

Rt Hon Matt Hancock MP
Secretary of State for Digital, Culture, Media and Sport
Department for Digital, Culture, Media & Sport
100 Parliament Street
London SW1A 2BQ

May 2018

Dear Secretary of State,

Existing regulations governing how gambling products are advertised are not being upheld as they should, meaning that many operators in the gambling industry are able to exploit loopholes in legislation without fear of meaningful sanction. The current framework where the onus of social responsibility remains subject to the self-regulation of the licensee is not working.

We, ResPublica, with the support of the undersigned cross-party group of MPs and Peers, are writing to ask you to use your authority as Secretary of State to work with the Gambling Commission to encourage greater compliance, fairness and social responsibility in the advertising and licensing of gambling.

We argue that only one sanction would be truly effective in stopping the industry taking advantage of loopholes - and it is already enshrined in the 2005 Gambling Act: the ability of the Gambling Commission to revoke a license. We have also identified three practical solutions to address examples of where loopholes are being exploited, and where regulatory powers available to the Commission and the Advertising Standards Authority could be better employed.

First, gambling advertising should be consistent with other types of addictive or harmful products to public health such as cigarette packs, by featuring clearly identifiable health warnings that cannot be absorbed into an advert's overall design. The wording of gambling advertisements is a problem because words such as "win" and "fun" are emphasised rather than "harm", thus normalising the idea of gambling as a leisure pursuit rather than acknowledging the risk of addiction.

Second, the current exception to the watershed that permits gambling adverts during live sporting events needs to be closed. Echoing a range of voices including the Church of England, we've found that this loophole both undermines the principle of the watershed and poses a risk of harm to young people – particularly young men and at-risk gamblers. We think the only way of closing the current loophole is a comprehensive ban on gambling advertising during live sporting events, including TV ads, billboard ads and clothing sponsorship.

Third, industry use of affiliate marketing is in regular breach of advertising standards. Non-UK based affiliates have pleaded ignorance of British regulations, thus undermining the ASA's position that gambling operators are judged according to the actions of their associates. While we acknowledge that it is difficult to regulate a complex global market, the Gambling Commission should be prepared to make use of the ultimate sanction enshrined in the 2005 Gambling Act: a revocation of an operator's license in cases where advertising standards have been flagrantly breached by an affiliate.

By implementing these measures, all of which are designed to uphold the regulatory powers enshrined in the 2005 Gambling Act, we believe the Gambling Commission can fulfil its role as intended: as a leader in using regulatory practice to shape social responsibility.

We very much hope for strong leadership from yourself to ensure greater compliance by the gambling industry with the 2005 Gambling Act to ensure above all, greater safeguards for children and vulnerable at-risk gamblers.

Yours sincerely,

ResPublica

Co-signatories:

- Sir Peter Bottomley MP
- Fiona Bruce MP
- Dr Lisa Cameron MP
- Lord Campbell-Savours
- Lord Chadlington
- Rosie Cooper MP
- Ronnie Cowan MP
- Rt Hon Lord Foster of Bath
- Yvonne Fovargue MP
- Rt Hon John Hayes MP
- Rt Hon Norman Lamb MP
- Bob Seely MP
- Alison Thewliss MP
- Derek Thomas MP
- Baroness Thornton
- Martin Vickers MP
- Giles Watling MP
- Daniel Zeichner MP
- Lord Bishop of St Albans