

Lottery products and particular appeal to children

Advice note, July 2019

1 Introduction

- 1.1 Society lottery operators promote lotteries via a range of products, which include the sale of scratchcards (both in non-remote and remote formats). Over the years, society lottery operators have seen the advantages of reaching a wider audience by being able to utilise the growing number of media formats to market and advertise their lottery products. This includes the development of their charity websites, online shops and general use of social media. It also has included providing links or thumbnails of the scratchcard design on their own website and social media platforms to provide further information about the product.
- 1.2 All operators are required to comply with the Licence conditions and codes of practice (LCCP) and the UK Advertising Codes which require them to market responsibly, with particular regard to the protection of children and young people (under 18s) and others who are vulnerable to being harmed or exploited by gambling advertising. We work very closely with the Advertising Standards Authority (ASA) to enforce the rules.
- 1.3 In October 2017, we [published](#) a joint letter with the ASA and the Remote Gambling Association (RGA), to all remote operators which reminded them of the rules in relation to protecting children and young people, and required them to remove any advertising on websites likely to appeal particularly to those under 18 and which are generally available to view ('freely accessible'). Furthermore, in August 2018, the ASA [banned an advert](#) that promoted a scratchcard on an operator's website which contained imagery found to be of particular appeal to under 18s.
- 1.4 Although there are already rules in place for various media formats, this advice note clarifies the Gambling Commission's rules and our expectations when we apply LCCP social responsibility code 5.1.7 (Compliance with advertising codes – lotteries). Operators should consider this advice when developing *products* such as society lottery scratchcards.

2 The rules

- 2.1 LCCP 5.1.7 requires all lottery licensees to ensure that the marketing of products and services is undertaken in a socially responsible manner and that they must comply with the UK Advertising Codes issued by the Committees of Advertising Practice (CAP and for broadcast advertising, BCAP). LCCP 5.1.7(2) states that for media not explicitly covered you should apply the principles included in these codes of practice as if they were explicitly covered.
- 2.2 The CAP Code states:

- 17.12 Marketing communications for lotteries must not exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons or other vulnerable persons.
- 17.13 Marketing communications for lotteries must not be likely to be of particular appeal to children or young persons, especially by reflecting or being associated with youth culture.
- 17.14 Marketing communications for lotteries should not be directed at those aged under 16 years through the selection of media or context in which they appear.

2.3 The minimum age limit for purchasing National Lottery products and participating in society lotteries is 16. The rules in section 17 (Lotteries) of the CAP Code are designed to nevertheless ensure that marketing communications for lotteries are socially responsible with particular regard to the need to protect those aged under 18.

2.4 The UK Advertising Codes explicitly cover a [range of media](#), but do not extend to in-store communications (other than point of sale material that includes a promotion) or to products, for example a physical lottery scratchcard.

2.5 The definition of advertising in the Gambling Act 2005 captures anything which encourages a person to take advantage of gambling facilities or the providing of information about gambling facilities with the intention that that will increase the use of those facilities. We consider that this broad definition applies to the content and design of scratchcards as well as other lottery products.

2.6 Accordingly, the provisions under LCCP 5.1.7(2) require operators to have regard to the principles included in the UK Advertising Codes as if they were explicitly covered, when considering the design of scratchcards. These principles include that marketing communications that are freely viewable and accessible should not be of particular appeal to under 18s. For example, we consider that an operator would breach LCCP if its lottery scratchcards were displayed on a supermarket counter and featured content of particular appeal to under 18s.

3 The CAP code guidance on particular appeal to under 18s

3.1 We expect society lottery operators to take care with the imagery and wording used in the content of scratchcards as well as in any associated marketing material. The ASA/CAP has published [advice](#) and rulings that identify gambling ads that appeal particularly to under 18s. Content is considered to have 'particular appeal to children or young persons' if it is likely to appeal more to under 18s than to over 18s. The use of colourful and exaggerated cartoon-style graphics are likely to be considered to have particular appeal to under-18s, as are cartoon animals. Characters from, or similar to those from, children's TV, films, nursery rhymes and fairy tales are similarly at risk of being particularly appealing to children.

3.2 The names of games such as "Piggy Payout", "Fluffy Favourites", "Pirate Princess" and "Jack and the Beanstalk", depending on the context, could also be seen to have particular appeal because they contain elements familiar to children and young persons which may contribute to their appeal to that group.

3.3 The ASA has published a number of rulings that identify gambling adverts that appeal particularly to under 18s and which were subsequently banned. Operators should also have regard to these when designing lottery *products*.

Keeping gambling fair and safe for all

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