

Dame Caroline Dinenage DBE MP  
Chair, Culture Media and Sport Committee  
House of Commons  
London  
SW1A 0AA

16 October 2023

Dear Caroline,

**Re: Channel 5 / University of Bristol Report - "Gambling and the Premier League."**

As you are aware, Channel 5 News, in collaboration with the University of Bristol Business School, recently published a report titled "Gambling and the Premier League."

We have studied the Report and have found that the research fundamentally misunderstands both advertising and the way in which it is regulated. The Report also makes a series of statements that are either misleading or incorrect, and we thought it would be helpful to you and your committee to set this out.

Fundamentally, the Report suggests advertising causes harm. There is no evidence to suggest this claim. The Government has previously stated research "did not establish a causal link between exposure to advertising and the development of problem gambling." This was also re-iterated in the Gambling Review White Paper.

**Gambling advertising during sporting events**

Firstly, the Report claims that "the current industry-led whistle-to-whistle ban has been repeatedly shown to be ineffective". In 2019, our members implemented a whistle-to-whistle ban on live sporting events (with the exception of horseracing and greyhound racing), meaning that no betting adverts are shown on TV from 5 minutes before a live sporting event begins to 5 minutes after it ends, pre-watershed. This led to a 97 percent reduction in the number of TV betting adverts seen by children at that time.

Last month (September 2023), the BGC unveiled new measures to further prevent under-18s from seeing digital media adverts in the seventh Industry for Socially Responsible Advertising (IGRG) Code. As well as raising advertising standards for young people, the new code will extend the current commitment, which ensures 20% of TV and radio advertising is devoted to safer gambling messaging sign-posting to help, to digital media advertising too.

Further, the Advertising Standards Authority (ASA) children's exposure to age-restricted ads report (2022) states:

1. "Children's exposure to gambling ads relative to adults' has fallen year-on-year from 36.0% in 2010 to 15.4% in 2021, the lowest in the 12-year period. That means children saw, on average, just under one TV ad for gambling for every six seen by adults in 2021."
2. "In 2021, gambling exposure rates fell to the lowest level in the 12-year monitoring period for each nation, excluding Wales."
3. "Children's exposure to ads for sports betting has decreased from a peak in 2011 and has remained at a low level seen since 2019."

**Betting & Gaming Council (BGC)**

**Registered Address** 1 Bedford Row London WC1R 4BU **Business Address** Kings Buildings 16 Smith Square London SW1P 3HQ  
T. +44 (0)20 7434 2111 E. [info@bettingandgamingcouncil.com](mailto:info@bettingandgamingcouncil.com) [www.bettingandgamingcouncil.com](http://www.bettingandgamingcouncil.com)

4. In the same year the Whistle-to-Whistle ban was introduced, the ASA reported that “children’s exposure to sports-related gambling advertising on television has continued to remain lower than initial levels in 2011, at 1.0 ads, and has fallen to its lowest level of 0.3 ads in 2019.”

### Sponsorship

Secondly, betting advertising, marketing and sponsorship has to comply with strict guidelines.

The Report includes a number of references to sponsorship and equates this activity with ‘marketing’. Sponsorship is not marketing, nor is it defined as marketing by the UK’s advertising regulator the ASA. The ASA has no remit to regulate sponsorship and therefore any reference to ‘non-compliance’ in the Report is entirely groundless.

The Report also makes no distinction between regulated UK brands and brands that are not licensed or regulated in the UK. Of the 20 teams in the Premier League, 8 have a gambling company as front-of-shirt sponsor. However, only one of these gambling companies, Betway, is a member of the BGC and is a UK licensed company. The remaining gambling companies are exclusively focused on foreign audiences.

We welcome the Premier League club’s commitment to withdraw gambling sponsorships on the front of shirts from 2026/27. It is important to note that the Premier League did not conclude that there was harm associated with front-of-shirt sponsorship, but they recognised that there was public concern about the scale and volume of branding around football and it responded to that.

However, my view is that there is more that can be done around sports sponsorship, a point I made in my oral evidence to your committee. One of the measures the Government called for was a new Sports Sponsorship Code. The Code needs to ensure that sponsorship by betting and gaming companies is further conducted in a socially responsible way and seeks to further reduce children’s incidental exposure to gambling logos. We believe the steps below, amongst others, would help:

- Only operators that hold a licence in the UK in their own right should be permitted to sponsor teams or events in the UK.
- Gambling companies must ensure that at least 20% of all advertising on LED and non-LED perimeter boards must be safer gambling messaging and signposting help.
- In addition, each sport and related sponsor should have in place a Memorandum of Understanding setting out the conditions of sponsorship.

My strong view is that it is imperative that the sporting bodies publish the new Sports Sponsorship Code without delay.

For your awareness, as part of the renewal of English Football League sponsorship, Sky Bet will not actively market themselves or their products in family areas of stadiums or advertise to young fans. The BGC has also introduced a code of conduct for partnered posts on football clubs’ social media accounts, banning calls to action or links to gambling websites and any display of direct bonuses or odds on the organic tweets on social media feeds of football clubs.

Overall, the Government’s decision to reject calls for a blanket ban on advertising and sports sponsorship, which is consistent with their stated determination to have an evidence-led approach, is welcomed by the BGC and our members.

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## Content Marketing

One of the Report's headline findings claims that our members are in breach of the Committee of Advertising Practice (CAP) Code, Rule 2.1, stating that: "92% of content marketing ads breach advertising regulations, as they are not clearly identifiable as advertising."

The CAP Code, Rule 2.1, states that marketing communications must be "obviously identifiable as such." Further, in its advice note published in March 2023, CAP state that: "Many ads and other marketing communications are obviously recognisable as advertising, purely by virtue of their content and the context in which they appear."

Rule 2.1 is intended to focus on adverts that appear in a medium where consumers may not necessarily expect to be presented with brand advertising, for example via an influencer post or paid "advertorial." It is not intended to ensure companies mark all areas of their 'owned' media, such as a company's X/Twitter account, with '#ad'. Therefore, the Report's claim is entirely baseless.

Further, the Report specifically mentions William Hill's use of an "image of a middle-aged man." They suggest this poses 'significant problems' for young people. The middle-aged man is Eric Cantona, the former Manchester United and France football player. The ASA has strict rules on the use of celebrity endorsers and only allows those which are not likely to appeal strongly to children and young people.

## Safer Gambling Messaging

The Report suggests "that only 20.6% of messages feature gambling reduction messages."

All licensed operators are required to carry a safer gambling message or a reference to BeGambleAware for the full duration of a broadcast ad to comply with Industry Group for Responsible Gambling (IGRG) Code rule 45. Clearcast, the TV ad clearance service, will not provide clearance for any ad that does not comply with this rule. Broadcast ads are also required to carry 18+ messaging. Further, this rule does not apply to the National Lottery which appears to have been included in the figures and has very likely skewed the data.

With regards to radio, IGRG rule 45 requires operators to include a safer gambling message or a reference to begambleaware.org on all radio ads. Radio ads in the UK are subject to clearance from Radiocentre, who will not provide clearance without compliance with this rule. Again, this rule does not apply to the National Lottery which appears to have been included in the figures and has very likely skewed the data.

The Report claims that many of the "ads" across social media were devoid of safer gambling messaging. However, IGRG rule 53 requires all operators' social media pages to carry an 18+ age warning in addition to a reference to begambleaware.org. These are usually carried in the 'account bio' section, which means they are displayed at all times. This means that all of the 'ads' in question were displayed in close proximity to prominent safer gambling messaging at all times, and again, many of them will not have been ads at all.

IGRG rule 55 also requires operators to post frequent safer gambling related messages on their social media pages. These have certainly been posted numerous times across the testing period by operators, but standalone safer gambling posts appear to have been ignored in the data.

Under the IGRG code, all sponsored or paid for social media adverts must be targeted at consumers aged 25 and over unless the website can prove its adverts can be precisely targeted at

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over 18s. The seventh edition of the IGRG Code extends this 25+ rule to all digital media platforms that provide an appropriate age filter.

### Wider Points of Note

The Report claims that Paddy Power posted a “prolific” 22 X/Twitter ads during a single match on the 11<sup>th</sup> August (page 23). However, the example shown in the Report is not an ad but is a post to followers of the Paddy Power X/Twitter account. Followers of gambling brands have to be registered as 18+. There IS no regulatory restriction which means operators cannot engage with followers in the same manner that every other brand with a social media presence does. Additionally, Paddy Power posted two standalone Safer Gambling videos on the 11<sup>th</sup> August alone. These appear to have been completely omitted from the Report.

The Report suggests that the use of emojis is an attempt to “connect with viewers on an emotional level” (page 25). We are not aware of any research which suggests that consumers find emojis emotionally stirring. In fact, they are simply part of today’s language and operators should be able to engage with their customers in a manner that reflects common parlance, providing they do so in a compliant manner.

The Report states offers and promotions “can lure individuals into participating in gambling activities they may not have otherwise engaged with, fostering a culture of risk-taking without fully appreciating the potential downsides” (page 25). It offers no evidence to verify this claim is accurate.

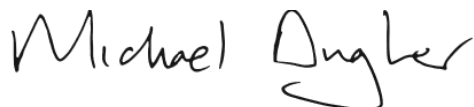
The Report claims that the use of “insider and expert sentiments” creates “an illusion of being an authority in gambling” and claims that this is inherently misleading (page 25). The CAP Code already contains rules designed to ensure that gambling ads do not imply an erroneous perception of risk and control.

The Report states that “it is left up to operators to determine the language and size of the safer gambling messaging” (page 27). In fact, the UK Code of Broadcast Advertising (BCAP) sets out rules that mandate the size and legibility of on-screen text in TV ads, including safer gambling messaging.

I hope that you find the above clarifications, corrections and explanations helpful, and I would be happy to provide the Committee with any further information that you might require on this subject.

With best wishes.

Yours sincerely,



Michael Dugher  
CEO, Betting and Gaming Council