

## GAMBLING UPDATE

# New proposals on under-18s gambling advertising

The Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) have launched a consultation on proposals to introduce new advertising restrictions aimed at protecting under-18s and vulnerable people from potential gambling-advertising related harms

## Why the new proposals?

In March 2020, GambleAware released its [report](#) on the impact of gambling marketing and advertising on under-18s and vulnerable adults.

Whilst the report found that there was little evidence to show direct targeting of these groups, the research highlighted high levels of exposure to gambling advertising in these groups. For example, through celebrity endorsements.

The [current consultation](#) has been launched to address the concerns raised in the GambleAware report.

## What are the key proposals?

### Use of celebrities and influencers

Whilst the proposals fall short of an outright ban on using celebrities, sports personalities or social media influencers to promote a gambling brand or product, the proposals ban using a person:

- > Who has a 'strong appeal' to under-18s; or
- > Whose example is likely to be followed by under-18s.

The existing rules banning the inclusion of people who are (or appear to be) under 25 remain in place.

### What does 'strong appeal' mean in practice?

The assessment of 'strong appeal' to under-18s would follow the guidance already in place in relation to the advertising of alcohol and would consider:

- > The context the personality is best associated with (for example, as a sports person or entertainer).
- > Their likely under-18 following (which may include metrics on their social media following).

**If you would like any further advice or assistance on this consultation, including further information on the proposals for vulnerable adults, please contact Melanie Ellis ([melanie.ellis@northridgelaw.com](mailto:melanie.ellis@northridgelaw.com))**

For example, an alcohol advert featuring David Beckham in 2015 was unlikely to have 'strong appeal' to under-18s as he had retired as a football player and had been based in the USA for several years.

### Appeal of adverts to under-18s in general

More generally, it is proposed that adverts "*must not be likely to be of strong appeal*" to under-18s. This is a shift from the current rules, which state that adverts "*must not be likely to be of particular appeal*" to under-18s.

In other words, at present, an advert cannot appeal more to under-18s than to adults, but the proposals would mean an advert cannot strongly appeal to under-18s regardless of how it is viewed by adults.

## Exemptions

- > The consultation acknowledges that some subjects, such as football, are so inherently of strong appeal to under-18s that depicting those subjects will not be banned. For example, generic depictions of a football stadium and team logos would be permitted. However, the above restrictions on the use of celebrities and influencers would still apply.
- > Targeted adverts using age-verification processes.

## Comment

The consultation proposals openly recognise that more practical guidance is needed on how these new rules might be applied in practice.

Whilst this is a welcome acknowledgement, it is therefore crucial for gambling brands, sports teams and individuals to provide feedback on the proposals as part of this consultation (which closes on 22 January 2021).