



Tackling
Gambling
Stigma

Gambling advertising, marketing and sponsorship: the need for action

Prepared for the Coalition Against Gambling Ads

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About

Vita

Vita is a social research agency that specialises in untangling intricate issues with solutions designed to fit the contours of human experience. Our core purpose is to assist organisations in comprehending and resolving complex challenges, thereby making a tangible difference in the lives of the people they serve.

Our approach revolves around collaboration, where we bring together those seeking insights and those directly affected by the issue. However, we don't simply stop at analysis. Our ultimate goal is to translate these insights into actionable steps that drive meaningful and lasting change.

At Vita, we don't just offer advice – we're your dedicated partners in navigating challenges, communicating complex issues, and guiding you every step of the way. Our commitment extends beyond data; it's about enabling genuine, human-focused transformation. We produce human-shaped solutions to human problems.

Tackling Gambling Stigma

Tackling Gambling Stigma is a not-for-profit organisation set up by the people at Vita, to focus specifically on the issues of tackling the stigma and discrimination around gambling harm. We do this by sharing the real-life stories of those affected – because evidence shows that social contact is core to tackling any stigma or discrimination. We use best practices in research to gather and analyse lived experiences. This material is used to create a multi-media website where those affected, the public and professionals can learn about gambling harm by reading, listening, or watching people share their experiences. Our team has lived experience of addictions and being affected by the addictions of others. Tackling Stigma was set up in the spring of 2021 by Clare Wyllie and Alexander Källman and is supported by grant funding from Derek Webb.

The Coalition Against Gambling Ads

The Coalition Against Gambling Ads is a not-for-profit campaign supported and co-ordinated by Will Prochaska. It is grant-funded by Derek Webb for its work on gambling policy reform.

The coalition is made up of organisations spanning public health agencies (RSPH and ADPH), leading independent gambling harm charities (GwL, GamLearn, GamFam), and other campaigns (Clean Up Gambling, Adfree Cities). The coalition members are committed to campaigning for an end to all gambling advertising promotion and sponsorship. It is the Coalition's view that gambling should be permitted not promoted.

Author profiles

Clare Wyllie

Clare is the director of research at TGS and Vita. She specialises in ethnographic and participatory action research. She has also worked in strategy and policy, intervention design and evaluation and communications. She uses this experience to make sure

research is useful for action and to help an organisation develop solutions. She has worked in the public and charity sector in South Africa and the UK. This includes Agenda for Gender Equality, Institute for Democracy in South Africa, the Commission on Gender Equality, Human Rights Commission and Government Communication and Information System, within the South African Presidency. In the UK she was Head of Policy and Research at Samaritans, before moving to strategy development for the Care Quality Commission, the regulator for health and social care. She was Director of Research and Evaluation at GambleAware. Since then, she has worked alongside people harmed by gambling to develop evidence and policy for regulatory reform. She is undertaking research on the global digital gambling ecosystem. Clare has a BA in Psychology, MA in Gender Studies and MSc in Research Methods, from the LSE. She is currently completing a PhD at the University of Edinburgh on gambling as a digital market.

Alexander Kallman

Alexander is the Managing Director at TGS and Vita. With over a decade of experience in policy and strategy and leading complex research projects he uses his experience to answer the “so what” questions and creating mutually beneficial partnerships with key stakeholders. He takes pride in enabling the team and organisations to create the change it wants to see. He has an MA from King’s College London focusing on the intersection of politics and law.

Declaration of interests

This report was funded by the Coalition Against Gambling Ads, on the understanding that they do not control the content. Control rests solely with Tackling Gambling Stigma.

Clare Wyllie and Alexander Kallman have previously worked for GambleAware. They have also provided evidence and expertise for the Clean Up Gambling Campaign for regulatory reform.

Note on use of language

Language matters. Especially when discussing experiences that are highly stigmatised, such as gambling harm. Terms and phrases that label and blame a person for the harm they experience contribute to both self and public stigma and lead to discrimination. However, exclusionary and stigmatising terms such as ‘problem gambler’ are within the evidence and prevalence surveys discussed in this report. We acknowledge the harm these terms can inflict and use quotation marks to indicate their harmful nature and that this language is not endorsed by Tackling Gambling Stigma.

Executive summary

Gambling marketing is core to what makes commercial gambling in the digital age highly risky and harmful.

Gambling marketing¹ has been transformed by developments in data, digital devices, and online platforms – as have gambling activities, accessibility, and availability. Traditional media communicated a constrained number of advertisements to mass audiences. Today, gambling marketing is pervasive, intensive, diverse, social, and interactive. It is data-driven, with precise targeting and personalisation, and adapts dynamically in response to the activity of individuals and groups.

Yet, the Conservative Government and the Gambling Commission argued, contrary to the evidence, that gambling advertising has no real impact and continued a minimally restrictive, self-regulatory approach to gambling marketing.

The purpose of this briefing is to demonstrate that the evidence very clearly shows the need for action on gambling marketing. It has been prepared by the not-for-profit Tackling Gambling Stigma for the Coalition Against Gambling Ads.

There is substantial evidence that gambling marketing causes harm.

Gambling advertising **increases gambling activity**, and greater exposure to marketing increases participation in both individuals and populations, resulting in a greater risk of harm – a **dose-response effect**.

Gambling marketing stimulates **specific kinds of gambling activity that is higher risk** and more lucrative to gambling companies. This includes increased frequency, spending and intensity, unplanned spending, trying to win back losses, participating in several types of gambling, participating in higher risk gambling types and being triggered to restart gambling.

Gambling marketing produces these behaviours in those not yet experiencing gambling harm, and those experiencing gambling difficulties at all levels of severity. This means gambling marketing plays a role in **initiating, sustaining and intensifying gambling difficulties**.

The effects of gambling marketing are greatest for those experiencing the most harm in part because, through data-driven marketing, greater **participation in gambling results in an exponential increase in exposure and personalised inducements**.

The Conservative Government justified inaction on gambling marketing by framing the evidence in a misleading way, using the same arguments as the gambling industry.

The Conservative Government argued there is **insufficient evidence** that gambling advertising directly and alone causes harm, rather than acting on gambling marketing as a factor that increases risk. To suggest there is insufficient evidence, or to require direct causal evidence, has been called by academics an impossible standard to achieve, and one which is not required in other areas of public health policy. Meanwhile, the Conservative Government has not applied any such evidence standards to its own position or that of the regulator.

There was a continuation of the '**responsible gambling**' and '**problem gambling**' approach, with the terms changed to 'empowered consumers' and 'vulnerable people,' respectively. Evidence of greater effect of advertising on those already experiencing severe harm was used to make it appear the cause of harm is 'vulnerable people' being overly responsive to marketing. This rationale was used to justify only minimal restrictions on gambling companies, contrary to an approach that would prevent harm for all consumers and promote public health.

The threat that curtailing advertising will drive consumers to the **black market** was invoked– despite the then government acknowledging there is no evidence to support this, and the threat of illegal gambling should not be used to stop regulation of the legal market. Rather, illegal advertising would become easier to identify and stop.

The Conservative Government portrayed unrestricted gambling advertising and the associated growth of the gambling market as enshrined in the Gambling Act 2005. Contrary to the regulator's claim that gambling companies' **right to advertise** is hardwired into the Act, the legislation provides for regulations on the form, content, timing, and location of advertisements. These regulations can apply broadly to all gambling, to specified classes of gambling or specified places. It has been the choice of the Conservative Government not to exercise these powers.

The existing regulatory approach does not address the mechanisms and characteristics of gambling marketing today to prevent harm and promote public health.

Gambling marketing is **pervasive**, resulting in high public exposure. Additionally, data-driven advertising intensifies the exposure and hence risk that comes with engaging with gambling. Gambling advertising is **sophisticated** in the content it deploys to develop an affinity with gambling, with brands and gambling types. It employs latent messages, humour and topical references, and uses the interactive and social features of online platforms. It makes extensive use of **inducements** to gamble, such as offers and free bets, to stimulate gambling activity. **Sponsorships**, including those in sports, prime-time television, broadcast and media, are central to gambling marketing strategies as they provide extensive exposure, highly appealing content, and access to the social activities of target groups.

The power that data, algorithms, artificial intelligence, online platforms, digital devices and choice architecture, nudges, sludge and dark patterns give commercial actors over consumers is especially concerning in the hands of gambling companies. Gambling companies use these tools to drive losses and to generate repetitive behaviour. Indeed, the gambling industry is a pioneer in the use of **data, technology and behavioural science** – after all this is the basis of gambling product or activity design. This is habit-forming marketing, driving repeated use of a habit-forming product or activity.

The Conservative Government argued gambling marketing is safe because content codes are in place to stop overt encouragement of harmful gambling behaviour. It maintained that intensive exposure did not matter as gambling is already normalised in society.

There is ample evidence the **current regulation is ineffective**. Even if it meets the codes, gambling marketing is more appealing to children and young people than older groups and exaggerates the rewards and hides the risks of gambling. The codes cannot cope with the **sheer diversity of content online**, including organic social media marketing that works by 'stealth' often with no depiction of gambling involved. There is **reliance on a complaint system** to regulate online marketing, in which consumers

must know the content codes and rapidly screenshot violating content in a vast stream of online material that vanishes in 24 hours and report it. Where research projects have investigated online advertising, it has found extensive violations of the codes. The **extent of exposure** matters because of the dose-response effect and because it makes habitual participation in higher risk forms of gambling seem normal.

The Conservative Government promised gambling reform fit for a digital age. But its regulatory system for gambling marketing is **rooted in the offline world of the 1960s**. This does not have sight of what online gambling marketing today actually consists of and provides no means of effectively monitoring or systematically regulating it, nor of managing how technological developments are used in the future.

The Conservative Government's **largely self-regulatory system** placed gambling companies and others with **commercial interests** in gambling marketing – the advertising industry and now sports bodies – at the centre to drive decisions and self-police. These entities know their own strategies and business models, and design regulations with as little impact as possible on these, rather than for citizens and public health.

The **excessive exposure** to gambling marketing has been generated by a **combination of permissive regulatory decisions**, including allowing affiliate marketing, many brands per licence holder and white labels, inducements, and not getting to grips with social media marketing and data-driven marketing.

The Conservative Government's approach to gambling marketing has been **contrary to best practice in regulation and public health**. This has been to establish **piecemeal rules** to cover only the most exploitative practices once they are exposed by reformers and **harm has already occurred**. Currently, gambling companies are free to encourage and induce gambling, until they decide a consumer is experiencing harm, based on their data, at which point they should de-target them. Citizens are made responsible for avoiding gambling marketing, when this is presented to them as a benefit, and it permeates social life.

Marketing grows commercial gambling, and this growth is contrary to economic stability.

The massive growth in gambling marketing enabled by the Conservative Government is associated with growth in higher risk continuous (and more lucrative) forms of gambling and gambling online, and consumer losses to gambling companies have almost doubled in a decade. The Conservative Government has allowed a wide range of sectors - broadcasters, media houses, advertising, online platforms, advertising and creative industries, sports, white labels and affiliates - to develop financial dependencies on gambling marketing. Consequently, it has allowed gambling companies to permeate social life.

The Conservative Government has supported this dramatic expansion of commercial gambling on the basis that this contributes to economic growth. By doing so, the Conservative Government has **favoured the wealth of a few shareholders over households and communities**. Gambling companies are extractive. They take money from citizens and transfer it to corporate executives and shareholders. Spending by citizens on other activities benefits local economies far more. Additionally, online gambling companies often operate from offshore locations and avoid paying UK taxes, while the harm gambling companies cause has socio-economic costs that society is left to carry.

The financial interests of citizens are always opposite to those of gambling companies. The **direct relationship between gambling company profits and citizen losses** means that gambling advertising is not in the interests of citizens because its function is to encourage, induce and incentivise losses to gambling companies. As the government accepted, gambling is a demerit good, in which consumers overestimate the benefits and underestimate the harms, resulting in overconsumption and harm to themselves and others.

These dynamics of commercial gambling entail strong regulation. Without this, gambling has developed the features of a **dysfunctional market**, distorting consumer behaviour by causing them to buy more than they want, distorting competition by incentivising businesses to compete on attributes and invest in innovation that does not benefit consumers and is dominated by a small number of global corporations exploiting their market power.

The fact that the Gambling Act allows a government to **impose restrictions on encouraging and increasing gambling**, enables a regulatory regime where gambling is **permitted but not promoted**. For gambling to be permitted but not promoted and stimulated is **not to be prohibitionist against people taking part in gambling**. It is to prohibit gambling companies from causing harm to citizens and society in pursuit of profit. Citizens should be free to gamble should they wish to, without being subject to relentless encouragement, incentives and inducements by gambling companies to lose more.

The opportunity for the new government is to develop more efficient and economical regulation of gambling marketing to make everyone and not just a few better off.

If the new government accepts the evidence that gambling marketing is part of what makes commercial gambling harmful, regulation can take a new approach. Instead of dealing with the worst symptoms of a dysfunctional market, it can intervene in the underlying drivers of the excesses of commercial gambling and gambling marketing. The evidence points clearly to priority areas for policy:

- The regulation of gambling marketing needs to be **insulated from commercial interests**.
- Regulation needs to place controls on the factors **generating the volume** of gambling marketing, such as affiliate marketing.
- A **systematic approach** is needed to **monitor and regulate** what is currently a **'dark space' online**, where gambling marketing goes unchecked.
- Effective controls are required for **data, algorithms and behavioural influences** that give gambling companies disproportionate power to induce habitual activity and losses. For example, stopping incentives such as free-bets and bonuses, and prohibiting the use of data for personalised marketing.
- The **regulation of sponsorships** must address how these give gambling companies privileged access to target groups and generate harm when people participate in important areas of social life, sport and entertainment.

Less clear are the best policies to address these priorities. Consequently, the next phase of this project will be a Delphi conducted with a range of stakeholders to identify the most impactful policies, an important method for formulating responses to complex problems. We would welcome working with DCMS to ensure this process and the findings are as helpful as possible to policymakers.

INTRODUCTION

Major reform to the regulation of gambling advertising is a priority for those in the health, charity, and academic sectors, as well as people with lived experience of gambling harm, and is supported by public opinion. Nevertheless, the Conservative Government did not include significant changes to gambling advertising, marketing, and sponsorship in its 2023 White Paper. The minimally restrictive approach has been continued. This is based mainly on self-regulation by gambling companies, along with the advertising industry, broadcasters, sports bodies and online platforms, which have been allowed to develop a dependency on money from gambling advertising. Hence gambling policy continues to align with the interests of gambling companies and other commercial actors rather than consumers, families and communities, public health, and UK society.

The Conservative Government justified its inaction by claiming there is a lack of conclusive evidence that advertising causes gambling harm or addiction. In September 2023, the UK's then Minister for Sport, Gambling and Civil Society explained to the cross-party Commons select committee: 'We have very much gone on the evidence, and there is little evidence that exposure to advertising alone causes people to enter into gambling harm'.² The White Paper comprehensively covers the considerable evidence base linking gambling advertising to gambling harm, but concludes with, 'the limited high-quality evidence we received shows a link between exposure to advertising and gambling participation, but there was little evidence of a causal link with gambling harms or the development of gambling disorder'.³

In response, academics have challenged the Conservative Government for misleadingly framing the evidence base.⁴ The academics point out this is reproducing the position of gambling companies, 'with the main UK gambling industry trade body frequently stating that there is "no evidence" linking gambling advertising to harm'.⁵ The White Paper's summary of consultation submissions on advertising states:

*The questions on advertising and sponsorship in the call for evidence attracted a high number of responses, with strongly polarised views, Industry stakeholders (as well as representatives of sectors which benefit from operators' ability to advertise, such as advertisers, broadcasters and sports governing bodies) broadly took the view that the current regulatory regime is fit for purpose... In contrast, most other respondents (particularly across the health, charity and academic sectors) argued that gambling advertising was in need of significant reform.*⁶

The Government does not remark that it has largely ignored the second group to support the first, but instead uses the language of 'evidence-based policy' to legitimise this decision. In dispute is not what the evidence is, but rather how the Conservative Government has framed this evidence and whose interests this serves.

The purpose of this briefing is to demonstrate that the evidence very clearly shows the need for action on gambling advertising. While there is considerable evidence on the characteristics of gambling advertising and how it causes harm, there is less consensus on what regulation is required. So, the additional purpose is to form the basis of discussion as to what action should be taken.

WHAT IS IN THIS BRIEFING

The briefing starts by providing context regarding the nature of the gambling industry, legislation and regulation, challenging any perception that the state of gambling advertising is necessary or unchangeable.

The document then summarises the evidence that gambling advertising causes gambling harm, based on systematic reviews and key pieces of primary research completed since the reviews, and included in the White Paper.

Next the document examines the strategies used by the Gambling Commission and the Conservative Government to frame this evidence so that its import can be dismissed. The language of evidence-based policy is used to give the appearance of neutrality and authority, while repeating well-worn tropes deployed by the gambling industry and serving its interests.

The briefing concludes with the implications for policy. It discusses how this framing has produced impoverished policy which fails to protect consumers and prevent harm. It summarises the evidence on the characteristics and mechanisms of gambling advertising, to form the basis of discussion for policy formulation.

CONTEXT

It can appear that gambling advertising has become an unchangeable part of life in the UK. This is not the case and must be recognised as a choice made by the Conservative Government. Different choices can be made. This section provides some context for how this situation has come about.

Framing is a strategy commonly used by health-harming industries to influence politics and policy and has been successfully deployed in relation to gambling advertising. 'Whoever frames the debate has power over the ways that we can and cannot think about gambling, as well as what we can do about it'.⁷ Framing means the choice of language, selection of some aspects and making them more salient while omitting other elements in such a way as to promote a particular definition of a problem, interpretation of its cause, who is to blame and consequently, what course of action is required. Framings can become established as the 'normal' or only way of thinking about an issue. They define problems in one way and marginalise alternative accounts. This leads to particular policies being seen as the only necessary or acceptable ones.⁸ The gambling industry, like other harmful industries, uses framing to secure preferential treatment and prevent, shape, circumvent or undermine public policies in ways that further their corporate interests.⁹ Consequently, framings, including of gambling advertising, have important implications for people's health and lives.¹⁰

Another strategy of harmful industries is relevant to gambling advertising policy: 'The commercial gambling industry creates financial dependencies amongst its beneficiaries but also amongst other industry sectors that participate in or benefit from the production of gambling. These widespread interests in societies marginalise social concerns and hinder effective regulation'.¹¹

The Conservative Government has allowed a wide range of other sectors and commercial actors to become dependent on money from gambling advertising. This includes the many 'white labels', such as Virgin, Sky or the Sun, who allow gambling companies to

provide gambling via their brands. It includes prime-time television shows, broadcasters and other media. It includes an increasing number of sports and sports leagues. It also includes the advertising and creative industries. These actors have mobilised in support of gambling advertising, and their threats of being impaired are more persuasive to politicians and the public than those of gambling companies themselves. In addition to gambling, DCMS is responsible for growing these areas. Reformers recognise that DCMS does not want to harm the financial interests of newspapers or television, but vested financial interests should not be the priority.

The Conservative Government has gone even further and made these sectors central to its largely self-regulatory system for gambling advertising, alongside gambling companies themselves. Consequently, the current advertising regulatory system is led by a conflicted department and driven from the inside by gambling companies and other commercial actors who benefit from gambling advertising income.

This approach to regulation is a choice that has been made by the Conservative Government and the regulator and is not what is specified in the Gambling Act 2005. The Act sets broad objectives and definitions and provides powers, largely to the Gambling Commission and Secretary of State, to put in place regulations. This means there is flexibility in the regulatory regime without the need to change legislation.

Fundamentally, the Act sets the following licensing objectives (on what basis regulation should allow commercial gambling to operate):

- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,*
- (b) ensuring that gambling is conducted in a fair and open way, and*
- (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.¹²*

It gives the regulator a duty, that:

- In exercising its functions under this Act the Commission shall aim—*
- (a) to pursue, and wherever appropriate to have regard to, the licensing objectives, and*
- (b) to permit gambling, in so far as the Commission thinks it reasonably consistent with pursuit of the licensing objectives.¹³*

The Act includes wide-ranging and comprehensive powers for the Secretary of State to put in place restrictions on any activity to encourage or increase gambling. It specifies these powers should be used in pursuit of the third licensing objective, protecting children and other vulnerable persons from being harmed or exploited by gambling.

From this it can be seen that the Gambling Act 2005 is concerned with permitting gambling, so far as it is not harmful, and not encouraging gambling. It is the Conservative Government that has taken the approach in its regulation regime of stimulating gambling. The Act requires that 'the Commission shall prepare a statement setting out 'the principles to be applied by it in exercising its functions under this Act' – the overarching approach it has decided to take in regulating - in consultation with the Secretary of State and Treasury, amongst other stakeholders.¹⁴ It is in this statement that a principle not in the legislation has been introduced, 'promoting economic growth':

In deciding what action to take, and whether action should be taken at all, the Commission will have regard to the desirability of promoting economic growth and its duty to permit gambling in so far as the Commission thinks it reasonably consistent with pursuit of the licensing objectives. ¹⁵

But growth of commercial gambling is not a sound economic strategy, as it produces net economic detriment to individuals, families and communities, and the UK economy. Gambling, especially online, has very few economic multipliers, with consumer spend on any other activity making a greater economic contribution. It is also an extractive industry, in which profit is largely removed to corporate entities, which have been allowed to operate offshore, avoiding an amount of UK tax.¹⁶ In addition, gambling harm generates socio-economic costs.¹⁷ The stimulation of gambling is not in the interests of consumers; in the context of gambling, the interests of gambling companies are always in conflict with the interests of consumers, as profit comes directly from loss to consumers. This is illustrated by the fact that being a 'good customer' includes the same 'markers' that indicate 'problem gambling' or harm. Further, losses impact not just the individual, but those around them.

The Conservative Government promised gambling reform fit for a digital age, but instead has continued with a regulatory approach to gambling advertising developed in the 1960s. Effective regulation of gambling marketing is not an optional extra; it is a fundamental concern of the 'digital age' which needs to be addressed. Gambling advertising is an area which has been transformed due to developments in data, technology and online platforms, enabling marketing to be pervasive and highly targeted, personalised and dynamic. In addition, the interactive nature of such marketing, providing access via links or embedded features, enables immediate gambling activity. Along with accessibility and availability, gambling advertising should be regarded as a factor adding to the greater risk (and lucrateness) of the current gambling market, especially online.

The White Paper did not provide timely delivery of the positions of the advocates for gambling reform. These positions relate to those spelt out in the Labour Party review under Tom Watson, summarised in the 2019 Labour manifesto, and the recommendations of the House of Lords Peers for Gambling Reform and the APPG on Gambling Related Harm. These positions reflect many of the wider concerns of those with lived experience and those with expertise in understanding the gambling sector.

In respect of primary policies, the levy as contemplated is expected to be introduced promptly under the next government, but there have been delays in other areas. There has been no progress on the proposal to have an ombudsman. Progress on affordability has been painfully slow, since the Gambling Commission supported the concept in 2019.

An incoming government should revert in its approach to gambling regulation to what is contained in the Gambling Act 2005 and permit rather than encourage or increase gambling. To permit is not to be probative, but to recognise stimulated gambling is not beneficial for citizens or UK society. It should make use of the powers in the Act to regulate gambling advertising in a way that is fit for the digital age, while also progressing these other key elements of reform.

THE EVIDENCE GAMBLING ADVERTISING CAUSES HARM

This section provides the key points of evidence on how gambling advertising contributes to gambling harm, based on systematic reviews, subsequent primary research, and the Gambling Commission's own research. This is the evidence base included within the White Paper, but the Conservative Government comes to a contrary conclusion from academic and public health reviewers on its implications.

Multiple systematic reviews show that gambling advertising influences people to gamble, how much they gamble, what they gamble on and their gambling behaviour, leading to greater risk of harm. This is the case for an individual, for gambling activity within specific groups of people and for the whole population. Importantly, harm is not limited to those experiencing 'clinical addiction' but can occur at any level of gambling activity, and harm is not limited to those participating but affects families, communities and society.

ADVERTISING PRODUCES MORE GAMBLING AND HARM

There is evidence of the general relationship that more gambling advertising increases gambling which increases harm. The conclusion of the most recent umbrella review – cited in the White Paper¹⁸ – is that:

Included studies, using quantitative and qualitative methods, consistently support the existence of a causal relationship between exposure to advertising of gambling products/brands and more positive attitudes to gambling, greater intentions to gamble and increased gambling activity at both individual and population level. There is evidence of a 'dose-response' effect; greater advertising exposure increases participation which leads to a greater risk of harm...Gambling advertising restrictions could reduce overall harm and mitigate the impact of advertising on gambling-related inequalities.¹⁹

It is important to recognise the rigour involved in such reviews and the extent of the evidence base under review. A systematic review uses rigorous, repeatable methods to find, select, synthesise and critique the extent, nature, and quality of evidence in relation to a particular research question. A systematic review differs from other types of reviews because the use of explicit methods is designed to reduce research bias. It also makes the existing evidence more accessible to decision makers. An umbrella review uses a systematic methodology to review the findings of systematic reviews. The cited umbrella review included eight systematic reviews, which covered 74 unique studies between them. In addition, the authors refer to a further eight widely cited critical reviews, all of which support this overall finding, not included as their methods did not meet the criteria to count as systematic reviews. The authors also refer to primary studies which provide further support, recently undertaken and so not included in the reviews.

ADVERTISING STIMULATES RISKY GAMBLING

There is evidence that gambling advertising stimulates specific kinds of gambling activity which is higher risk. This includes being triggered to restart when one is trying to stop, to spend what one had not planned to, trying to win back what one had lost, participating in several types of gambling and in higher risk types of gambling (gambling

activities that are fast-paced, repetitive and continuous).²⁰ The evidence is gambling marketing produces these risky behaviours in both those not currently experiencing gambling difficulties and those who are.

Two high quality studies undertaken since the umbrella review provide evidence of gambling advertising producing risky gambling behaviour. Both were cited in the White Paper.

Gambling marketing stimulates unplanned spending on gambling. In two surveys of separate groups in the UK (16- to 24-year-old gamblers and non-gamblers surveyed in 2019 and adult regular sports bettors surveyed in 2020), almost a third of current gamblers reported that marketing had prompted unplanned gambling spend (sports bettors: 31.2%; emerging adults: 29.5%).

- Unplanned gambling spending was associated with the receipt of at least one form of direct marketing in the past month and following a gambling brand on at least one social media platform.
- Unplanned spend in response to advertising was present across 'no-risk' and all the risk categories, increasing with Problem Gambling Severity Index (PGSI) score. For sports bettors, 18% of 'non-problem' gamblers, 45% in the 'low risk' category, 55% in the 'moderate risk' category and 87% in the 'problem gambling' category reported unplanned spending in response to advertising. Comparable proportions were evident in the emerging adults survey.²¹

Inducements (offers and promotions) are directly linked with risky gambling behaviour, including loss chasing and diversification of gambling activity, as well as spending, frequency and intensity of play. This is the case for 'non-at-risk' gamblers and for 'at-risk' gamblers. The study in question, which took place in France, is longitudinal and uses gambling operator data (thus objective measures of gambling behaviour and inducements).

- Inducements multiplied the probability of engaging in loss chasing for both non-at-risk gamblers (by more than three times) and at-risk gamblers (by more than 4.63 times).
- Inducements increased the probability of playing at least two different kinds of games by close to five times for non-at-risk gamblers and by more than six times for at-risk gamblers.

The authors remark that observing these effects for both 'at-risk' and 'non-at-risk' gamblers is especially concerning. Loss chasing is a critical indicator of gambling problems and the most significant step in the development of gambling disorder. Participating in several different kinds of gambling is a key indicator of gambling problems and for identifying those at risk for future gambling problems. This leads the authors to conclude that inducements represent a risk factor for both developing and exacerbating gambling problems as it 'produces riskier gambling behaviour both in those not currently experiencing gambling problems and for those who are already experiencing gambling problems'.²²

The Gambling Commission's own research, extensively cited in the White Paper, gives evidence of the impact advertising has on gambling behaviours. In the Gambling Commission's online tracker survey, 65% of respondents who had seen promotional offers reported that this had an impact on their gambling behaviour, whether that was

gambling for the first time or restarting after a break, the amount gambled, or the product gambled on.²³ When the regulator included a focus in the survey on free bets and offers, it found that:

- Overall, 28% of gamblers who had received a promotional offer reported gambling for the first time as a result of that or an earlier promotional offer.
- Further, 14% of 'non-problem gamblers' said that free bets/bonuses encouraged them to gamble more than they want to, which rose to 26% for the 'low risk' category, 57% for the 'moderate risk' category and 77% for the 'problem gambler' category.
- Comparable proportions per category gambled with a new company, started to gamble on a new activity and restarted gambling after a break as a result of receiving a bonus offer.²⁴

This is a further demonstration that gambling advertising exerts influence for those in the 'no-risk' category and across all risk categories.

Importantly, the Gambling Commission's survey also provides evidence of the dose-response relationship found in the systematic reviews. An aspect of the greater impact of advertising on those with higher PGSI scores is that they are subjected to so much of it. As well as reporting a greater impact from offers, 'problem gamblers' reported very intensive exposure to promotions. Thirty-five percent of 'problem gamblers' received incentives or offers to gamble daily, compared to only 4% of 'non-problem gamblers'.²⁵

FRAMING TO DISREGARD THE EVIDENCE

The following section looks at how the Gambling Commission and Conservative Government have manoeuvred to avoid the implications of this evidence and justify inaction on gambling advertising. This is achieved using framing techniques that are familiar from gambling and other harmful commercial industries, cloaked in the language of evidence-based policy.

ARGUING THE EVIDENCE IS INADEQUATE

The first framing is to cast doubt on the evidence, a well-established tactic of harmful industries, as seen in the example from tobacco (figure 1).²⁶

The Conservative Government and the regulator have stated their commitment to the precautionary principle in gambling regulation. Their statement of principles for regulation sets out: 'the Commission would not want to restrict its discretion by requiring conclusive evidence that something was unsafe before taking measures to restrict it'.²⁷ Nonetheless, a manoeuvre to avoid action on advertising is to dismiss the weight of evidence as not showing causation of harm, based on technical issues related to research methods, inappropriately applied in the context of gambling advertising research. This has been strongly countered by a wide range of academics.²⁸

CAUSATION

Different research areas have different models of causation and ways of researching this, depending on the nature of the problems they study. In biomedical sciences, causation goes in one direction and research aims to determine the effect of one factor (such as a

Figure 1: A Frank Statement to Cigarette Smokers was the first advertisement in a campaign run by major American tobacco companies in 1954, to create doubt by disputing recent scientific studies linking smoking cigarettes to lung cancer and other dangerous health effects.²⁹

A Frank Statement to Cigarette Smokers

RECENT REPORTS on experiments with mice have given wide publicity to a theory that cigarette smoking is in some way linked with lung cancer in human beings.

Although conducted by doctors of professional standing, these experiments are not regarded as conclusive in the field of cancer research. However, we do not believe that any serious medical research, even though its results are inconclusive should be disregarded or lightly dismissed.

At the same time, we feel it is in the public interest to call attention to the fact that eminent doctors and research scientists have publicly questioned the claimed significance of these experiments.

Distinguished authorities point out:

1. That medical research of recent years indicates many possible causes of lung cancer.
2. That there is no agreement among the authorities regarding what the cause is.
3. That there is no proof that cigarette smoking is one of the causes.
4. That statistics purporting to link cigarette smoking with the disease could apply with equal force to any one of many other aspects of modern life. Indeed the validity of the statistics themselves is questioned by numerous scientists.

We accept an interest in people's health as a basic responsibility, paramount to every other consideration in our business.

We believe the products we make are not injurious to health.

We always have and always will cooperate closely with those whose task it is to safeguard the public health.

For more than 300 years tobacco has given solace, relaxation, and enjoyment to mankind. At one time or another during those years critics have held it responsible for practically every disease of the human body. One by one these charges have been abandoned for lack of evidence.

Regardless of the record of the past, the fact that cigarette smoking today should even be suspected as a cause of a serious disease is a matter of deep concern to us.

Many people have asked us what we are doing to meet the public's concern aroused by the recent reports. Here is the answer:

1. We are pledging aid and assistance to the research effort into all phases of tobacco use and health. This joint financial aid will of course be in addition to what is already being contributed by individual companies.
2. For this purpose we are establishing a joint industry group consisting initially of the undersigned. This group will be known as TOBACCO INDUSTRY RESEARCH COMMITTEE.
3. In charge of the research activities of the Committee will be a scientist of unimpeachable integrity and national repute. In addition there will be an Advisory Board of scientists disinterested in the cigarette industry. A group of distinguished men from medicine, science, and education will be invited to serve on this Board. These scientists will advise the Committee on its research activities.

This statement is being issued because we believe the people are entitled to know where we stand on this matter and what we intend to do about it.

TOBACCO INDUSTRY RESEARCH COMMITTEE

5400 EMPIRE STATE BUILDING, NEW YORK 1, N. Y.

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medicine) in isolation, controlling for other factors, to prove that X causes Y for all people in all contexts. There is a hierarchy of the best methods to prove this kind of causation. At the top are randomised controlled trials or well-controlled laboratory experiments, where one event comes before another while the influence of other factors is ruled out as far as possible. Where these cannot be achieved, longitudinal research tracking the same people over a period may be desirable, as this can show which factor came first, although it is hard to take account of all the other factors which could be

interacting or having an influence in the real world. In complex public health issues, such as gambling harm, when there are environmental exposures and multiple interacting factors, it is extremely difficult to demonstrate causality in this strict sense – that exposure to X factor always has the same effect and alone causes Y. Instead, factors are considered in terms of a continuum of risk and a range of interacting risk factors, which increases the likelihood of an occurrence.³⁰ Further, it is acknowledged that causation may be bidirectional, as can be seen in that risk factors for gambling harm, are also consequences of or exacerbated by gambling.³¹ Indeed, best practice in developing and evaluating complex interventions into public health challenges is to develop models of how factors interact to increase the likelihood of outcomes, based on empirical evidence using a range of methods.³²

Academics have pointed out that this 'supposed lack of causal evidence...is simply an absence of evidence due to methodological difficulties inherent to gambling advertising research'. This includes that 'no contrived experiment can recreate the experience of being exposed to—and potentially influenced by—gambling advertising during one's daily life' and 'the research community lacks access to the gambling operator data which could be used to investigate longitudinal relationships'.³³ Operator data has the advantage both of tracking consumers over time, and providing objective measures of advertising exposure and behaviour. This is because it consists of records of consumer transactions, while surveys rely on self-reported gambling behaviour. Indeed, there is an irony in the Gambling Commission and Conservative Government repeatedly delaying action based on a lack of longitudinal or causal evidence. These are the entities that could enable independent researchers to access the gambling operators' 'big data' sets, which gambling companies are using to segment consumers and measure the effect of marketing, with the ability to conduct live experiments and follow consumers over time.

Other academics have pointed to the complex causation of gambling harms, involving 'diverse mechanisms' and 'a range of individual, psychosocial, political, economic and commercial factors'.³⁴ Consequently, insisting on a standard of causal evidence from biomedical sciences rather than an approach based on risk is inappropriate.³⁵ The fact evidence cannot demonstrate that, in the words of the Minister, 'advertising alone' causes 'people to enter into gambling harm' is irrelevant. For gambling harm to exist, somebody needs to gamble. Gambling advertising causes gambling harm by getting people to gamble, by contributing to the initiation of gambling difficulties, and then reinforcing and intensifying gambling difficulties. Consequently, gambling advertising is a risk to any person participating in gambling and the public who may be prompted to participate.

That this risk may interact with a wide range of other risks, such as young age, socio-economic position, mental or physical health, life events or temporary circumstances is no reason not to address the risk posed by gambling advertising. Rather, it means that gambling advertising is a contributor to health inequalities. The fact that 'gambling

related harms represent a significant potential driver of health inequalities because those already experiencing financial, social and mental health inequalities are also at increased risk of experiencing gambling related harm' is a reason to act to limit exposure to advertising as this 'could both reduce overall harm and mitigate the impact of advertising on gambling-related inequalities'.³⁶

DOUBLE STANDARDS

This requirement of 'proof' of a causal link and that gambling advertising alone causes harm is a double standard, deployed to avoid action on this area of gambling companies' activities.

Firstly, as expressed by leading academics in the field, 'policy decisions regarding gambling advertising should not necessitate evidence of a direct causal link to change the status quo, as those who argue that gambling advertising is safe have not been held to the same evidential standard'.³⁷ The dynamic that has been criticised in gambling regulation more broadly is perpetuated, in which gambling companies are permitted to do largely as they wish, without evidence of safety, while reformers have to fight for extended periods to prove harm, while harm continues to occur.³⁸ Additionally, there is 'no evidence of an absence of an effect'. On the contrary, as the authors of the latest umbrella review state:

*Different study designs provided different types of evidence examining the relationship between advertising and harms... All study designs contribute to the evidence for a dose-response relationship whereby increasing exposure has an increasing impact. Similarly, all study types provided evidence specific to the impact of advertising on vulnerable groups who may be at a higher risk of harm from advertising exposure.*³⁹

Secondly, as noted by the select committee, elsewhere in the White Paper the Conservative Government has taken a more risk-based approach in the absence of proof of causality.

*In justifying its proposed introduction of stakes limit for online slots, the White Paper states: While the evidence of a clear causative relationship is limited, there is sufficient evidence of an association between higher staking on slots and identified risks of harm to justify action on a precautionary basis as part of the wider package of protections. The Gambling Commission also advises the government pursue a stake limit for online slots products.*⁴⁰

This requirement for proof of causality for advertising but not for other risk factors is relevant to the Public Health England (PHE) gambling evidence review. The PHE report is an authoritative source, and the White Paper frames it to suggest that PHE dismissed advertising and marketing as a risk factor, stating: 'PHE's evidence review found no substantial evidence that exposure to advertising is a risk factor for harmful gambling'.⁴¹ The White Paper does acknowledge 'this may only indicate a lack of evidence rather than a lack of relationship as PHE only examined systematic review level evidence'. However, it fails to acknowledge the impact of other aspects of the review methodology, and what, in fact, PHE did find.

In its assessment of the whole evidence base, for all factors, PHE concludes:

The lack of longitudinal evidence, and the lack of risk of bias assessment of studies which were included in the reviews, meant that for many risk factors it was not possible to make firm conclusions that they were risk factors for gambling or harmful gambling. We have been clear when we could not confirm causality for this reason.⁴²

The consequence of this narrow approach to causality results in the review being unable to find conclusive evidence for *any* risk factors for gambling or harmful gambling for adults in general. Instead, it can only find individual level factors that could be a risk for harmful gambling among children and young people (impulsivity, substance use, being male and having depression).

Indeed, the PHE report remarks that this kind of strict causal evidence for societal factors is particularly lacking in the existing evidence base – which is a problem with the evidence base and not proof that these are not risk factors.⁴³ Societal factors ‘covers corporate influences including industry practices, for example, marketing and advertising’.⁴⁴ This is both because of the complexity of obtaining this kind of evidence for such factors, as well as the fact that the field of gambling studies has tended to focus heavily on researching individual rather than societal risk factors. PHE states that in the systematic reviews: ‘The majority (33 risk factors) were individual-level factors such as income and genetics. The remainder were family or social (5 factors), community (4 factors) and societal (3 factors)’.⁴⁵


Importantly, in considering the limitations of its review and the evidence base, PHE concludes: ‘Despite these limitations, this report provides important insights into factors that could be important contributors to gambling and harmful gambling. Anyone who is developing interventions to prevent harmful gambling should carefully consider the factors we have identified’.⁴⁶

The Conservative Government and the Gambling Commission have been prepared to act on the other two commercial factors included in the societal section of the PHE report, which have a lessor evidence-base than advertising. The three societal factors included are marketing and advertising, speed of play of gambling products, and types of gambling activities (e.g., continuous or limitless games such as slots and online games in contrast to discontinuous, inexpensive and time-limited games). As with advertising and marketing, for the other two factors the review concludes a lack of high-quality review-level and longitudinal evidence makes it difficult to conclusively attribute these as a cause of harmful gambling. In the table summarising the extent of evidence available for each of these societal risk factors, for advertising and marketing, PHE included three reviews covering 32 studies, for speed of play, one review covering 11 studies, and for types of gambling one review with one study. Consequently, we can say that the evidence base for advertising and marketing is considerably *more substantial* than the other two which have been acted upon.⁴⁷

ASSERTING ONLY ‘PROBLEM GAMBLERS’ ARE HARMED

The second framing is to generate an alternate cause of harm other than commercial products or practices. An example is the invention of ‘sick building syndrome’ by the tobacco industry, in which smoking was a symptom not a cause of indoor pollution (figure 2)⁴⁸ – and in the case of gambling, the ‘problem gambler’ and iterations thereof, as the cause of harm rather than the gambling industry.

Figure 2: The tobacco industry invented sick building syndrome to blame buildings rather than smoking for indoor pollution.⁴⁹



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Defining the problem
Common office pollutants such as toxic gases, vapors, dusts, ozone, fungi and bacteria assault more and more working Americans. They are a result of modern buildings, which rely on elaborate heating, ventilation and air conditioning systems rather than windows for fresh air.

Tobacco smoke—a symptom not a cause
The cure for the “sick building syndrome” doesn’t require a gas mask. Nor can you solve the problem simply by posting “No Smoking” signs, since government tests have traced only two percent of indoor air

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The gambling industry's 'problem gambler' versus 'responsible gambling' framing has been extensively critiqued for shifting the blame for harm onto 'people who gamble improperly' to avoid scrutiny and regulation of harmful gambling companies' activities.⁵⁰

On the surface, the Gambling Commission and Conservative Government have accepted this critique, to the extent that they no longer use these terms but replace them with 'vulnerable people' and 'empowering consumers'. However, the underlying framework remains and is central to their misleading framing of gambling advertising evidence.

Essential to this framing is the assertion that 'harmful gambling' is confined to a minority, bracketed off from consumers in general who 'gamble safely'. In this way, gambling companies can avoid controls that provide reasonable protection for all consumers on the basis this impinges supposed 'consumer freedom'.

The Gambling Commission's advice for the White Paper uses this distinction between consumers in general and a ban or blanket restrictions, which it claims would be against law and public policy, while recommending targeted action for children, young people and vulnerable people and groups. It recommends 'further reducing the visibility of advertising to those who are too young to be able to use advertising products and services' and 'reducing the visibility of advertising to individuals or groups identified as being at risk of harm'.⁵¹

Yet, the evidence the regulator uses shows just how widespread so-called vulnerabilities to gambling harm are, making it impossible to 'target' controls, but instead requiring a level of universal protection for all consumers. In particular, the Commission states it has relied on research on the impact of gambling marketing on children, young people and vulnerable adults, which it participated in commissioning and overseeing, within its then arrangements with GambleAware. For the purposes of this research, children and young people were those aged 11 to 24, and vulnerable adults were defined as people living in constrained economic circumstances, people with limited capacity to understand information, people already experiencing problems with gambling, and people with experience of mental health problems.⁵² The Commission explains:

*The research concluded that there are reasonable grounds for concern about the impact of marketing and advertising, and that there is a link between gambling advertising and the attitudes, current and likely future behaviours of children, young people and vulnerable adults.*⁵³

Thus, in its advice the regulator recognises that encouraging participation and the extent of exposure to such encouragements poses a risk of harm to children and a very wide range of people over 18, even if the content of every single advert they see meets requirements for supposed 'socially responsible' advertising as defined in the Advertising Standards (ASA)/Committee of Advertising Practice (CAP) content codes.

The Gambling Commission and the Conservative Government undertake manoeuvres to avoid the implication that there is a need for significant, even 'blanket' restrictions on gambling advertising. These are set out below.

LIMITING VULNERABILITY TO 'PEOPLE WITH A GAMBLING PROBLEM'

One tactic is to limit the definition of vulnerability to those already experiencing gambling harm – a more palatable way of saying 'problem gamblers'. Equating

vulnerability with 'problem gamblers' in relation to advertising is contrary to evidence, good regulatory practice and contradicts the approach in other areas of gambling regulation.

'Vulnerable persons' is not defined in the Gambling Act. In the statement of principles for regulation, the Gambling Commission provides the following definition:

With regard to 'vulnerable persons', whilst the following list is not exhaustive, the Commission considers that this group will include:

- *people who spend more money and/or time gambling than they want to*
- *people who gamble beyond their means*
- *people who may not be able to make informed or balanced decisions about gambling, for example because of health problems, learning disability, or substance misuse relating to alcohol or drugs.*⁵⁴

The first two are effectively a restatement of the criteria for 'problem gambling' in the PGSI. But the third broadens the application. Indeed, in other of its regulations, the Commission uses the definition of vulnerability by the Competition and Markets Authority (CMA). This emphasises that vulnerability is not static but can apply to any consumer, as people experience life difficulties, as any of us might do:

*When customers are in a vulnerable situation, they may be significantly less able to understand the risks of gambling and the terms and conditions; and they may be at higher risk of experiencing negative outcomes from gambling...The Gambling Commission considers a customer in a vulnerable situation as 'somebody who, due to their personal circumstances, is especially susceptible to detriment, particularly where a business is not acting with appropriate levels of care'. There are many reasons a person may be in a vulnerable situation and changes to an individual customer's circumstances may mean that a person becomes more or less vulnerable to experiencing gambling harms. A vulnerable situation can be permanent, temporary or intermittent, and may be related to health, capability, resilience, or the impact of a life event such as a bereavement or loss of income.*⁵⁵

In addition, behavioural science has evidenced that all of us are susceptible to various forms of biases and influences, which we are frequently unaware of, and which are easily exploited, making our decision-making less than entirely rational. Data-driven 'nudges', 'sludge' and 'dark patterns' are deployed by gambling marketing, giving disproportionate power to gambling companies over consumer behaviour in general.⁵⁶ Behavioural science is applied throughout Government, including on gambling, in behavioural public policy. As the Behavioural Insights Team remarks, 'whether we like it or not, we are continually buffeted by a myriad of influences that shape our behaviour'.⁵⁷

The regulation of gambling advertising should be based on providing protection for all consumers in the context of a harmful product and preventing harm before it happens. This is particularly so given the intensified risk posed to all consumers by data-driven marketing, how wide-spread 'vulnerabilities' are in the population, and that vulnerability is not static but can affect any consumer.

BLAMING HARM ON 'PEOPLE WITH A GAMBLING PROBLEM'

Another tactic is to go a step further and shift the cause of harm from gambling advertising to the people who are harmed. The regulator and the Conservative

Government have seized on the finding of a greater impact of advertising for those experiencing harm to frame the evidence as showing the cause of harm is that the person has a 'gambling problem' rather than the advertising. This is an ironic misrepresentation of the evidence given that the Conservative Government has repeatedly stated the evidence does not show causation.

The White Paper states:

The responses we received particularly emphasised that regardless of the form of advertising, it can have much stronger, and adverse, impacts on those who are already experiencing problems with gambling.⁵⁸

In its presentation of the evidence, the White Paper focuses exclusively on the greater effects on 'problem gamblers' and minimises the evidence on effects present for gamblers at all levels of risk and no risk.⁵⁹

Rather than proving that it is 'problems with people' – 'problem gamblers' – that result in susceptibility and harm from advertising, what the evidence in the White Paper shows is that data-driven advertising contributes to causing gambling harm in the 'digital age'. The White Paper acknowledges 'evidence of a concerning trend', 'whereby those at the greatest risk of harm have the highest exposure. This is likely due to a combination of operators deliberately targeting more engaged customers, and engaged gamblers being on a greater number of mailing lists'.⁶⁰ Instead, the Conservative Government has engaged in a form of 'blaming the victim' in which citizens are blamed because they received and responded to intensive advertising allowed by regulation. Further, the most loyal, repeat customers are the most blameworthy.

DISMISSING THE LINK BETWEEN PARTICIPATION AND HARM

The Gambling Commission and Conservative Government acknowledge that gambling advertising generates participation in gambling – indeed, by its very definition under the Gambling Act 2005, encourages or increases gambling. However, a tactic is to seek to break the link between participation in gambling and harm to justify allowing unrestricted advertising. This is counter to the evidence as well as the acknowledgment that gambling is a public health issue.

The White Paper 2023 states:

While we agree that it would be harmful for any form of advertising or marketing to 'normalise' harmful practices (for example underage or unaffordable gambling), we do not consider participation in gambling in and of itself a form of harm.⁶¹

Meanwhile, the Chief Executive of the Gambling Commission declared in his speech at the Consumer Protection Zone of the gambling industry trade expo 2024:⁶²

Perhaps the hardest task we have in front of us is about that balance. The balance between protecting those who need it and not interfering with those who do not. This is a fierce debate at the moment and the reality is problem gambling is not predictable. I have said many times, it is not like exposure to radiation where it is obvious the higher up the curve of exposure you travel, the more harm you will experience.⁶³

This is contrary to the facts. The most significant risk factor for gambling harm is gambling. High quality evidence shows that while no gambling is free of risk of harm, this risk increases sharply above low levels of participation.⁶⁴ As the Gambling Commission’s advice acknowledges, citing the PHE evidence review, those who engage in multiple gambling activities and those with the highest expenditure are more likely to experience harm.⁶⁵

The frequent assertion by the Conservative Government, the regulator and gambling companies that gambling is a common pastime and one in which most people engage without harm is misleading.

- It is commonly said that nearly half of adults in Great Britain gamble. This hides that, when lottery draws are excluded, only 16% have gambled online in the last month, while participation in online slots is 3%, online casino games 3% and online sports betting 9%, according to the Gambling Commission’s participation statistics.⁶⁶
- Looking beneath the headline PGSI figure also gives a different picture. In the most recent Health Survey for England, among adults who gambled at all in the last 12 months, PGSI scores identified 5.8% as engaging in at-risk or problem gambling (score 1+). Prevalence is considerably higher among those who gamble online and participate in multiple different types of gambling activities. Additionally, adults who gambled online participated in more gambling activities and more often.⁶⁷

Table 1: Findings from the 2021 Health Survey for England

	Any gambling	Excluding national lottery	Online gambling		One gambling type	Two to three gambling types	Four + gambling types
At-risk and 'problem gambling'	5.8%	7.9%	18.2%		1.6%	4.6%	27.8%

Consequently, what should be said about gambling in Great Britain is that if people gamble, this mostly consists of occasionally placing a wager on a lower-risk form of gambling (gambling where the event which is wagered on, and the outcome are infrequent). To say this is participating in gambling is like golfing once a year and claiming to be a golfer. A small minority of people in the UK are involved participants in gambling and when they are, they have significant risk of being harmed by it.

Additionally, the first year of findings from the Gambling Survey for Great Britain⁶⁸ (GSGB), the new official gambling statistics survey, provides evidence that the current gambling market should not be treated as a harmless everyday leisure activity. The 2023 GSGB showed considerably higher prevalence of at-risk and 'problem gambling' than previous official statistics. This makes use of a new methodology, so the figures are not directly comparable to previous surveys. Leaving aside the impact of the different survey instruments and which figure is closer to the 'real' population prevalence, in the 2023 GSGB, 32% of those who reported gambling in the last 12 months on activities besides lottery draws scored for at-risk and 'problem gambling'.⁶⁹

Table 2: Findings from the 2023 Gambling Survey for Great Britain

		All participants	All participants gambled in past 12 months	All participants gambled in past 12 months (excluding lottery draw only).
PGSI 8+	'Problem gambling'	2.5%	4.1%	5.9%
PGSI 3-7	Moderate risk gambling	3.7%	6.1%	8.3%
PGSI 1-2	Low risk gambling	8.3%	13.7%	17.8%
Any PGSI	At-risk and 'problem gambling'	14.5%	23.9%	32%

The GSGB for the first time includes questions about gambling harms, in addition to those harms included in the PGSI, and questions about the impact of someone else's gambling. It found that severe consequences could be present even for those with low PGSI scores, stating that:

41.3 percent of those with a PGSI score of 8 or more reported experiencing at least one of the severe consequences asked about (Table D.11). Equivalent estimates were 7.9 percent for those with a PGSI score of 3 to 7, 1.4 percent for those with a PGSI score of 1 to 2, and 0.6 percent for those with a PGSI score of 0. This demonstrates how experience of severe consequences can be distributed across individuals with a range of PGSI scores: a PGSI score of less than 3 does not necessarily mean that no severe consequences are experienced by anyone in this group.⁷⁰

Of the nearly half (4.7%) who reported that someone close to them gambled, 4.7% reported experiencing at least one severe consequence from someone else's gambling.⁷¹

CLAIMING THAT ADVERTISING HAS NOT INFLUENCED PARTICIPATION

A further tactic is to claim that the growth in gambling advertising has not had any effect on gambling participation. This is despite the Conservative Government acknowledging the vast sums invested by gambling companies in advertising and that gambling companies, especially online, compete primarily based on advertising, as they offer the same products, gambling is not price-sensitive and, in terms of placement, is always available.⁷²

This misleading claim is again based on headline rates, which hide important trends. The White Paper writes: 'the continual growth of gambling marketing since 2005 has not resulted in an increase in gambling participation rates, which were higher overall prior to the Act's implementation'.⁷³ However, beneath this, the nature of participation has changed:

- This is evidenced most starkly in the dramatic growth in annual Gross Gambling Yield (GGY) – how much the public loses to gambling yearly. GGY has nearly doubled, from £8.4 billion in 2010/11 to £15.1 billion in 2022/23. There is a general trend towards online gambling, and a disproportionate contribution of online gambling to GGY.⁷⁴
- There is different participation across age groups, with the gambling of those under 44 years old less likely to be confined only to the National Lottery and more likely to involve other forms of gambling and gambling online than older groups. Greater

gambling advertising exposure and influence is evident for those under 35, compared to older age groups, and the vast majority of incentives are for online rather than land-based play.

- Men under 44 years old have greater advertising exposure, are more likely to follow gambling on social media, receive incentives to participate in gambling, and have higher 'problem gambling' prevalence.⁷⁵

So, following the Conservative Government's approach of attributing causation to correlations between large trends, it seems very likely that the gambling industry's massive investment in marketing has played a significant role in changing gambling participation, in driving this to higher risk, more lucrative forms of gambling, and gambling online, and in producing the dramatic growth in losses from parts of the public to gambling companies.

Supporting evidence for the differences in gambling participation and attitudes between older and younger is also present in the 2023 GSGB. There are indicators of a shift from placing a wager for the chance of a windfall on lower risk gambling forms to gambling on higher risk forms and for entertainment – according with the gambling industry's marketing effort to position itself as gaming rather than gambling. When national lottery participation is removed, the rates of participation in other forms of gambling online and in person were highest in those under 44. Additionally, compared with older adults, younger adults were more likely to gamble out of boredom, to compete with others, for excitement, for the challenge, for a sense of achievement, to be sociable or to help when feeling tense. Those aged 18 to 24 were the only age group where gambling because it was fun (83 percent) was more common than gambling to win big money (79 percent). Younger groups are also more likely to be experiencing gambling harm. Those age 18-34 more likely than older groups to have a PGSI score of 3 to 7 or 8 or more, to report experiencing severe and other potential adverse consequences and to experience severe and potential adverse consequences from another person's gambling.⁷⁶

INVOKING THE THREAT OF THE BLACK MARKET

The third framing is invoking an alternative, more harmful consequence that will come about if regulation were to occur. The Gambling Commission and Conservative Government use the long-standing trope mobilised by gambling companies against any proposed regulation, the threat of illegal gambling.⁷⁷

The regulator's advice argues that largely unrestricted advertising by licensed operators is necessary to prevent unlicensed operators from attracting consumers.

Whilst evidence points to levels of online black-market gambling being low compared to the size of the market, the ability to advertise is a key way in which licensed operators can distinguish themselves from those that may be operating illegally. There is very limited research on the impact very significant restrictions or a ban on advertising would have on protecting consumers from the black market. If Government were minded to consider a return to the pre-2005 position, this research gap would have to be properly addressed.⁷⁸

It is the responsibility of the Gambling Commission both to prevent illegal gambling and the advertising of illegal gambling. Enabling the unfettered promotion of a harmful good

to consumers should not be the gambling regulator's strategy to fulfil its duties. As the White Paper states:

The threat of an online gambling black market does not mean we should avoid tightening controls on licensed operators. However, the threat does exist and could undermine the licensing objectives. Therefore, when Parliamentary time allows, we plan to give the Gambling Commission increased powers to support disruption and enforcement activity, such as to pursue court orders which require internet service and payment providers to take down or block access to illegal gambling sites.⁷⁹

Rather, if gambling advertising were banned, or significantly controlled, it would be easy to identify unlicensed operators who might continue to advertise in breach of the rules. That would help consumers know they were unlicensed, and it would help the regulator to identify them to be able to shut them down. It would also prevent the generation of demand, which is what drives consumers to illegal gambling when legal opportunities are no longer open to them, for example, due to self-exclusion.

Additionally, with the regulator and Conservative Government stating there can only be action on the evidence, we have yet to see any tangible evidence to support the industry claim that advertising restrictions would drive normal consumers towards an illegal market. In fact, in the quote above, the regulator specifically highlights that they have no evidence of that fact. As remarked by the Culture, Media and Sport Select Committee: 'The evidence for a link between advertising and gambling harm currently appears much stronger than evidence indicating there is a risk of displacement to the black market if gambling advertising were restricted'.⁸⁰

ASSERTING A RIGHT TO ADVERTISE

The fourth framing is to make it appear that the current situation is the natural order of things or is too hard to change. For gambling advertising this is achieved by misrepresenting the law and claiming that gambling companies have the right to advertise enshrined in the Gambling Act 2005. It is also asserted advertising restrictions would be contrary to the regulation of gambling as a leisure activity – despite the acknowledgement gambling causes harm.

The Gambling Commission's advice makes gambling advertising appear to be legally required: 'The freedom to advertise, subject to reasonable consistency with the licensing objectives and a range of legal and regulatory controls, is hardwired into the Gambling Act 2005'.⁸¹ It continues by rejecting reformers' calls for a ban or significant restrictions because these 'represent a very fundamental departure from existing legislation, which permits the advertising of gambling in all forms provided there are adequate protections in place to prevent vulnerable people from being harmed by ads for gambling'.⁸²

Likewise, the Conservative Government begins its response to the select committee criticism of the White Paper's lack of action on advertising with: 'While the Gambling Act confers on licensed operators the right to advertise legal gambling products in Great Britain, we absolutely recognise that gambling advertisements can have a disproportionate impact on those experiencing gambling harms'.⁸³

This 'right' or 'freedom' does not exist in the Gambling Act. Nowhere in the Act is there a statement enshrining the freedom or right to advertise, or even a focus on permitting advertising. The Gambling Act 2005 did not 'revoke' prohibitions on advertising in the

previous legislation but rather replaced these with new mechanisms by which advertising should be regulated.

Section 16 deals with advertising, which is defined as: to 'encourage' to 'take advantage of facilities for gambling' or 'with a view to increasing the use of facilities for gambling.'⁸⁴ It proceeds to give the Secretary of State powers to 'make regulations controlling the advertising of gambling'. It goes so far as to set out that these regulations may be of all kinds, general and specific, ensuring these powers are comprehensive:

The regulations may, in particular, make provision about—

- (a) the form of advertisements;*
- (b) the content of advertisements;*
- (c) timing;*
- (d) location.*

Regulations under this section may, in particular, make provision generally or by reference to—

- (a) specified classes of gambling,*
- (b) specified classes of advertisement, or*
- (c) activity undertaken in or in connection with specified places.⁸⁵*

The Act provides for the Office of Communications (OfCom) to set such regulations regarding television and radio services, as per its existing powers, but that OfCom 'shall ensure that the standards reflect the provisions of regulations enacted by the Secretary of State'. The Act also creates the offence of advertising illegal gambling. In addition, Section 16 specifies that it is the third licensing objective that should be the concern in relation to advertising, and does not include any other objective:

In making regulations under this section the Secretary of State shall, in particular, have regard to the need to protect children and other vulnerable persons from being harmed or exploited by gambling.

The Gambling Commission's advice continues by advancing a further argument, that significant advertising restrictions go against government's overarching policy position on gambling:

Should Government conclude that gambling, or some gambling products, should no longer be regulated as a leisure activity but regulated as a product that is inherently harmful then a ban on advertising would be a logical, and arguably necessary, public policy stance to take. However, a ban or significant blanket restrictions would be inconsistent with the Government's public policy position which frames gambling as a mainstream, leisure activity.⁸⁶

On the contrary, the very reason that the legislation allows for the government to put in place significant regulation of an activity that encourages or increases gambling is the recognition that gambling can be harmful and exploitative. The Conservative Government has made numerous assertions which explicitly recognise that gambling carries the risk of harm, as have the other main political parties. The first paragraph of the White Paper states:

*We recognise that people should be free to spend their money as they choose, but when gambling poses the risk of becoming a clinical addiction the government needs to ensure there are proper protections. That is why change is now needed.*⁸⁷

In the consultation on online slots stake limits, the Conservative Government recognises that gambling can harm any consumer and those around them. It explains regulatory intervention in the market is justified because harmful gambling is a demerit good with negative externalities. These are free-market economics terms usually used for alcohol, tobacco or drugs. They mean that consumers overestimate the benefits and underestimate the detriments to themselves and others, resulting in overconsumption.⁸⁸

Meanwhile, the PHE evidence review concluded:

*Gambling related harms in the analysis range from financial such as bankruptcy and employment issues, to family issues, and health harms such as suicide. The evidence suggests that harmful gambling should be considered a public health issue because it is associated with harms to individuals, their families, close associates and wider society with an approach that focuses on prevention, early intervention and treatment.*⁸⁹

Such statements have not been made about other mainstream leisure activities, such as sports, for example.

It follows that the recognition of gambling as harmful and a public health issue necessitates 'a ban or significant blanket restrictions' on its promotion to the public, based on the Gambling Commission's own statement. The Gambling Act 2005 provides powers that could produce regulation akin to what was in place under previous legislation, and which addresses the subsequent developments in data-driven advertising, and without change to the primary legislation.

IMPOVERISHED POLICY NOT IN THE PUBLIC INTEREST

This section looks at the poor public policy this framing legitimates, servicing commercial interests at the expense of citizens and which is not fit for a digital age. It summarises the evidence on the characteristics and mechanisms of gambling advertising, based on systematic reviews, subsequent primary research and Gambling Commission research. It provides discussion of the concerns these features raise, to inform what action to take.

Researchers and policymakers continue to think about traditional advertising versus social media advertising, and each social media platform in isolation, and separate from direct marketing and gambling websites and apps. Yet gambling companies deploy coherent marketing strategies, including advertising and promotions, product and environment design, that operate across an ecosystem. Fundamental is that gambling marketing today is powered by data, enabling targeted, personalised and dynamic marketing that responds, even in real-time, to the actions of individuals and groups of consumers. Gambling companies are engaged in omnichannel marketing, in which there is tracking, adaptation and coherence of marketing to you across all 'engagement points'. Researchers,⁹⁰ and indeed the Gambling Commission's own consumer research remark, 'there is a question about appreciating better the cumulative impact of all this activity on consumers'.⁹¹

The characteristics and mechanisms of gambling advertising that follow are organised into themes. However, these interlink, and a core challenge is to understand gambling companies' marketing strategies, how these are experienced by citizens and their changing nature due to data and technology. There is a need to consider specific features of gambling marketing and its dynamics on different platforms and channels, but also how these work together and use data. This is to develop economical regulations by addressing core underlying drivers of problematic features of gambling advertising and multiple problems at once.

CONFLICTED SELF-REGULATORY SYSTEM

The regulation of gambling advertising is currently overdetermined by the gambling industry and other entities that have a strong vested interest in its continuation unrestricted and is highly conflicted.

CHARACTERISTICS AND MECHANISMS

Gambling companies put a great deal of money into marketing. This spend is highly lucrative for other sectors.

The total spend by gambling companies on marketing has gone up by 56% since 2014 and had hit £1.5bn by 2017, based on the most recent comprehensive estimate, using gambling company audited accounts.⁹² Gambling companies are increasingly investing in marketing online.

- In 2017, television gambling advertising spend was £234m, 15% of total gambling marketing spend.
- Direct online internet marketing costs were £747m, almost half (48%) of total gambling marketing spend.
- Social media costs were £149m, more than tripling over three years to 10% of total gambling marketing spend.
- In addition, advertising through marketing 'affiliates' – websites, tipsters and publications that earn a commission for generating new business for the gambling companies – cost £301m, nearly one-fifth (19%) of total expenditure.

As the White Paper states, 'it is likely the dominance of data-driven online advertising has been further cemented over recent years'.⁹³

Research has repeatedly demonstrated that the gambling industry's voluntary action via the Industry Code for Responsible Advertising⁹⁴ is ineffective at anything except warding off effective restrictions, through an appearance of action designed not to impinge on profits. The most researched measure is the whistle-to-whistle ban on gambling advertising. Evidence is this did little to limit exposure to gambling during matches or through sport because of the pervasiveness of marketing on shirts and stadiums,⁹⁵ social media and other television and radio broadcasts, including during matches,⁹⁶ and that advertising immediately pre-match increased.⁹⁷

In 2017, gambling advertising accounted for 7% of the £22.2 billion advertising sector in 2017,⁹⁸ meaning the ASA/CAP – the advertising industry's self-regulatory bodies – are in a highly conflicted position regarding gambling advertising restrictions. The ASA/CAP pronouncements that there is no relationship between gambling advertising spend, gambling activity and harm have been given credibility as if they are independent

experts on gambling harm, when they need to be regarded as highly self-interested. The ASA/CAP have been instrumental in the denial of commonsense and business logic involved in the Conservative Government's misleading framing of the evidence. This is evident in the ASA statement to the House of Lords Inquiry, justifying the continuation of the current regulatory regime:

It seems common-sensical that, if there is a big increase in the volume of advertising, all other things being equal, it ought to lead to an increase in problems. The data is not showing that Plainly the companies would not spend increasingly large sums on advertising if they did not believe that this would increase either the overall amount gambled, or the amount gambled with their company, or both, and it does indeed seem counter-intuitive that this should not also result in an increase in gambling-related harms.⁹⁹

The ASA/CAP position that the volume and intensity of gambling advertising is not harmful if its content does not overtly depict 'harmful gambling' serves the advertising industry by continuing the extent of gambling advertising spend.¹⁰⁰ They have dismissed concerns about advertising 'normalising' gambling – a position taken up by the regulator and the Conservative Government. The ASA/CAP maintain that gambling is a mainstream, legitimate leisure activity and, hence, already normalised. Consequently, there is no need to limit total exposure so long as, individually, each advertisement is 'responsible' in its depiction of gambling. This is self-serving, as advertiser revenues are not impacted by what is depicted in gambling advertising, but they would be if there were limits on the total amount of advertising.

This position misrepresents the concern about 'normalisation'. Gambling has been legal and permitted, but involvement in high-risk online gambling is not 'the norm'. Normalisation is a social process by which something is made to seem regular, natural or taken for granted in everyday life. The intense and ubiquitous exposure of all to gambling advertising, with the overarching narrative that gambling is fun, risk-free, everyday entertainment, a sport or hobby, produces such normalisation.

Sponsorships are a key element of gambling marketing. In 2017, sponsorship spend was £60m, double the amount spent in 2014 (£30m). The White Paper reports that gambling brands provided 12% of sports sponsorship revenue according to a 2019 estimate. Analysis by DCMS for the White Paper showed gambling sponsorship revenue of £65 million to the Premier League, £45 million to the EFL and £80 million to other sports.¹⁰¹ Figures are not provided in the White Paper as to the value of gambling companies' sponsorship of a range of prime-time television shows and other media, entertainment and brand tie-ins. Nor revenue from gambling ads used by public service broadcasters to secure broadcast rights for live sporting events.

The Conservative Government's decision to address gambling sport sponsorship through self-regulation by sporting bodies has added an additional conflicted set of entities into the regulation of gambling advertising. The White Paper's assertion that sport governing bodies are 'best placed to decide what approach and measures are appropriate to protect their fans' is questionable, given the money involved.¹⁰² This decision is also extending and deepening sports dependence on gambling, as 'social responsibility' arrangements include investment in club and team development, and extensions to 'less popular' sports. For example, Betfred's Rugby Football League sponsorship expanding to the Women's Rugby League and Wheelchair Super League tournaments.¹⁰³

POLICY NEED

Gambling advertising needs a new regulatory approach based on that envisaged in the Gambling Act 2005 and insulated from commercial interests.

The Conservative Government has facilitated the financial dependence of other sectors on gambling advertising, thus permeating sports, media and entertainment in the UK with gambling. It has chosen to place the gambling industry and other entities that have a commercial interest in gambling advertising at the centre of a largely self-regulatory system, rather than using its powers under the Gambling Act. These entities know their own strategies and business models and design regulations with as little impact as possible on these, rather than for citizens and public health. They are also largely left to self-police. DCMS is in a difficult and conflicted position. It holds the power to put in place controls on gambling advertising as per the Gambling Act 2005. As well as responsibility for gambling, DCMS is responsible for media, broadcast (and previously digital), sport, advertising, and creative industries, all of which benefit from gambling advertising.

PERVASIVE AND INTENSIVE EXPOSURE

Gambling advertising is highly visible, pervasive and intensive in the UK. To be concerned about the extent of gambling advertising making gambling a taken for granted part of UK life is not to be prohibitive but to question the extent to which we should allow gambling companies to drive norms in our society.

Along with high exposure across the public, a feature of contemporary data-driven gambling advertising is that those who engage with and participate in gambling will be subjected to more intensive and personalised gambling advertising, and the greater the participation the more this will occur. In this way, gambling advertising currently heightens the risk that comes with participating in gambling, in that by engaging with gambling, one becomes relentlessly subject to pressure, persuasion and inducements to gamble.

CHARACTERISTICS AND MECHANISMS

Gambling advertising is ubiquitous throughout the day and night. This includes radio and television, on-demand/catch-up, printed media, outdoor media, point of sale, high street, door drops, direct post, online paid for advertising, such as adverts appearing in clips on YouTube, Facebook feeds and search results, as well as organic social media content using accounts to obtain likes and shares of content by users.^{104,105}

People of all ages report they have high exposure to gambling advertising and show high awareness and recognition of gambling brands, including people under 18 years old. Only 4% of those 11-24 report no exposure to gambling marketing in the last month.¹⁰⁶

Traditional media continues to be the most common form of exposure. Gambling Commission research during the pandemic found gambling advertising was mostly seen on television (76% of respondents had ever seen them), followed by gambling sponsorships on the television, radio or podcasts (67%) and third, gambling sponsorships on sports merchandise (60%). By contrast, 16% of adults say they follow or interact with gambling companies on any social media or video-sharing platform. In Gambling Commission research on the impact of different forms of marketing on

behaviour, television advertising had less direct impact on behaviour than direct marketing, inducements or social media, but nonetheless, because more people saw it, the number of individuals whose behaviour was impacted was greater.¹⁰⁷

Younger groups are more likely to see online advertising than older age groups. Most gambling brands' followers on social media are under 25 years old; 'paid-for ads target specific young people, whilst organic ads thrive by being shared across youth user networks'.¹⁰⁸ However, young people have high exposure to all categories of advertising.¹⁰⁹ Research on children and young people preceding the pandemic found that gambling advertising exposure on social media came after television and the high street.¹¹⁰ Men, those in the younger age groups (18 to 44 years), and 'past 4-week gamblers' are all more likely than average to follow gambling companies on social media. There is evidence that following gambling companies on social media is a risk factor for gambling harm.¹¹¹

Features of social media make it an exposure concern. Social media advertising generates enormous reach, at relatively little cost, through paid for advertising and organic sharing of content by users. For example, a review of social media platforms during the Premier League opening weekend 2023/24 identified 1,902 gambling advertisements which generated 34 million impressions (how many times an ad has been seen).¹¹² Social media platforms allow highly granular targeting, for example, to show advertising only to males, age 18-25, that play football, and follow sports-related accounts online. Social media architecture and algorithms mean that if one or one's social group shows an interest in gambling, one will be presented with more gambling advertising. This means that the social media environment of certain sub-groups and individuals can become especially saturated with gambling advertising. Indeed, so successful are gambling companies at profiling and engaging some demographics that when parts of government seek to target such groups for behaviour change campaigns, they use gambling companies as the parameter to target them on Meta.¹¹³

POLICY NEED

Policy formulation needs to address the underlying drivers generating this tremendous volume and intensity of gambling advertising.

The position of the Conservative Government is that extent of exposure does not matter so long as the content of advertising adheres to social responsibility codes – following the ASA/CAP and contrary to evidence. Leaving aside for now whether advertising content codes are either adhered to or make the content of advertising 'safe'. The evidence is that:

Repeated exposure to a stimulus leads to an increasingly positive attitude towards this stimulus — the so-called mere-exposure effect. This effect has been reaffirmed in many experiments over the past decades. So, whether or not individuals report noticing such adverts, high exposure builds subconscious positive relationships to advertised brands.¹¹⁴

As the evidence shows, there is a dose-response effect with greater exposure associated with greater participation, and more risky gambling behaviour, and greater risk of harm.

The response of the Conservative Government is not to intervene in the dynamics by which data-driven advertising increases with engagement, adding risk to gambling participation in the digital age. Instead, the White Paper provides for gambling companies and social media to continue promotions until they adjudicate that someone is experiencing gambling harm, and only then 'de-target' them.

Data-driven, direct, online and social media are an exposure concern for volume and intensity and in need of new forms of systematic intervention not available within the existing self-regulatory system, originating in the 1960s. However, traditional media continues to be the most common form of exposure and should not be ignored.

Additionally, there are features of the gambling market that have been enabled by the Conservative Government which significantly contribute to gambling advertising volume and intensity, and which could be regulated against. A significant amount of volume is added through affiliate marketing and allowing one license holder to have a myriad of brands and the use of white labels. Inducements are a key driver of affiliate marketing, as well as consumers signing up for multiple accounts, which intensifies their exposure.

BUILDS AFFINITY USING PSYCHOLOGICAL HOOKS

A significant function of gambling advertising is to develop generally positive associations and shape attitudes, beliefs and intentions over time, in relation to gambling in general, as well as brands or types of gambling. However, the Conservative Government focuses on the evidence showing inducements are most directly linked to gambling activity to disregard the way gambling advertising forms the backdrop to consumer choices.

The position of the Conservative Government is that gambling advertising should be considered 'safe' because the ASA/CAP content codes and regulatory system prevent overt depictions of harmful gambling behaviour. This is contrary to the evidence of the ineffectiveness of the ASA/CAP approach and its inability to cope with gambling advertising in the digital age.

CHARACTERISTICS AND MECHANISMS

The Gambling Commission's own research explains the important function of advertising to form underlying attitudes and perceptions, which can then be induced into behaviour by more direct calls to action. The Commission's 'consumer journey' research is used to structure its advice to the White Paper. It consists of stages. The first is 'passive influences':

The journey begins with how we think and feel about gambling in general – which evolves gradually overtime. Our upbringing, social circle, day-to-day encounters with gambling, and past experiences all affect our underlying perceptions and attitudes towards gambling. Passive influences have an overarching impact on both our consideration and the experience of play.¹¹⁵

The next stage is 'external triggers - nudges that prompt consideration of play'.

This stage encompasses the impact of operator communications, the prevalence in media and consumer conversations related to gambling – feeding into the top-of-mind consideration of play and shortlisting of brands or products. External triggers don't necessarily prompt direct action in the moment and are not always obvious or

*directly linked to play but build our awareness cumulatively and provide incentives to play.*¹¹⁶

Gambling advertising uses a wide range of themes and latent messages to portray gambling as desirable, fun and everyday activity that produces positive emotions and social experiences and enhances social standing, and minimises the potential risks involved. This includes topical and popular culture references, humour, animations, developing relatable characters and showcasing winners.¹¹⁷

Brands develop distinct and memorable identities. Gambling advertising is targeted and designed to appeal to different groups. For example, bingo brands specifically target women through references to belonging and light-hearted fun. By contrast, sports advertising tends to be orientated to men, and frames sports betting via themes of thrill, peer bonding, power, control, prowess and sports fan rituals. It depicts sports betting as a 'rational market in which the smart can succeed' and equates 'love for a team with betting on that team'.¹¹⁸ Migrant and ethnic minority groups are targeted, such as using significant cultural events or people as cultural symbols.¹¹⁹

Gambling companies use organic or content marketing and harness the interactive features and social nature of social media. Here, gambling companies use their accounts to post content without overt commercial messages, but rather that is of interest to or appealing to a target audience or higher profile social media users so that this is liked and shared. This marketing is used to make gambling and gambling companies a part of a wider social context and to build brand loyalty rather than prompt a specific gamble. It gains popularity as it is shared by and seems to 'come from' peers rather than a gambling company, becoming something for 'people like me'.¹²⁰ Content marketing 'works by stealth':

*Most content marketing aims to elicit emotions and does not have a call to action. It often includes humorous pictures, funny stories, or showing enticing places to travel to. By purposely excluding any relationship or link to the product, such efforts are not clearly identifiable as advertising. They are likely to affect recipients subconsciously bypassing protective scepticism. It is stealthy.*¹²¹

A tactic is to engage users in discussion or activities, for example, promoting a discussion about who the best players are in a sports league, or offers based on following and sharing. In addition, tipsters, influencers and streamers are paid to use and promote gambling brands and products, while their commercial relationship with the gambling company may not be clear. They may oversell the likelihood of winning and purview false ideas about winning through skill or special knowledge.¹²²

Evidence shows content marketing is strongly appealing to children and young persons. It is also highly shareable by children and younger people, thus spreading through social groups. 'For children who have less developed advertising recognition skills this is a serious concern'¹²³

POLICY NEED

It is evident that the ASA/CAP system is inadequate and gambling advertising content regulation needs an overhaul to be fit for a digital age.

The ASA/CAP system is rooted in the offline world of the 1960s, in which traditional media contained a constrained number of advertisements communicating on mass to wide audiences, with preapproval of the limited number of broadcast advertisements. This cannot cope with the sheer volume and diversity of online and social media content with its precise targeting, social and interactive mechanisms and ephemeral nature – in which it is largely 'gone' in 24 hours.

What this means, is that the lack of policy in place to deal with this systemically, has created a "dark space" where advertising may go unchecked.... neither researchers, policymakers nor enforcement officers at the ASA have a clue of what is actually happening out there, as we do not have the provisions to monitor it.¹²⁴

There is continued reliance on complaint system in which consumers, often younger, must know the content codes and rapidly screenshot violating content in a vast stream of online material and report it to the ASA. Where research projects have investigated online advertising, it has found extensive violation of the codes.¹²⁵ The Gambling Commission claims that licensees are responsible for the actions of affiliates, but there is no evidence to substantiate that these relationships are investigated.

The codes cannot cope with the nature of online content. For example, content marketing which gambling company has not paid to promote is outside of the ASA remit as it counts as 'editorial'. The ASA and Gambling Commission responded to concern about content marketing by pronouncing that that all content should still adhere to the codes and the regulator will adjudicate complaints not in the remit of the ASA.¹²⁶ However, the codes are about restricting overt depiction of gambling in a 'harmful' or 'irresponsible' way and not more appealing to children and young people than adults. This misses the point of content marketing and its functioning 'by stealth'. Such content simply does not depict gambling, and it has been shown to appeal much more to children and young people than adults.¹²⁷

Research has demonstrated that it is impossible to draw a distinction between gambling advertising that strongly appeals to children and young people versus adults or over 24. The wide-ranging themes, use of humour and topical references means it is generally appealing to young people.¹²⁸ Indeed, research shows gambling advertising is, in general, *more* appealing to younger groups, and this is especially so for online marketing and content marketing especially.¹²⁹

Even if it adheres to codes which supposedly stop it encouraging specific 'harmful' gambling behaviours is it generating associations and attitudes of risk free, everyday entertainment, rather than expensive and potentially harmful, while exhorting increased participation and participation in more risky forms of gambling that are more lucrative to gambling companies, because this is what gambling marketing does.¹³⁰

DRIVES ACTION WITH DATA, BEHAVIOURAL TECHNIQUES AND INDUCEMENTS

The gambling industry makes sophisticated use of data, algorithms and techniques from behavioural science to produce inducements and choice architecture that are dynamic, even in real time, as well as responsive and personalised to the activity of individuals and groups.

These marketing capabilities of the digital age far surpass traditional marketing. In general, this gives rise to concern about the disproportionate and hidden power of commercial entities to push consumer behaviour.

This should be especially so for gambling, given its harmfulness to individuals and society, and the inherent opposition between the economic interests of gambling companies and citizens. Stimulated gambling, with triggering events such as bonus sign-ups, promotions and offers are not designed to benefit the consumer, but to induce the consumer into losses.

The Conservative Government's provisions in this area are notably inadequate, especially in the context of a White Paper promising gambling reform fit for a digital age.

CHARACTERISTICS AND MECHANISMS

Gambling marketing makes extensive use of financial incentives and inducements in a wide range of forms which are effective in moving consumers into gambling activity and directly associated with risky gambling behaviour. These are constructed in complex and abstruse ways and exploit behavioural biases to generate familiarity and habit, prolong time and money spent, prompt rapid unconsidered action through urgency, make gambling seem 'free' or 'risk-free', to push players to riskier (lucrative) bets, products and behaviours, and to limit any cost to gambling companies by getting consumers to wager anything they win and more. This includes sign-up offers, refer a friend offers, happy hours, a refund (stake back) offers, odds bonuses and winnings paid back to the consumer despite an unsuccessful bet, 'free' bets or 'free' spins and matched deposits.¹³¹

Research shows the sophisticated capabilities of gambling companies to construct incentives that manipulate consumers, as the following examples show.

- Wagering (or re-wagering) requirements make customers stake bonus funds several times, often having to add their own money, before being permitted to withdraw any winnings and are often set at high thresholds (e.g., a bonus of £10 with a 50x wagering requirement requires the customer to bet £500). In addition, the funds, including any winnings, expire after a given time limit (e.g., seven days). This creates a sense of urgency to gamble, as well as incentivising high intensity play and results in gambling more than was intended.¹³²
- Bets promoted by UK bookmakers have also been shown to possess specific conditions. These can be designed to make bets appear more urgent. During the 2018 football World Cup many 'live odds' bets were advertised that were limited in terms of both time and quantity. Furthermore, bets were sometimes shown to be 'improving' in odds. Alternately, design is used to make bets that are higher risk for customers appear more likely or appealing. For example, bets on events that are salient for customers although unlikely to occur – such as a star footballer scoring in the first 10 minutes.¹³³
- Offers of 'free' bets/spins can exaggerate people's perceptions of the benefits and discount losses. Sign-up offers are a dominant reason why people start or restart gambling and result in signing up with multiple companies (hence increasing advertising exposure).¹³⁴

Gambling companies make use of the features of online platforms and social media and design of their own websites and apps to drive consumer choices. For example, research

cited in the White Paper showed the design of gambling websites makes it much harder to close an account than to open one, to deposit than withdraw funds, or to use gambling management tools (such as setting up a deposit limit) than to place a bet or wages. Companies often use defaults that are not in the customer's best interests (such as setting spend limits very high) or advertise promotional offers alongside the gambling management webpage. Half of the operators automatically sign the individual up to other brands or products owned by the operator's parent company, which maximises attempts to cross-sell, but it also reduces any friction that would have otherwise been associated with creating a new account to take advantage of the promotions.¹³⁵

The White Paper does not address the fact that, in the digital age, gambling companies have heightened powers to control citizen's behaviour through choice architecture and inducements, which can be adapted and respond, in real time, and through personalised interactions, based on consumer data. As per the CMA:

*Within online environments, businesses can design and control every aspect of their interactions with us to an extent that is unprecedented in traditional brick-and-mortar businesses... The speed and scale of data collection, automated algorithms, experimentation, and targeted personalisation facilitates the development and deployment of choice architecture in real time. For example, for consumers to be presented with personalised product recommendations based on their browsing history, or the content and timing of prompts and reminders that increase the likelihood of engagement.*¹³⁶

The gambling industry should be understood as a data-based business, in which data is a primary asset. As with big tech, this is a source of significant power. The massive global corporate entities that dominate gambling each have their own platform which sits behind the myriad brands they operate – and this is at the heart of their business strategy and proposition.¹³⁷ Here, use of data, algorithms and AI is in a 'black box' hidden from consumers and researchers. Gambling companies have data on consumers' gambling – transactions, deposits, withdrawals, bets, wins and losses, on what activity and in response to what promotion. They combine this with tracking of browser and social media profiles, financial and postcode data, amongst others, and can also pass data to social media and search engines so profiling can 'follow' you as you go elsewhere. They have this for many millions of customers, in the UK and abroad, and use algorithms and AI to analyse patterns and profile both individuals and groups of citizens.

The concern is these digital marketing capabilities have not only the power to influence specific consumer choices, but also to develop repeat behaviour, habit or addiction. The Gambling Commissions Digital Advisory Panel warns: 'The risk for online gamblers is clear in our view. If the operators adopt the techniques that have been successfully used by the technology companies and digital content creators to stimulate engagement and habit-forming gambling apps, there is a substantial risk that they will create a huge cohort of gamblers with a stronger and potentially compulsive gambling habits'¹³⁸ Gambling companies are pioneers in the use of behavioural science, data and technology, which after all, are the basis of the product they sell.

Another significant concern is future impacts of developments in technology. The Digital Advisory Panel states:

The nature of gambling... is being transformed by technology, particularly mobile technology. It is also clear that there is no sign that this growth is going to stop. The initial wave of online gambling characterised by the web, mobile apps and the links to social, is being overrun by a second wave of digital technologies impacting on the industry created by big data, analytics, artificial intelligence, the internet of things and wearables. The impact of this second wave of digital technologies has yet to materialise fully.¹³⁹

A specific example is the potential to use AI to generate advertising content:

So far, gambling brands' main costs in creating their 1m [social media] ads per year has been paying for their staff to design them. Now, with AI being able to create ads within seconds, soon we might not see 1m ads per year, but 10-times or 100-times as much – there is virtually no limit. And no policies in place that would protect us'.¹⁴⁰

The CMA explains how digital marketing capabilities can harm consumers and competition. It can distort consumer behaviour, and cause them to buy more than they want, weaken or distort competition by incentivising businesses to compete on attributes and invest into innovation that does not benefit consumers, and can help businesses maintain, leverage and exploit market power by making it easier to retain customers or redirect them within digital ecosystems. They also emphasise that consumer awareness is not enough as even if consumers know such things exist, they can be unaware they are being influenced. Consequently, the CMA asserts that greater regulatory monitoring and control is required.¹⁴¹

This should be especially so for gambling, with known harmfulness, and where the economic interest of gambling companies is diametrically opposite to those of consumers, meaning the risks regarding harm to consumers and competition are especially live.

POLICY NEED

Gambling needs to be recognised and regulated as a digital market with high risk to citizens and society. This means systematic limits placed on the use of data, technology and 'nudges' to drive citizens and societal behaviour.

The Conservative Government's approach is one of piecemeal rules to cover particularly exploitative practice once these have come to light. The White Paper has failed to address the data-driven and dynamic capabilities of gambling companies to drive consumer behaviour. Rather, there is legitimisation of this power over consumers through the policy that gambling companies and online platforms 'de-target' once they determine people show signs of harm. There is very clear evidence in the White Paper of the failure of the current regulatory system to deal with technology developments – that data-driven advertising results in those who engage with gambling becoming exponentially exposed to gambling advertising. But the Conservative Government and the regulator do not acknowledge this as an instance of regulatory failure.

In the context of sophisticated, dynamic manipulation of online choice architecture, the White Paper focuses on basic elements of gambling website design and tells gambling companies to behave well, with no mechanisms for monitoring or enforcement:

Operators sometimes put artificial behavioural barriers in the way of consumers doing what they want. Activities such as withdrawing winnings, closing accounts and accessing important information should be made as frictionless as possible. Behavioural barriers and friction should only be used to keep customers safe rather than impede them from taking decisions.¹⁴²

The Conservative Government has decided to protect the ability of gambling companies to incentivise gambling through bonuses and offers. The White Paper asserts that such bonuses and offers, can be offered in 'socially responsible' ways. The Gambling Commission is to put in place controls on features such as wagering conditions or time limits. However, the ethics of incentivising participation and whether this can ever be 'socially responsible' is questionable, considering the inherent risks gambling poses. In addition, such rules on specific features of incentives will not stop the deployment of behavioural nudges, sludge and dark patterns to influence consumers. Indeed, in anticipation of wagering rules, gambling companies are now promoting incentives by saying they do not have re-wagering requirements.

The prevention of any marketing of offers or specific odds would eliminate the current role of affiliates, reduce operating expenses and reduce harm. In addition, inducements are the primary driver for consumers signing up to multiple gambling companies, so removing inducements would reduce the resulting marketing exposure.

The Conservative Government has made consumers responsible for limiting offers and cross-selling (promotional offers that are not for the consumers' main type of gambling) by not signing up for direct marketing. This is highly likely to be ineffective as consumers perceive offers as a benefit and do not appreciate the risk. The Gambling Commission's own consumer research shows that people consider offers a benefit, even as it drives risky behaviour, in ways they were not be aware of, such as spending more or urgent or unplanned play. This research showed cross-selling drove consumer engagement with a wider range of gambling activities. Participation in multiple activities is a key risk for gambling harm. Consumers often began by perceiving such offers as a benefit through being a way to fund their primary type of gambling and would sign up to multiple gambling sites to take advantage of them. This secondary activity then tended to become habitual and 'a relatively large portion of their total gambling routine and were being engaged with, even without using a promotional offer'. The research concludes 'this could suggest that promotional offers act as a gateway to secondary types of gambling'.¹⁴³

INVADES SOCIAL LIFE THROUGH SPONSORSHIPS

Sponsorships are central to and enable the strategies of gambling marketing. These provide for extensive exposure and highly appealing content, and provide access to the lifeworld, identities and social activities of target groups.

CHARACTERISTICS AND MECHANISMS

There has been an increasingly visible integration of gambling with sports. Horse racing and greyhound racing have long had integral links to betting. Gambling sponsors are strongly present in top-tier football, where 8 out of 20 Premier League teams in the 2022/23 season had a gambling company as front-of-shirt sponsor, and all teams in the

League had an 'official betting partner'. In smaller sports such as darts and snooker, a substantial amount of sponsorship revenue also comes from gambling operators.¹⁴⁴

Sports sponsorship results in gambling marketing saturating in-person and broadcast sporting events, sports-related media, merchandise and fan activities.¹⁴⁵ For example, an analysis of the opening Premier League weekend 2023/24 coverage of match broadcasts, news, talk radio and social media had a total of 10,999 gambling messages. This translates to an average of 2,750 messages per day or 115 messages every hour.¹⁴⁶

Importantly, such sponsorship relationships involve gambling companies identifying themselves with a club's traditions and passions and incentivising engagement with the gambling brand and inducing specific gambles by capitalising on fans enthusiasm and excitement. On social media, clubs will promote the gambling sponsors content to large and loyal followers.¹⁴⁷ Sport is often used by gambling companies for content or organic social media marketing. Gambling, including losses and indebtedness, becomes embedded in what it is to be a sports fan.¹⁴⁸ The Gambling Commission's research on gambling typologies and why people gamble 'demonstrated the overlap between gambling and passion for sports (and particularly football), which can be powerfully and consciously linked'.¹⁴⁹

Esports fans are a target audience for gambling companies wanting to attract the next generation of bettors to their products. In the top 20 esports clubs across three of the most followed esports titles, Dota 2, League of Legends (LoL) and CS:GO, half of the esports teams in Dota 2 and CS:GO's world championship events in 2021 were sponsored by gambling companies. Teams sponsored by gambling companies have a combined total of 25,868,912 followers across three major social media channels. No LoL teams were sponsored by gambling companies, yet sibling teams within the CS:GO and Dota 2 competitions were.¹⁵⁰

Research shows that esports gambling advertising is dramatically more appealing to children and young persons than to adults – who find it very unappealing. Indeed, 'as most Esport fans are under 30 anything related to esports – including gambling – has an almost inherent appeal to children and young persons. It is even questionable whether esports gambling advertising can ever not be of strong appeal to youth'.¹⁵¹

Online bingo brands sponsor teatime and prime-time programmes with very large family audiences. For instance, Tombola sponsored 'I am a celebrity get me out of here', which had- 9M viewers in 2021, the most popular television on a weekend, competing with Strictly Come Dancing.¹⁵² Gala Bingo sponsored 'The Chase'. This is described as a 'tea-time' show on 5-6pm.¹⁵³ Mecca was the title sponsor of ITV's prime-time Sunday night show at 6.30pm, Celebrity Lingo, hosted by popular television personality RuPaul.¹⁵⁴

Primetime television sponsorships have gone under the radar, seemingly because bingo is regarded as 'soft' gambling. On the basis that bingo, like lotteries, were permitted to advertise in this form before the 2005 Act and so the gambling industry does not include this in the voluntary watershed. However, online bingo sites provide slots and casino games, which are then heavily promoted to players. As with sports, this is 'wrap around' sponsorship, with tie-ins and promotions to get people to gamble, including while the shows are on, games designed to link to the show, use of celebrities in the shows to promote the brand, and opportunities in a range of additional media, whenever the show is advertised.

POLICY NEED

Regulation of gambling sponsorships is needed that properly addresses the way sponsorships work to permeate channels and social activities with highly appealing, often stealthy, gambling marketing. This would contribute to addressing the volume and intensity, and the influence of gambling advertising.

Given the extensive and sophisticated nature of gambling marketing through sponsorships, the Conservative Government's use of a voluntary code and focus on logos/branding on shirts is superficial. For example, banning shirt sponsorship and the whistle-to-whistle ban does not address during match exposure as bookmakers continue to push out content and betting opportunities on social media, with fans habitually watching on two screens, a television and smart phone.¹⁵⁵

The White Paper remarks the esports sector 'is growing fast and has significant appeal to children and young people, and increasingly to betting operators – with GGY from the esports betting sector growing from around £50,000 in March 2019 to over £1.5m in March 2020'.¹⁵⁶ But declines to do anything to address this issue.

The social impacts from allowing gambling sponsorships are inadvertently evident in comments by the Gambling Commission, which makes vulnerable people gambling responsible for avoiding marketing, when this saturates social life:

Logos/branding on football shirts and in-stadia are less avoidable than other forms of advertising. Vulnerable adults can exclude themselves from receiving direct marketing via self-exclusion schemes, and by using tools available online to control and limit exposure to gambling related content. However, during sports events, particularly in elite football, there are less opportunities to reduce exposure due to the high volume of advertising during play.¹⁵⁷

CONCLUSION

The regulation of gambling marketing urgently requires an overhaul. The Conservative Government's self-regulatory approach has favoured gambling companies over public interests. Its piecemeal rules are inadequate for dealing with gambling marketing in the digital age. Currently, gambling marketing is data-driven, pervasive, highly targeted, personalised, social, interactive and dynamic with heightened and disproportionate power over citizens.

The Conservative Government and regulator have misused the language and practice of evidence-based policy to dismiss the substantial evidence showing that gambling marketing causes harm.

The Gambling Act 2005 envisages controls over encouragement to gamble and to increase gambling, but these powers have not been utilised. It is in keeping with the Act that gambling be permitted but not promoted.

This report calls for a new regulatory system for gambling marketing that systematically addresses the mechanisms and characteristics of gambling marketing in the digital age – one that is insulated from commercial interests and recognises gambling as a high-risk digital market.

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