

## GAMBLING ADVERTISING

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## **GAMBLING ADVERTISING**

- The Gambling Act 2005 has liberalised of the rules on gambling advertising, although permission to advertise in Great Britain is restricted to operators licensed by the Gambling Commission, operators from EEA jurisdictions, Gibraltar, Alderney, the Isle of Man and Tasmania.
- Advertising in print, on the radio or on television is regulated by the Committee of Advertising Practice (“CAP”) and the Broadcast Committee of Advertising Practice (“BCAP”). Additionally, the Government and representatives of the gambling industry, including the ABB and BACTA, have developed a separate code for socially responsible advertising
- The CAP and BCAP codes contain a list of suggestions of scenarios which should not be linked to gambling. Other prohibitions include suggestions that gambling can provide an escape from depression or that gambling is a rite of passage.
- Although the provisions make sense in that they are aimed at curbing problem gambling, when it comes to putting a marketing campaign together, it may be difficult to judge whether a particular advert crosses the prescribed boundaries.
- What then are the consequences of running an advertising campaign which fails to comply with the codes? If the Advertising Standards Authority receives a complaint and judges that your advert is non-compliant, it will either ask you to change the advert or it may conduct further investigations.
- The recently-developed industry code sets out an additional number of best practice provisions, including the incorporation of warning messages in adverts and a requirement that adverts bear the website address of ‘Gambling Aware’, a website offering advice on gambling.
- Gambling advertisements on television (including sponsorship of television programmes) are prohibited before the 9pm watershed, although this prohibition does not extend to:
  - sectors, such as bingo, which were permitted to advertise on television before the Act came into force, or
  - sports betting advertised in advert breaks during televised sporting events
- Non-compliance with the three codes will not of itself give rise to criminal or civil proceedings. However, in the event that the codes are not followed, the 2005 Act contains powers for the Government to introduce regulations which may duplicate the codes and impose penalties for non-compliance – a 51-week prison term and/or a maximum fine of £5,000
- The current rules on advertising represent new opportunities for operators within each gambling sector. However, they also provide new challenges for operators trying to strike the right chord between attracting new business and being socially responsible in their marketing campaigns

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- With 25 years of experience in the gambling industry and with lawyers independently recommended by existing clients for “*steering our business and giving us an excellent assessment of our needs*”, we are well-placed to advise operators wanting to ensure that their advertising campaigns reap the best possible commercial rewards whilst nevertheless staying within the requirements of the codes.

## **Need to know more?**

**Ask us. “*Truly proactive practitioners, well versed in licensing law, greatly knowledgeable and utterly dependable in fighting its clients’ battles ...*” – *Chambers Guide to the UK Legal Profession 2008*. For information/advice on alcohol or entertainment licensing matters, gaming, betting, lotteries or remote gambling, please contact:**

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**This document is not intended to be a comprehensive review of all developments in the law or practice, or to cover all aspects of those referred to. Readers should take legal advice before applying the information contained in this publication to specific issues or transactions.**

**Joelson Wilson LLP**

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