



Mobile Broadband Group
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Response of the Mobile Broadband Group to the CAP and BCAP consultation on the regulation of non-broadcast and broadcast advertising of gambling

The Mobile Broadband Group ('MBG', whose members are O2, Orange, T-Mobile, Virgin Mobile, Vodafone and 3) welcomes the opportunity to respond to the consultation on the advertising of gambling. The mobile operators do not generally expect to be gambling operators themselves but nevertheless gambling services are, or will be, available through a mobile device.

We have a few comments and questions in relation to some of the questions posed in the consultation. Where we do not refer to a question, we have no comment.

Technology neutral rules

We particularly note and support the fact that, beyond making the distinction between broadcast and non-broadcast, the regulations are technologically neutral and, to the extent that it is relevant, make no special distinction between printed or electronically distributed advertising.

No compulsory statements

We agree (in answer to question 10) with the recommendation that advertisers should not be required to carry compulsory statements on their advertising. In the absence of clear evidence that such an approach is effective, it would be disproportionate and contrary to the principles of better regulation to do so. One further point is that, on a mobile device, it would probably be impractical too.

Information about licensing regime

We also agree (in answer to question 11) that gambling operators should be free to decide whether to carry information about their licence, if they decide it is to their advantage to do so.

Marketing communications

In relation to marketing communications (respectively sections: Non-broadcast 54.4d; Radio 21.2d; TV 11.6.1c), we have a few points to raise.

First, each of the three sets of rules contains the following provision stating that marketing/ads: ‘...should not suggest that gambling can be a solution to financial concerns, an alternative to employment or a way to achieve financial security.’ ()

However, in the TV code a Note to 11.6.1c states that ‘advertisers may however refer to other benefits of winning a prize’. Should this not also be applicable to non-broadcast and radio marketing/ads? If not, we would like to understand the reason.

Secondly, marketing communications ‘should notencourage gambling behaviour that.....could lead to financial....harm.’

As the potential for financial losses are one of the inherent risks of gambling (for the gambler and gambling operators) we presume that the Committee intends to make a clear distinction between financial harm and financial loss. The MBG seeks more information about where the ASA considers this distinction lies.

Thirdly, we note the recommendation that advertisers should not suggest that solitary gambling is preferable to social gambling. Does this mean that the reverse is preferable: i.e. “bricks and mortar” gambling can be promoted as preferable to remote gambling? Is there yet enough evidence about whether there is more or less risk of harm from gambling alone or gambling in a group (with all the issues around peer pressure etc.) to make such a firm rule.

Concluding Comments

Once again, we welcome the opportunity to respond to the consultation and we look forward to receiving clarifications on the above.