

Regulation of gambling marketing – Scoping Study



Call for proposals

Introduction to GambleAware

GambleAware is the leading charity working to keep people safe from gambling harms. As a commissioner we deliver prevention and treatment services for gambling harms in Great Britain.

GambleAware commissions the National Gambling Support Network (NSGN) which provides, free confidential treatment, as well as the National Gambling Helpline which takes around 44,000 calls or online chats a year¹. Anyone experiencing gambling harms can access free and confidential advice, tools and support, by searching GambleAware or contacting the National Gambling Helpline, available 24/7, on 0808 8020 133.

We work in close collaboration with the NHS, clinicians, local and national government, gambling treatment providers, as well as other services like mental health, drug and alcohol services, and criminal justice, to ensure that the whole system works together to help people suffering from gambling harms.

We have 5 key outcomes we work towards as a charity (see diagram below). To contribute towards outcomes 1-3 directly (and 4-5 indirectly), we have set up a multidisciplinary prevention programme of work which focuses on the following:

1. Reducing risk factors of harm: To create an environment where everyone is safer from gambling harm
2. Increasing protective factors against harm: Increasing resilience and capability to reduce and prevent experiences of gambling harm



Introduction to project

A White Paper was recently released by the Department for Culture Media and Sport (DCMS) which contained an overview of key evidence across various subject areas, one of which was around marketing². The White Paper marked the largest proposed changes to the sector since it was de-regulated via the 2005 Gambling Act, when gambling started to be advertised in Great Britain³. However, the White Paper does not propose many policies on marketing on advertising, suggesting that there is a lack of conclusive evidence on the relationship between advertising and harm. The paper argued that “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

¹ Trustees' Annual Report and Financial Statements

<https://d1ygf46rsya1tb.cloudfront.net/prod/uploads/2023/10/GamCare-Annual-Report-2023.pdf>

² High Stakes: Gambling Reform for the Digital Age

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1153228/1286-HH-E02769112-Gambling_White_Paper_Book_Accessible1.pdf

³ The Gambling Act 2005: A bet worth taking? - Culture, Media and Sport Committee Contents

<https://publications.parliament.uk/pa/cm201213/cmselect/cmcomeds/421/42103.htm>

with gambling harms or the development of gambling disorder”. The White Paper also takes a position that the ‘normalisation’ of gambling by advertising is not inherently harmful, a position also held by the Advertising Standards Association (ASA).

GambleAware feels that a lack of greater regulation on gambling advertising and marketing is a missed opportunity, particularly in regard to protecting children and young people, with our research showing just 4% aged 11-24 haven’t seen any marketing advertisements in the last month⁴. Many leading academics in this area have also called for the UK Government to take more action in this area to reduce gambling harm⁵, especially in light of mounting evidence (e.g., recent research showing greater advertising exposure increases participation which leads to a greater risk of harm⁶). There are particular concerns about the impact of advertising on children and young people, given the high level of exposure among this audience⁷. In particular, the suggested requirement for a “causal link” between advertising and gambling harm is problematic as it is impractical when gambling marketing is everywhere and access to key data sources (e.g., operator data) is not available long-term.

For this project, GambleAware wishes to commission research to build knowledge around the key evidence and policy positions / narratives that led to regulatory shifts within gambling marketing in countries with legal systems that lend themselves to meaningful comparisons with Great Britain. Similarly, it is of interest to delve into the key evidence underpinning marketing regulatory shifts in domains akin to gambling in Great Britain. We would also like the research to search for evidence outlining the impact of such measures when implemented on key outcomes (e.g., exposure and perceptions among young people, gambling profits, frequency of play). Examining the evidence that prompted these shifts and led to change can serve as compelling support when advocating for more effective regulation with UK regulators/policy makers.

To note, this project is funded by the Regulatory Settlement allocated to GambleAware by The Gambling Commission in accordance with their Statement of Principles for determining financial penalties. In keeping with the Gambling Commission’s Statement of Principles, funding from regulatory settlements to GambleAware will be used for specific, agreed purposes that accelerate our commissioning plans, including research projects, such as this Scoping Study on the Regulation of Gambling Marketing.

Overview of regulatory environment within marketing

It is worth noting that the UK is at the global forefront of gambling advertising deregulation, while other European countries have been tightening these rules⁸. Current regulatory efforts have been proposed to be inadequate and have not protected children and young people from exposure to a range of different forms of marketing⁹.

⁴ The effect of marketing and advertising on children, young people and vulnerable people Quantitative Research Report <https://www.begambleaware.org/sites/default/files/2020-12/the-effect-of-gambling-marketing-and-advertising-quant-reports.pdf>

⁵ ‘No evidence of harm’ implies no evidence of safety: Framing the lack of causal evidence in gambling advertising research <https://onlinelibrary.wiley.com/doi/10.1111/add.16369>

⁶ What is the evidence that advertising policies could have an impact on gambling-related harms? A systematic umbrella review of the literature <https://www.sciencedirect.com/science/article/pii/S0033350622003420>

⁷ The impact of gambling marketing and advertising on children, young people and vulnerable adults <https://www.ipsos.com/sites/default/files/ct/publication/documents/2020-03/gambling-marketing-advertising-effect-young-people-final-report.pdf>

⁸ Gambling Act review: how EU countries are tightening restrictions on ads and why the UK should too <https://theconversation.com/gambling-act-review-how-eu-countries-are-tightening-restrictions-on-ads-and-why-the-uk-should-too-199354>

⁹ Protecting children and young people from contemporary marketing for gambling. Paper [here](#).

Some countries (e.g., Italy, and Belgium¹⁰¹¹) have taken to a blanket ban, whilst other countries (e.g., Netherlands, Germany, Ireland, Australia, Spain¹²) have gone for a more granular approach. For example, by banning advertising during the watershed on broadcast channels (e.g., TV, Radio) and banning gambling sponsorships (e.g., removal of branding on sports shirts, event spaces and competitions). Recently, there has been more of a focus on online marketing, for example in Australia there have been recommendations to ban all forms of advertising for online gambling through a phased approach.¹³

Multiple bodies share the responsibility for regulating gambling advertising within the UK. The Advertising Standards Authority (ASA) is the frontline regulator¹⁴, and co-regulates broadcast advertising under contract with Ofcom. The Committees of Advertising Practice (CAP), which set the rules which the ASA enforces, maintain and periodically update a dedicated broadcast¹⁵ and non-broadcast¹⁶ code (which also applies to out-of-home advertising e.g. posters and billboards). The most recent change in this area was an ASA change to B/CAP code. This stated that ads must not “be likely to be of strong appeal to children or young persons, especially by reflecting or being associated with youth culture.” This prevents celebrities like top-flight footballers and social media influencers from appearing in gambling adverts.¹⁷ However, some other countries have gone further to ban ex-athletes in order to protect children and young people.¹⁸

The Gambling Commission¹⁹ also sets specific rules on how gambling operators advertise through its Licence Conditions and Codes of Practice²⁰. Additionally, the trade bodies representing the gambling industry have developed the Industry Code for Socially Responsible Advertising. Although it is an industry code, compliance with it can be considered alongside compliance with the Gambling Commission’s own rules when the regulator is assessing an operator’s suitability to hold a licence.

There is also regulatory oversight of how personal data is used online (e.g., data used for ad targeting) by the Information Commissioner’s Office (ICO). The ICO have recently expressed an ambition to explore the use of targeted advertising (AdTech) of gambling on social media and the use of personal information within the gambling sector.²¹ This is in part as a result on a study looking at the prevalence of digital profiling in the online gambling industry which found the ability of gambling companies to build detailed and intimate profiles of

¹⁰ Gambling Act review: how EU countries are tightening restrictions on ads and why the UK should too

<https://theconversation.com/gambling-act-review-how-eu-countries-are-tightening-restrictions-on-ads-and-why-the-uk-should-too-199354>

¹¹ Regulation of Gambling Advertising

https://data.oireachtas.ie/ie/oireachtas/libraryResearch/2022/2022-07-18-l-rs-note-regulation-of-gambling-advertising_en.pdf

¹² Gambling Regulation Bill 2022

<https://www.mccannfitzgerald.com/knowledge/betting-and-gaming/proposed-time-restrictions-on-advertising-of-gambling-activities-will-have-a-wide-reach#:~:text=Under%20Section%20141%20of%20the,5.30%20am%20and%209.00pm.>

¹³ List of recommendations

https://www.aph.gov.au/Parliamentary_Business/Committees/House/Social_Policy_and_Legal_Affairs/Onlinegamblingimpacts/Report/List_of_recommendations

¹⁴ ASA guidance on advertising rules for gambling ads

<https://www.asa.org.uk/topic/gambling.html>

¹⁵ 17 Gambling BCAP Code

https://www.asa.org.uk/type/broadcast/code_section/17.html

¹⁶ 16 Gambling CAP Code

https://www.asa.org.uk/type/non_broadcast/code_section/16.html

¹⁷ <https://www.asa.org.uk/news/tough-new-rules-to-curb-broad-appeal-of-gambling-ads-and-better-protect-under-18s.html>

¹⁸ AGCO to ban athletes in Ontario’s iGaming advertising to protect minors

<https://www.agco.ca/blog/lottery-and-gaming/aug-2023/agco-ban-athletes-ontarios-igaming-advertising-protect-minors>

¹⁹ Advertising and marketing rules and regulations

<https://www.gamblingcommission.gov.uk/licencees-and-businesses/guide/advertising-marketing-rules-and-regulations>

²⁰ Industry Group for Responsible Gambling

<https://bettingandgamingcouncil.com/members/igrig>

²¹ ICO25 – Empowering you through information

https://ico.org.uk/media/about-the-ico/documents/4020926/ico25-plan-for-consultation-20221407-v1_0.pdf

individuals, often without their knowledge. Such profiles include indicators of personal vulnerability and addictive behaviours, which can then be used to target the most vulnerable²².

Delving into the experiences of other countries' gambling regulations and exploring the broader spectrum of adjacent harms within marketing can be beneficial to achieve significant regulatory changes in the UK. By doing so, we avoid re-creating the wheel and we sidestep the risk of redundant efforts, focusing on successful strategies and learning from the experiences of others. In a similar way, exploring related fields, such as alcohol and drugs, will provide a comprehensive understanding of interconnected issues, enriching our perspective in the UK context. Ultimately, this knowledge equips us to proactively and effectively tackle emerging challenges, fostering a regulatory environment tuned to our societal and legal context.

Purpose and aims

While we have some preliminary evidence on this issue, we need to establish more systematically:

- Key insights on levers (e.g., key research papers, policy positions, policy narratives, political pressure, public perceptions) that led to policy changes alongside evidence around the impact that regulatory (or voluntary) changes have had on key outcomes (e.g., exposure and perceptions of children and young people, gambling profits, frequency of play).
- Evidence drawn from gambling marketing within comparable policy and cultural contexts internationally (e.g., Australia, Canada, Europe, Scandinavia), and for adjacent harm behaviours within Great Britain (e.g., alcohol, smoking, food).
- Evidence split by different channels (e.g., broadcast TV/radio, audio, programmatic, social, out of home, audio, press) and/or types of marketing (e.g., content marketing, ambassadors, sponsorships, partnerships, press, paid media) and/or types of targeting (e.g., age-gating, usage of behavioural signals / specific environments / other demographics).
- Evidence integrated from expert testimony to draw on the experience of others when making changes to regulation.

As such, we would like the grantee (or commissioned partner) to conduct a scoping review of relevant academic publications and grey literature (e.g., white papers, policy documents, media articles), with results presented via a narrative literature review. We would also like the appointed partner to identify relevant expert stakeholders and conduct qualitative interviews with them to supplement the evidence and insights presented within the review. This research will need to fill these evidence gaps

The research should aim to cover the following objectives:

- **Primary:** Gaining an understanding what levers led to regulatory changes within marketing and the impact that regulatory changes had
- **Secondary:** Distil insights from international experiences and adjacent harm behaviours into concrete, actionable recommendations for policy changes in the regulation of gambling marketing within GB
- **Tertiary:** Identify gaps in current understanding and provide recommendations and opportunities for further research in the regulation of gambling marketing

²²DIGITAL PROFILING IN THE ONLINE GAMBLING INDUSTRY
<https://cdn.sanity.io/files/btrscf0/production/e23ea75fe93f775d9f9ed795427f4b5ed8d67016.pdf>

Expected Output

A paper (on Word) that is:

- Written for lay audience with an interest in policy.
- 10,000 - 12,000 words in length.
- Written in accordance with GambleAware's [Research Guidelines](#).
- Up to a publishable standard (i.e., references cited correctly, methodology clearly outlined)
- Peer reviewed*

We would also like the partner to produce a short PowerPoint slide deck (15-20 slides) of the findings to present to GambleAware, alongside organising a webinar to disseminate the results more broadly. We are keen for partners to be actively engaged in the topic area and wanting to engage with key senior stakeholders (e.g., policymakers) to turn the results into actions. Ideally the partner would also have the capability to produce an article for submission into a journal.

*Please note GambleAware will find and pay for peer reviewers separately from this contract.

Budget

£60,000 including VAT (if this is awarded as a grant, it is outside the scope of VAT). If potential partners feel the required scope of this project is larger than the budget suggested, please note this to any Q&As submitted.

Timelines

The research (and associated dissemination activities) will be undertaken over a maximum of 6 months from the signing of contracts. The guideline timings for this research programme are below:

Milestone	Deadline
Request for proposal set live	5pm 28 th November 2023
Questions and / or an expression of interest to receive question answers	5pm 6 th December 2023
Answers distributed	5pm 8 th December 2023
Proposal deadline	5pm 5 th January 2024
Scoring will be completed	W/C 8 th January 2024
Award of successful bid and project kick off call	W/C 15 th January 2024
Research	January / February / March 2024
1 st draft of report	April / May 2024
Final report published on GambleAware website	June / July 2024

Evaluation criteria, process for appointment, publications and references

The evaluation criteria for this work can be found below. The proposal for each phase must be submitted within a maximum of 8 sides of A4 (approximately 4000 words). If there are any issues with the suggested word count given the requirements below, or any questions, please contact us at procurement@gambleaware.org.

Framework Evaluation Criteria	Framework Criteria Weighting	Criteria	Criteria weighting
Quality	60%	1. Demonstration of understanding of research aims and requirement	20%
		2. Provision of a robust methodological response to the brief	20%
		3. Overview of the proposed research team members, their relevant expertise and experience, and roles in delivering the analysis	20%
Delivery	30%	4. Ability to meet the timetable and deliver the proposed outputs*	15%
		5. Ability to deliver proposed outputs within budget^	15%
Innovation	10%	6. Going “beyond the brief” to build on the current analysis plan based on the research theme^	20%
TOTAL	100%		100%

*Please provide specific breakdown of timings

^Please provide specific breakdown on costs, inc. number of hours for each level of staff on the project

Please include with your proposal the following (these do not contribute towards the word count):

- A list of recent relevant publications by research team members and a short overview of each publication/piece of research.
- The names and contact details of two clients whom you would be content for us to contact if you are shortlisted.
- GambleAware’s work centres around the principles of equality, inclusion, and diversity at all levels of governance, human resources, policy, and commissioning. Please set out separately, how equality, inclusion, and diversity inform and support your proposal at all stages of design and delivery.

Terms and Conditions

To ensure expediency, we ask that any questions or clarifications regarding our Terms and Conditions are sent to procurement@gambleaware.org by 6th December 2023 at 17:00. Bidders are unable to make amendments to the Terms and Conditions post tender award. If there is no correspondence received by 6th December 2023 at 17:00 GambleAware will take this as acceptance to the Terms and Conditions.

Below are attachments of both our Service Agreement Terms and Grant Agreement terms. Upon award, we will determine which agreement is most suitable for use.



STANDARD Template STANDARD UTILITY
Grant Agreement.pdf GambleAware Service

Process for appointment

1. Review and scoring of proposals against the above evaluation criteria by the Review Panel (made up of two to three internal reviewers from the GambleAware Team)
2. Final moderation with funding awarded to the highest scoring proposal. Each section is scored with the following:
 - 0 - Did not provide a substantive response in relation to the criterion
 - 1 - Provided an adequate response to the criterion, displaying a good level of knowledge
 - 2 - Provided a good response to the criterion, setting out clear examples

- 3 - Provided a comprehensive response to the criterion, including examples, and articulating real context and clarity
- 3. All bidders will be notified of the outcome, and offered feedback on the scoring of their proposal by the Review Panel, and the successful bidder will be awarded the contract