children. Diageo's practice of filtering by self-reported age was held to be insufficient given Snapchat's large child audience. As a result of the ruling, which banned the ad, Diageo withdrew all ads from Snapchat globally. While this ruling concerned an alcohol ad, the same tough standards will be enforced for gambling ads.

We recently worked alongside the Gambling Commission to tackle betting and gaming websites that advertise games which might appeal to under-18s, for instance through their use of cartoon imagery. Alongside the Gambling Commission, we sent a 'cease and desist' letter to all operators with a remote operating licence in the UK and made it clear that nothing with specific appeal to children should appear anywhere where adequate checks to verify a user is over 18 (or 16 for lotteries) have not been undertaken. Results have included the removal of the vast majority of offending material and we'll take a tough approach to any imagery that remains.

Regulators have limited scope to control the volume of gambling advertising since the market was liberalised by the Gambling Act 2005, which adopted a permissive approach to advertising, reinforcing that gambling products are both legal and marketable. Only Parliament can overturn the legislative context for regulation. To date, the ASA has not seen evidence of harm from advertising to which volume restrictions (as opposed to scheduling, placement or content restrictions) would be the right response. Broadcasters Audience Research Board (BARB) data on TV advertising from 2017, showed that a child saw, on average, 2.47 gambling ads per week. An analysis of BARB data from January 2016 demonstrated that, of the total number of gambling ads seen by children, the greater proportion were made up of ads for bingo, casinos, poker and scratch cards. Sports gambling ads, which include ads for bookmakers or other sports gambling, made up the smallest proportion.

I note your point that children are exposed to gambling through means outside of TV and online advertising. While sponsorship is not in the ASA's remit our non-broadcast rules do apply to outdoor advertising. That means that gambling advertising is not allowed to appear in spaces where children are likely to see it, for example, near schools.

However, we continually review the rules, taking into account evidence about the impact of gambling advertising as well as gauging wider societal concerns to ensure that the rules

remain effective as a means to protect the public. We will consider carefully any new arguments and evidence that suggest that the Codes need to be tightened.

A recent example of reviewing the evidence and tightening our standards was our announcement in February when CAP published [new standards](#) to ensure that ads remain responsible with a particular focus on mitigating potential harms associated with problem gambling.

The new standards focus on the 'tone' of ads. In essence, advertisers need to be more careful with the messages they use. Based on evidence, we're targeting risk factors – claims, imagery or marketing approaches – that could unduly influence vulnerable groups to behave irresponsibly.

Significant new provisions in the standards include:

- Restricting ads that create an inappropriate sense of urgency like those including "Bet Now!" offers during live events.
- Curbing trivialisation of gambling (e.g. encouraging repetitive play).
- Preventing approaches that give an irresponsible perception of the risk or control (e.g. "Risk Free Deposit Bonus").
- Providing greater detail on problem gambling behaviours and associated behaviours indicators that should not be portrayed, even indirectly.
- Preventing undue emphasis on money-motives for gambling.

Additionally, in February CAP published new standards on free bets and bonuses to ensure that advertisers understand the ASA, CAP and Gambling Commission's current position on acceptable claims in ads and how terms and conditions should be displayed or signposted. We have made it clear that significant conditions must always be prominently displayed with an advertised offer. Other terms and conditions of the offer need to be, at most, one click away from the advertising. Failure to qualify free bets and bonus offers in this way are unacceptable and will lead to sanction by the ASA.

I would be happy to meet to discuss this, or any other matters related to advertising regulation. Please do not hesitate to get in contact.

Best wishes



Guy Parker  
Chief Executive, ASA