

# **Drivers of Gambling Marketing Restrictions – An International Comparison**

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# Executive Summary

In July 2024, the Gambling Commission released new statistics showing that 2.5% of people in GB experience 'problem gambling'<sup>1</sup>, eight times higher than previous estimates. Research indicates that those living in GB are 'bombarded' with gambling marketing. Marketing increases participation and, therefore, the number of people experiencing problem gambling and normalises gambling for Children and Young People (CYP). In response to similar trends, other European countries have introduced gambling marketing restrictions—Germany and the Netherlands, for example, have imposed stringent restrictions, while Belgium, Spain, and Italy have implemented far-reaching gambling marketing bans. These measures are becoming the norm in Europe - Great Britain remains a notable exception.

## Aim of this study

The study was commissioned by GambleAware and conducted by Ipsos and the University of Bristol. It explores the social and political levers that led to increased regulation of gambling marketing in countries with comparable policy and cultural background, and considers the implications of this for GB. The study looks at **Italy, Spain, Germany, the Netherlands, Belgium, and Australia**. All these countries, apart from Australia, have recently restricted the marketing of gambling products. By contrast, the GB White Paper, to reform gambling in the digital age, acknowledged the harm caused by gambling marketing but opted to continue with a mostly self-regulatory approach. The methodology involved a literature review and stakeholder engagement with leading gambling researchers from each country included.

## Key Findings

### 1. Prevalence of gambling and problem gambling

Each of the observed countries has a large gambling industry. And across the countries, a significant portion of the population engages in gambling activities, from 36% in Italy to 59% in Spain; in GB, according to the latest Gambling Commission Survey, 48% of adults have gambled in the past four weeks. Studies using the Problem Gambling Severity Index (PGSI) indicate problem gambling in all cases; for example, the proportion of people experiencing problem gambling ranges from 2.5% (GB) to 3.8% (the Netherlands).

### 2. Common trajectory

The study found that all the countries, except for Australia, had far more stringent gambling marketing regulations compared to GB. All these countries followed a common trajectory: the liberalisation of gambling markets, followed by an increase in participation and marketing, and, therefore, the number of people harmed by gambling. This trajectory was followed by a consequent decision to reduce this harm by reducing consumption, particularly by those most at risk of harm.

### 3. Political will as key driver

In each of these countries, regulating gambling marketing was a political choice, with new significant primary legislation put in place. In each case, a public health argument was made that increased consumption had led to, or would lead to, increased harm, and gambling was being normalised for children and young people, so there should be limits on how the activity is promoted. There are significant gambling lobbies in each country, and, with sports, advertising and media benefitting significantly from revenue from gambling marketing, there was opposition to restrictions in all cases. Arguments against regulation focused on the economic impact of lost tax revenue and employment, the risk of a black-market expansion and infringements on the commercial freedom of industry.

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<sup>1</sup> As measured by those who scored 8+ on the Problem Gambling Severity Index (PGSI)

## 4. The role of evidence

Evidence of increasing prevalence and harm and the impact on particular groups were used to make the case for marketing legislation. However, such evidence was not the single tipping point for regulatory intervention. GB has, by far, the most evidence of the negative effects of gambling marketing. This suggests a lack of evidence is not the reason for the lack of legislation in GB.

## 5. Learnings from other sectors

The report also compares gambling marketing restrictions with other activities in GB where there has been a debate on the balance between commercial freedoms and regulating to prevent harm: tobacco, alcohol, and foods high in fat, salt, and sugar (HFSS). The comparison showed significant differences in advertising regulations across these industries, reflecting varying levels of harm and societal acceptance. For example, there is a level of consensus that both smoking and obesity pose a risk to public health, and therefore it is legitimate to restrict the marketing of cigarettes and certain foods. Whilst GB surveys suggest that the public support gambling marketing restrictions, the extent to which gambling is viewed as harmful is not clear.

## Implications for Great Britain:

### 1. There needs to be a political and not a technocratic debate

In each country where regulation was introduced, a political argument was made, and in most cases, a consensus was reached that strong action was required. The political debate was about whether extensive marketing of gambling products should be allowed, given the level of harm caused by gambling and the trade-off with the economic benefits and commercial freedoms. In GB, the debate has been between academia and charities advocating for strong regulation vs the industry and previous Conservative government, which is focused on the current system and industry-led codes. Without a broader public understanding of the extent and nature of harm resulting from gambling and the government being willing to change the regulatory system significantly, meaningful regulation is unlikely.

### 2. Gambling marketing regulations and bans are becoming the norm

In many European countries, gambling marketing regulations and bans are increasingly seen as *proportionate* rather than *radical*. The growing acceptance of these measures reflects a shift towards recognising the need for robust controls to address gambling-related harm, suggesting that such regulations are becoming the norm rather than an exception. This challenges some of the existing narratives in GB, framing restrictions as “draconian” and disproportionate measures.

### 3. Legislation is required for significant restrictions

Unlike all comparator countries that implemented gambling marketing restrictions through national legislation, GB is the only country we found that mainly relies on self and co-regulation with significant industry participation. Due to conflict of interests and enforcement challenges, significant reductions in gambling marketing in GB would likely require new primary legislation, as opposed to self-regulation.

### 4. A case for change exists without further evidence of harm

In comparator countries, there was consensus that the purpose of marketing is to increase participation, which therefore increases harm. Decisions were taken based on concerns about the level of harm, especially relating to the increase in exposure to online marketing, including CYP. It is too early to measure the impact of the restrictions introduced in those countries, however, reducing exposure and consequent participation, was considered a logical outcome. A lack of direct causal evidence (which is not currently possible due to methodological challenges) was not raised as a blocker. Despite having the most extensive research on gambling marketing harms, GB has the fewest restrictions. Highlighting that evidence alone is insufficient without a political debate about the need for meaningful regulation, including the role of marketing.

# Contents

<b>1. Introduction</b>	<b>5</b>
<b>2. Methods</b>	<b>7</b>
2.1 Definitions of key concepts	7
2.2 Country and sector inclusion criteria	7
2.3 Document review and engagement approach	8
2.4 Drivers for and against marketing restrictions, and tipping points	8
2.5 Contextual factors	9
2.6 Wider Gambling Evidence Scan	9
2.7 Methodological limitations	9
<b>3. Country analysis</b>	<b>10</b>
3.1 The landscape in GB	10
3.2 How gambling marketing is regulated in GB	10
3.3 The current policy position in GB	11
3.4 The role of evidence in GB	11
3.5 Italy	14
3.6 Spain	16
3.7 Germany	19
3.8 The Netherlands	22
3.9 Belgium	24
3.10 Australia	28
<b>4. Debates around other industries</b>	<b>30</b>
4.1 Rationale	30
4.2 Methods	30
4.3 Smoking	30
4.4 Alcohol	32
4.5 High in Fat, Salt and Sugar foods	33
4.6 Reflections	35
<b>5. Comparative Analysis and implications for GB</b>	<b>36</b>
5.1 Comparative analysis between the countries	36
5.2 Comparisons with, and implications for, GB	38
5.3 Implications	40
<b>6. Conclusion</b>	<b>42</b>
<b>Appendix: Sources reviewed</b>	<b>43</b>

# 1. Introduction

The Gambling Act 2005 sets the current framework for regulating gambling and removed restrictions on advertising<sup>2</sup> in Great Britain (GB) (Department for digital, Culture, Media and Sport, 2020). In April 2023 the Department for Culture, Media and Sport (DCMS) released a White Paper, Gambling Reform in the Digital Age, assessing the regulatory framework given the significant societal changes since 2005, particularly technological advances<sup>3</sup>. The paper set out the evidence and policy proposals for a range of issues, including gambling marketing. While the paper proposed substantial changes in several areas, it did not suggest any significant changes to marketing regulation. The National Lottery is covered under the National Lottery Act 1993, which was not included in the scope of the White Paper.

Several European countries that similarly removed restrictions to gambling markets in the 2000s and 2010s have recently introduced much tighter gambling marketing restrictions, reacting to high exposure to marketing and increasing rates of ‘problem gambling’ (PGSI 8+). This means that GB is a significant outlier by permitting far more marketing of gambling than most other comparable jurisdictions (Rossi et al. 2023a)<sup>4</sup>. Recent research has highlighted the ubiquity of gambling marketing in the GB (Rossi et al., 2023b)<sup>5</sup>, including high exposure to children and young people (Ipsos. 2020)<sup>6</sup>. Parliamentarian groups (e.g., the Gambling Harms All-Party Parliamentary Group (APPG)<sup>7</sup> and the Peers for Gambling Reform)<sup>8</sup>, a Culture Media Sport Committee Report<sup>9</sup>, researchers<sup>10</sup>, and charities (including GambleAware<sup>11</sup>) critiqued the White Paper for failing to address marketing issues (Gambling Related Harm All Party Parliamentary Group. 2023; Peers for Gambling Reform, n.d: GambleAware, 2024).

GambleAware commissioned Ipsos to undertake a scoping study to understand and compare marketing restrictions in comparable countries. Accordingly, the aim of this project was to a) understand the social and political levers that led to increased regulation of gambling marketing in countries with comparable policy and cultural background, and b) to consider the implications of this for GB. In more detail, the research questions addressed in this report are:

- What gambling marketing restrictions are in place in other countries?
- What factors led to the introduction of these restrictions? Was there a single “tipping point” event?
- Which narratives and strategies were employed in these countries to implement the restrictions?
- What role did academic evidence play in the introduction of these restrictions?
- What are the implications of these findings for the context of Great Britain?

To address these research questions, the study focuses on six jurisdictions: Italy, Spain, Germany, the Netherlands, Belgium, and Australia. The primary focus is on Western European countries that recently updated their gambling marketing legislation. Australia was included as it has substantial similarities to

<sup>2</sup> <https://www.gov.uk/government/publications/review-of-the-gambling-act-2005-terms-of-reference-and-call-for-evidence/review-of-the-gambling-act-2005-terms-of-reference-and-call-for-evidence#advertising-sponsorship-and-branding>

<sup>3</sup> <https://www.gov.uk/government/publications/high-stakes-gambling-reform-for-the-digital-age/high-stakes-gambling-reform-for-the-digital-age>

<sup>4</sup> <https://theconversation.com/gambling-act-review-how-eu-countries-are-tightening-restrictions-on-ads-and-why-the-uk-should-too-199354>

<sup>5</sup> <https://www.bristol.ac.uk/media-library/sites/business-school/documents/BRISTOL-UNI-GAMBLING-Report2023-2.pdf>

<sup>6</sup> <https://www.ipsos.com/sites/default/files/ct/publication/documents/2020-03/gambling-marketing-advertising-effect-young-people-final-report.pdf>

<sup>7</sup> <http://www.grh-appg.com/gambling-related-harm-appg-launches-gambling-white-paper-inquiry/>

<sup>8</sup> <https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://committees.parliament.uk/writtenevidence/122501/default/&ved=2ahUKEwin9Z-Hk-OHAxU5nP0HHe1FGFUQFn0ECBQQAQ&usq=AOvVaw0of-JawraWrGa-wGi6xRC8>

<sup>9</sup> <https://committees.parliament.uk/publications/44296/documents/220160/default/>

<sup>10</sup> <https://onlinelibrary.wiley.com/doi/pdf/10.1111/add.16369>

<sup>11</sup> <https://www.gambleaware.org/news/gambleaware-response-gambling-white-paper>

GB, with substantial evidence but few marketing restrictions. More details on the selection of the countries can be found in [section 2.2](#).

Through a series of country case studies, this report provides an overview of the regulations on gambling marketing and what led to regulatory change in those jurisdictions. The case studies were informed by a literature review and stakeholder engagement with leading gambling researchers from each country to gain a nuanced understanding of the political and cultural context in which restrictions were introduced.

The study also looked at the regulation of marketing in three other industries in GB: tobacco, alcohol and foods that are High in Fat, Salt and Sugar (HFSS). These industries have been considered because, as with gambling, there are debates about the extent to which marketing these products should be allowed, balancing the risk of harm against commercial freedoms and economic benefits.

This report starts with a methodology, setting out the selection of countries and approach to stakeholder engagement. Then, one chapter for each country covers their existing marketing regulations, the main reasons for regulations, and a market overview, followed by a chapter on tobacco, alcohol and HFSS.

The report concludes with a comparative analysis of gambling marketing regulation across the countries and considers the implications for policy in GB.

This project was funded by the Regulatory Settlement allocated to [GambleAware](#) by The UK Gambling Commission in accordance with their Statement of Principles for determining financial penalties. GambleAware is the leading independent charity and strategic commissioner of gambling harm education, prevention, early intervention, and treatment across Great Britain. They are dedicated to keeping individuals safe from gambling harms. They work in close collaboration with the NHS, clinicians, local and national government, gambling treatment providers, as well as other mental health services.

The authors of this report alone are responsible for the views expressed in this article, which do not necessarily represent the views, decisions or policies of GambleAware. The report was written in the summer of 2024 and reflects the state of gambling restrictions in the countries examined at time of writing.

## 2. Methods

### 2.1 Definitions of key concepts

Gambling covers a range of diverse activities that can be carried out online and in specific venues, including betting (e.g., on events and sports), gaming (e.g., instant win games, casino games) and lotteries (e.g., charity lotteries, The National Lottery).

Gambling product marketing can take many forms, including traditional marketing, such as sponsorship of sports, out-of-home advertising (e.g., posters, billboard, digital screens), broadcast advertising (e.g., on television, radio), and newer forms of digital marketing, such as online advertising (e.g., social media, search engines) and the use of social media influencers. Targeted advertising is prevalent in the gambling industry because it allows marketers to tailor their strategies to reach specific groups of people who are more likely to engage in gambling.

Within the UK, there are a set of agreed terms in relation to gambling harms that we apply in this work: 'Problem gambling' is based in the Problem Gambling Severity Index (PGSI), which is a widely used measurement tool used in gambling harms research. We use 'problem gambling' to describe people that experience a high level of problems from gambling (PGSI 8+). We use 'gambling harms' when describing the wider adverse impacts that gambling can have on the health and well-being of individuals, families, communities, and society. These harms often impact people's resources, relationships, and health. Finally, "gambling disorder" is used, if it is defined and measured via DSM (Diagnostic and Statistical Manual of Mental Disorders).

### 2.2 Country and sector inclusion criteria

The focus of this study was on comparable countries in Western Europe. We chose Western Europe due to its relatively similar cultural context and historical background, which makes these countries more comparable. While we aimed to be systematic in selecting our case studies, our primary objective was to include countries with histories and structures comparable to that of GB, while also offering specific details and depth. By doing so, we aimed to draw meaningful insights and comparisons that would be relevant to the GB's context.

Accordingly, we established the following inclusion criteria that countries had to meet to be included in this study:

- Liberalised their online gambling markets.
- Introduced significant marketing-related reforms within the past 10 years.
- Substantial gambling markets.

Five of the 17 Western European countries met our criteria: Italy, Belgium, Germany, Spain, and the Netherlands. These countries, which have significant industries, opened their markets between 2006 and 2021 and have since implemented marketing restrictions.

Additionally, we included Australia in our study due to its notable similarities to GB. Australia shares several key characteristics with GB, such as a large gambling industry, a similar timeline of deregulation, and an extensive body of research on gambling behaviour and regulation. Including Australia provides a non-European perspective, enriching our comparative analysis.

Therefore, the final set of countries investigated in this research are Italy, Belgium, Germany, Spain, the Netherlands and Australia. This selection allows us to explore a diverse range of regulatory environments and market conditions, providing a comprehensive understanding of the impacts of different regulatory approaches on the gambling industry.

In addition to the country analysis, three other industries have been considered because, as with gambling, there have been debates about the extent to which marketing should be allowed, given the harm they can cause. The industries selected are tobacco, alcohol and foods that are High in Fat, Salt and Sugar (HFSS), which have been considered in the GB context.

### 2.3 Document review and engagement approach

This project employed a multi-faceted approach to data collection and analysis. Initially, a comprehensive search of academic databases and relevant online repositories was conducted using a combination of keywords related to gambling marketing regulations. The search terms used on Web of Science were 'gambling' or 'betting' or 'wagering' and 'marketing' or 'advertising' or 'sponsorship' or 'adverts' or 'commercials' and 'policy' or 'regulation'. Relevant filters were applied: published in Germany or Great Britain or Italy or Spain or Belgium or Netherlands or Australia (ie lead-researchers being affiliated to institutions in either of these countries) and year published was set from January 2014 to March 2024. This process yielded a substantial amount of literature, which is documented in the appendix of this document. To ensure relevance and rigour, a systematic review process was employed, utilising progressively refined search terms to identify the most pertinent publications. This involved a thorough examination of titles, abstracts, and, where necessary, full texts to determine their suitability for inclusion in the overall review.

After reviewing the relevant literature, academic experts for each country were identified and contacted. These conversations, conducted through a series of semi-structured interviews and email exchanges, provided invaluable context and helped uncover less conventional sources of information, such as policy documents, industry reports, and other relevant literature. This iterative process of conversations and document review ensured that the research captured both the breadth of existing knowledge and the nuances of evolving regulatory landscapes.

### 2.4 Drivers for and against marketing restrictions, and tipping points

This document defines 'drivers' as a force, factor or trend that influences or causes change.

During the document review and stakeholder engagement phases, key drivers instrumental in supporting or challenging regulation were iteratively identified. These drivers were then systematically considered in terms of relative significance and importance across the country case studies and other industries.

The drivers of regulation identified included political will at a national, local or regional level. The case studies explore the political narratives and policy positions taken by parties and individuals at local and national levels, the role of third-sector campaigns in influencing policy and on public opinion and the acceptance of gambling more generally. The case studies also assess the impact of evidence as a driver on the case for restrictions, for example, on the prevalence of gambling harm and the impact of marketing on harm specifically.

The drivers against regulation originate from commercial interest groups, deploying arguments that revolve around economic benefits and commercial and individual freedoms. Advocates argue that a liberalised gambling market, including advertising, can curb illegal gambling and generate economic growth through tax revenue and job creation. Such advocates emphasise the importance of the right of



individuals' freedom to engage in a legalised activity and question the robustness of research linking marketing to increased gambling harm.

'Tipping points' is a concept that is referred to in the document in the context of drivers set out above. This is intended to identify where there was a primary driver that, as the culmination of a range of factors over time, was the key catalyst for change.

## 2.5 Contextual factors

To enable comparison, each case study starts with the level and type of gambling permitted in each market, the level of harm, the amount of research and the structure of the regulatory system.

## 2.6 Wider Gambling Evidence Scan

A key argument against stricter marketing restrictions in GB, set out by the industry and the DCMS in the White Paper, is that there is insufficient evidence to restrict or ban gambling marketing. To consider this argument in the context of the comparable countries, we investigated how many academic, peer-reviewed papers were published about gambling marketing across the six countries using a Web of Science search. The search terms used were 'Gambling or Betting OR Wagering' and 'Marketing or Advertising or Sponsorship or Adverts or Commercials'. Relevant filters were applied from 2014 to 2024; published by lead-authors from Germany, Great Britain, Italy, Spain, Belgium, Netherlands, and Australia. In addition to quantifying the number of papers published in these countries, we also included questions about the quality, importance and impact of studies in the stakeholder engagement with experts from each country. We report the numbers for each country in the introduction of each country and present the final figure in Figure One, [chapter 3.4](#).

## 2.7 Methodological limitations

Of course, the chosen methodology has some limitations that should be considered when interpreting the results. One limitation is the potential bias introduced by engaging with prominent academics who are actively involved in policy debates within their respective countries. These academics, given their interests in the regulatory landscape, may present information in a way that supports their own policy positions, potentially influencing the study's findings and interpretations. Second, the inclusion criteria for selecting the case study countries — focusing on those with liberalised online gambling markets and recent marketing-related reforms — may have excluded other relevant countries that could offer different regulatory insights. Additionally, the focus on large, well-established gambling markets may not capture the experiences of smaller or emerging markets, which could provide a broader understanding of the impacts of gambling marketing regulations. Finally, the systematic document review, though comprehensive, is limited by the availability and accessibility of literature. Important developments or perspectives that are not well-documented or published in less accessible sources (or other languages than German or English) may have been overlooked, potentially leaving gaps in the analysis.

## 3. Country analysis

### 3.1 The landscape in GB

The scope of this research did not include a comprehensive case study of regulation in GB. However, to draw lessons from the comparisons for policymakers in GB, it is necessary to set out the current approach to gambling marketing regulation.

GB has a mature gambling industry, with a Gross Gambling Yield (GGY) of £15.1 billion as of March 2023 compared to £8.3 billion in 2009 (Gambling Commission, 2023a)<sup>12</sup>. The industry is also a major funder of sports, advertising, and racing sectors.

The most recent Gambling Commission survey for Great Britain found 48% of adults participated in gambling activity in the past four weeks, with 2.5% identified as experiencing problem gambling. This new survey shows that those experiencing “problem gambling” in GB may be eight times higher than previously thought, with previous Gambling Commission surveys (using a different methodology) estimating this group to be 0.3% (Gambling Commission, 2023b)<sup>13</sup>.

### 3.2 How gambling marketing is regulated in GB

Under the Gambling Act 2005, all gambling operators must be licensed by the Gambling Commission to legally operate in GB. All licenced operators must adhere to the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), which requires all marketing of gambling products and services to be undertaken in a 'socially responsible manner' (Gambling Commission, n.d.)<sup>14</sup>. They must comply with the advertising codes of practice issued by the Committee of Advertising Practice (CAP) for non-broadcast advertisements and the Broadcast Committee of Advertising Practice (BCAP). The CAP is a self-regulatory body comprising organisations representing advertising (and other) businesses (Advertising Standards Authority, 2018)<sup>15</sup>. The Advertising Standards Agency (ASA), the UK's independent advertising regulator, administers the codes (for example by responding to complaints). The codes aim to ensure advertisements do not encourage behaviour that could lead to harm, exploit children and young people, strongly appeal to them or show anyone playing a significant role in the ad if they are under 25, or link gambling to attractiveness (Woodhouse, 2024)<sup>16</sup>.

In addition, the Gambling Commission requires Licensees to follow any relevant industry code on advertising, including the Industry Group for Responsible Gambling (IGRG) code for Socially Responsible Advertising. These guidelines are created by representatives from gambling companies and coordinated by the Betting and Gaming Council – which is the main lobbying group of the gambling industry in GB. Several voluntary agreements exist, such as the Whistle-to-Whistle ban, a voluntary ban on advertising broadcasting during televised sports before 21.00, which researchers have criticised as vastly ineffective (House of Commons Library, 2024)<sup>17</sup>. The codes set out ‘good practice’ but do not have the status of an operator licence condition. There is some transparency on whether and how breaches

<sup>12</sup> <https://app.powerbi.com/view?r=eyJrIjoibNDNhZTY3NWQitNWRIMC00MTk3LWFmMzktMzBhMjMyMTgyMDZmlwiidCl6ljdKZGRmZjkyLTFkZTYtNDgzNS05OTYzLTg0ZTdjYzQ0Y2VhMiJ9>

<sup>13</sup> <https://www.gamblingcommission.gov.uk/report/gambling-survey-for-great-britain-annual-report-2023-official-statistics>

<sup>14</sup> <https://www.gamblingcommission.gov.uk/licensees-and-businesses/lccp/condition/5-1-6-compliance-with-advertising-codes>

<sup>15</sup> <https://www.asa.org.uk/static/47eb51e7-028d-4509-ab3c0f4822c9a3c4/The-Cap-code.pdf>

<sup>16</sup> <https://researchbriefings.files.parliament.uk/documents/CBP-7428/CBP-7428.pdf>

<sup>17</sup> <https://commonslibrary.parliament.uk/research-briefings/cbp-7428/>

against these codes are enforced. The website does not list any instances where brands have breached guidelines, and whether any action has been taken.

There is a significant third sector in GB working on gambling harms. GambleAware is the leading commissioner of research, prevention and treatment in GB. There are a number of charities raising awareness and campaigning for greater regulation of gambling, for example, Clean Up Gambling, The Big Step, Gambling with Lives and the Gambling Health Alliance. In addition, the academic field of gambling is strong and large compared to many other countries, with specialist gambling units in place at various academic institutions (e.g., Bristol<sup>18</sup>, Bournemouth<sup>19</sup>, Glasgow<sup>20</sup>) and organisations (e.g., National Centre for Social Research, Behavioural Insights Team). Our own investigation showed, that over the past 10 years, GB Universities have published 496 research papers about gambling marketing, which is more than the combined number of similar ones in Belgium, the Netherlands, Italy, and Spain (see Figure One in [3.4](#) for more detail).

### 3.3 The current policy position in GB

The UK government recently reviewed the Gambling Act of 2005 and set out a future vision for gambling regulation, via a White Paper<sup>21</sup>, in response to the significant changes in society since 2005, particularly given technological advances. From the outset the government (the governing party has since changed) stated aim was “*making sure that we have the balance right between consumer freedoms and choice on the one hand, and protection from harm on the other*” (Department for Culture, Media and Sport, 2023)<sup>22</sup>. Ministers cited the need to protect those at risk of addiction but stated that measures to prevent harm should be ‘proportionate’, with adults free to choose to spend money on gambling.

The White Paper set out a range of reforms for gambling, for which it is not in scope for this research to review. On marketing, the paper stated that the gambling advertising and marketing, which has expanded significantly and across channels in recent years, can have a disproportionate effect on those who already experience ‘problem gambling’ and some online advertising strongly appeals to children. The government cited a lack of conclusive evidence for a link between advertising and harm but also referenced a ‘dose-response’ effect, by which greater exposure to gambling increases participation, which carries a greater risk of harm (ibid.)<sup>23</sup>. However, unlike in many other areas, the government did not seek to address marketing regulation significantly; the paper committed to looking at more restrictions via the Gambling Commission and the Advertising Standards Association (ASA), for example, a review of incentives and free bets.

### 3.4 The role of evidence in GB

One of the main arguments against stricter marketing restrictions in GB has been framed around a supposed gap in evidence connecting gambling marketing to gambling harms. The Betting and Gaming Council (2023), for example, recently argued that there is no evidence to suggest that advertising causes harm.<sup>24</sup> This claim has also been used by the government that has previously stated that ‘*there’s little evidence that exposure to advertising alone causes people to enter into gambling harm*’ (Culture, Media

<sup>18</sup> <https://www.bristol.ac.uk/science/research/gambling-harms/>

<sup>19</sup> <https://www.bournemouth.ac.uk/research/projects/responsible-gambling-projects>

<sup>20</sup> <https://www.grg.scot>

<sup>21</sup> <https://www.gov.uk/government/publications/high-stakes-gambling-reform-for-the-digital-age/high-stakes-gambling-reform-for-the-digital-age>

<sup>22</sup> [https://assets.publishing.service.gov.uk/media/644923b5814c6600128d0723/1286-HH-E02769112-Gambling\\_White\\_Paper\\_Book\\_Accessible1.pdf](https://assets.publishing.service.gov.uk/media/644923b5814c6600128d0723/1286-HH-E02769112-Gambling_White_Paper_Book_Accessible1.pdf)

<sup>23</sup> ibid

<sup>24</sup> <https://committees.parliament.uk/publications/42521/documents/211432/default/>

and Sport Committee, 2023)<sup>25</sup>. Accordingly, we were interested whether the evidence base in other countries – that indeed have much stricter gambling restrictions – is stronger.

Our investigation found that GB has, by far, produced the most research on gambling harms and marketing (see section 2.6 for more details on the methodology). Figure one shows the gambling marketing papers published between 2014-2024, split into the investigated countries. In GB we found 496 published research papers about gambling marketing, more than the combined number of similar ones in Belgium, the Netherlands, Italy, and Spain. Beyond the sheer number of research papers published, our international stakeholders from the affected other countries suggested that the quality of research tends to be strong (in some cases stronger) in GB. Beyond having the seemingly strongest evidence base regarding the negative effects of gambling marketing, GB has the fewest marketing restrictions of our comparator countries. Although we did not assess the quality of each publication, our international experts consistently indicated that they regard the quality of UK publications as very high.

Figure one: published research into gambling marketing between 2014-24 split into the comparator countries including their level of restrictions.



This table summarises the types of gambling advertising that are permitted in each country. As is demonstrated in the table, Australia and GB are notably different from the other countries considered in this study. Where a type of advertising is not fully banned but there are some regulations or specific restrictions this is noted as ‘yes, with limitations’ and further detail is provided in each of the country-specific sections below.

<sup>25</sup> <https://committees.parliament.uk/event/18945>

**Table one: Types of gambling advertising permitted in each country (excluding lottery)**

	Germany	Belgium	Italy	Spain	The Netherlands	Australia	GB
<b>Sponsoring (sports)</b>	Yes	Yes	No	No	No	Yes	Yes
<b>Commercials during sport broadcasts</b>	No	No	No	No	No	Yes	Yes
<b>Public posters</b>	Yes	No	No	No	No	Yes	Yes
<b>Online advertising</b>	Yes, with limitations	No	No	Yes, with limitations	Yes	Yes	Yes
<b>TV &amp; Radio advertising</b>	Yes, with limitations	No	No	No*	No	Yes	Yes, with limitations
<b>Social media influencers</b>	Yes, with limitations	No	No	No	No	Yes	Yes
<b>Targeted Ads</b>	Yes	No	No	Yes, with limitations	Yes	Yes	Yes

\*Only allowed for four hours between 1am – 5am

### 3.5 Italy

**Table two: types of gambling advertising permitted in Italy**

Sponsoring (sports)	No
Commercials during sport broadcasts	No
Public posters	No
Online advertising	No
TV & Radio advertising	No
Social media influencers	No
Targeted Ads	No

#### 3.5.1 Country context

The Italian Communications Authority, *Autorità per le Garanzie nelle Comunicazioni* (AGCOM) is responsible for monitoring compliance and enforcing the legislation that banned gambling advertising (the 2019 Dignity Decree). Gambling is regulated through a licencing system managed by a national regulator: the Italian Customs and Monopoly Agency - *Agenzia Delle Dogane E Dei Monopoli*, (ADM).

In our scan of gambling evidence we found 149 research papers on gambling marketing published between 2014 and 2024 (30% of the number of GB research studies regarding gambling marketing in the same period).

#### 3.5.2 Summary of gambling in Italy

The gambling market in Italy has grown exponentially since the 1990s and has since become one of the largest gambling markets in the world. The consumption of gambling products increased from this point, notably in the use of EGMs, and throughout the 2008-10 recession (Pedroni, 2014)<sup>26</sup>.

Municipalities started to restrict gambling locally, particularly access to EGMs, in 2004. Activist organisations lobbied for this in response to the negative social impacts of gambling that had become apparent. A tension emerged between local administrations and the national government regarding gambling policies, with the former being more willing to restrict activity on the basis of protecting public health. In the 2010s, there was a rise in an anti-gambling ‘no slot’ movement that was formed by a coalition between local governments, lay civil society, and Catholic organisations. In 2012, the Balduzzi decree introduced some national restrictions, such as prohibition during television shows aimed at minors and a provision concerning the advertiser’s duties to provide certain information to consumers. However, this legislation was deemed to be largely ineffective. After that, governments of all political orientations continued to liberalise, through stability and financial laws, without an overarching legal framework. However, in 2019, the Dignity Decree (Decreto Dignità) banned gambling marketing across all media platforms.

There is an ongoing ‘reorganisation of gambling’ in Italy, with the ADM entering final legislative procedures to launch a new regulatory framework for online gambling companies. At the same time, the government has approved a new type of “public gambling advertising for the purpose of dissemination of safe and responsible gambling”.

The Dignity Decree was enacted in July 2018 and became effective in July 2019. The legislation banned gambling advertising across all forms of media platforms including: TV, radio, press and online as well as

<sup>26</sup> <https://www.rivisteweb.it/doi/10.1423/76932>

sponsorship by gambling companies. The Italian Communications Authority (AGCOM) is responsible for monitoring compliance with the guidelines and enforcing the legislation.

Whilst the main exception to the advertising ban is for the state-run national lottery and its associated products, some Corporate Social Responsibility (CSR) campaigns related to sports betting and match-side posters advertising gambling websites showing sports results are allowed. Additionally, there has been some circumvention of the restrictions, for example through pitch-side posters during football matches with announcements of betting websites providing updates on results.

### 3.5.3 Drivers of gambling marketing regulation

The primary objective of the legislation was to reduce gambling addiction and its associated social and health problems. Over a period of fifteen years third sector campaigns (by anti-gambling and Catholic associations and movements) influenced local government to take action to reduce gambling harms and led to the national Decree. The action that was taken to reduce the supply of gambling opportunities within local administrations tended to frame gambling as a moral issue impacting families. This was influenced by civil society and grass roots organisations (Bassoli et al., 2021)<sup>27</sup>.

When the national legislation (the Decree), which bans the vast majority of gambling marketing, was introduced by the Five Star Movement (a cross-party, populist orientated coalition), there was a broad consensus across the political parties in favour. According to the then Minister of Labour and Economic Development, the Dignity Decree was the first decree not written by economists and lobbies.

Although the Five Star Movement supported anti-gambling movements when in opposition, anecdotal evidence has suggested that the decision to address gambling marketing was largely a tactic to secure votes rather than an ideological position. Politicians were aware that civil society had a negative perception of gambling and were concerned about gambling harms. This suggests a 'bottom-up' process to gambling marketing change in Italy, driven by the moral and public health arguments made by lay anti-gambling and Catholic associations and coalitions against gambling active since 2010 onwards.

A study was conducted in 2018-19 on the prevalence of gambling participation (36%) and 'problem gambling' (3% using a PGSI score of PGSI 8+) in Italy and a number of other studies have been conducted regarding gambling harms in Italy. Whilst this evidence played a role in shaping the national arguments in favour of reform, it was not the dominant force driving change.

### 3.5.4 Drivers against gambling marketing regulation

The gambling industry, football clubs, and media companies in Italy argued against this case to restrict gambling marketing, making economic arguments that the legislation would result in job losses. Arguments have been made by Secretary-General of the European Gaming & Betting Association (EGBA) against the ban on advertising based on a claim that it favours the black market. The lobbying groups have argued that it is necessary for Italian citizens to be informed about licenced operators to reduce the risk of engagement with the black market.

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<sup>27</sup> <https://www.cambridge.org/core/journals/journal-of-public-policy/article/antigambling-policies-framing-morality-policy-in-italy/D7B31D153E7DC00D640DBC2CA613D0AB>

## 3.6 Spain

**Table three: Types of gambling advertising permitted Spain**

Sponsoring (sports)	No
Commercials during sport broadcasts	No
Public posters	No
Online advertising	Yes, with limitations
TV & Radio advertising	No
Social media influencers	No
Targeted Ads	Yes, with limitations

### 3.6.1 Country context

The gross gambling revenue (GGR) of the gambling industry in Spain in 2023 was €1.24 billion (Goldsmith, 2024)<sup>28</sup>. Types of gambling which are more prominent are casinos and betting, which have as a percentage of Gross Gambling Revenue (GGR) 51% and 40% respectively (ibid.) Less prominent are poker, bingo and contests (ibid)<sup>29</sup>. As a share of the national gambling market, online gambling only makes up about 17% of the total gambling market by revenue (European Gaming and Betting Association, 2022)<sup>30</sup>. 59% of people gamble in Spain (Dirección General de Ordenación del Juego, 2023)<sup>31</sup> and only 6.7% of the population participates in online gambling (Delegación del Gobierno Para El Plan Nacional Sobre Drogas, 2020)<sup>32</sup>.

Most online betting is regulated by The Directorate General for the Regulation of Gambling, which is part of the Ministry of Consumer Affairs. Land-based gambling is regulated by the relevant authority within the Autonomous Region, of which there are 17 in Spain.

In our scan of gambling evidence we found 253 research papers on gambling marketing published between 2014-24 (51% of the number of GB research studies regarding gambling marketing in the same period).

### 3.6.2 Summary of Gambling in Spain

Land-based gambling (e.g. in bingo halls, slot machines and casinos) was legalised in Spain in 1977. At that time, advertising was regulated. Online gambling was legalised in the May 2011 Gaming Act, although online gambling businesses had been operating – and advertising – illegally for some time before this. The Gaming Act stipulated that advertising of online gambling should be regulated by the government, but regulation to this effect wasn't introduced until 2020. In the meantime, in 2012, industry bodies established a self-regulation code.

The regulatory landscape shifted dramatically in 2020 when a coalition government formed by the Spanish Socialists Works' Party (PSOE) and Unidas Podemos (a coalition of two left-wing parties: "Izquierda Unida" and "Podemos") introduced the Royal Decree 2020 (Decree on Commercial Communications of Gambling Activities). When the decree came into force in August 2021 it introduced stringent regulations on gambling advertising. However, the gambling sector, the press and the

<sup>28</sup> <https://igamingbusiness.com/finance/spain-2023-in-numbers/#:-:text=The%20headline%20number%20from%20Spain's,over%20a%20quarter%20at%2028.4%25>.

<sup>29</sup> <https://igamingbusiness.com/finance/spain-2023-in-numbers/#:-:text=The%20headline%20number%20from%20Spain's,over%20a%20quarter%20at%2028.4%25>.

<sup>30</sup> European Gaming and Betting Association, European online Gambling Key Figures 2022 Edition (2022) <https://www.egba.eu/uploads/2022/12/221222-European-Online-Gambling-Key-Figures-2022.pdf>

<sup>31</sup> <https://www.ordenacionjuego.es/es/not-est-prevalencia-2022-23>

<sup>32</sup> [https://pnsd.sanidad.gob.es/en/profesionales/sistemasInformacion/sistemaInformacion/pdf/2020\\_Summary\\_Report\\_Behavioural\\_Addictions\\_Report.pdf](https://pnsd.sanidad.gob.es/en/profesionales/sistemasInformacion/sistemaInformacion/pdf/2020_Summary_Report_Behavioural_Addictions_Report.pdf)



professional football league (i.e., La Liga) immediately appealed the decree. In April 2024, the Supreme Court partially upheld the appeal, recommending annulments of several of the restrictions especially around the use of targeted marketing techniques (Goldsmith, 2024)<sup>33</sup>.

The Royal Decree 2023 on safer gaming environments came into effect on September 15, 2023, establishing specific marketing restrictions for different categories of players.

Key restrictions in the Royal Decree 2020 included:

- Banning sponsorships on sports shirts or sports equipment.
- Limiting commercial communications on audiovisual media to between 1am and 5am.
- Restricting gambling advertising on the internet except on sites dedicated to gambling or sports information.
- Imposing specific requirements for advertising on social media and affiliate platforms.
- Prohibiting the use of well-known public figures in advertisements.
- Banning welcome bonuses and promotions aimed at new customers.
- Setting conditions for promotional offers to existing customers, available only after 30 days of registration and with documentation verification.
- Restricting promotional communications to existing customers or separate sections on gambling websites or applications from which the operator offers gambling activities, or in commercialised lottery game establishments; and
- Free-to-play demo games must be linked to the operator's platform and are only available to registered and verified users.

Recent legislation has mainly targeted online gambling, leaving traditional gambling issues largely unaddressed. Online gambling is regulated by the national government, whereas traditional gambling and online gambling from machines in gambling halls are controlled by autonomous regions. Autonomous regions have historically been reluctant to introduce gambling regulation of any kind. For example, no autonomous community (not even those governed by the PSOE) has eliminated slot machines from bars in the new gambling laws of their respective autonomous communities.

The main measures that have been removed following the decision of the Supreme Court are the use of well-known public figures in advertisements, restrictions preventing bonuses and advertising on the internet and social networks.

The Royal Decree 2023 on safer gaming environments introduced several measures primarily focused on limiting the amount individuals can bet in one sitting or session and identifying people who experience 'problem gambling'. Among the key restrictions was a significant measure targeting commercial communications: individuals categorised as participants with risky gambling behaviour are no longer allowed to be sent marketing communications via email or any other means, including those related to promotional activities.

### 3.6.3 Drivers of Gambling Marketing Regulation

<sup>33</sup> <https://iqamingbusiness.com/legal-compliance/regulation/digital-labels-spain-ad-restrictions-annulments-very-positive-urges-caution/>

Our research suggests that the move to more stringent gambling regulations in Spain was largely politically motivated. Historically, gambling in social settings as a whole is an accepted part of Spanish culture and there has not been much appetite for strict regulation of gambling advertising. This has been reflected by bigger parties such as the PSOE and more right-wing parties. However, change came when Izquierda Unida joined the coalition that won in 2019.

Two politicians from leftist parties in particular were instrumental to the 2020 Royal Decree: the Minister of Consumer Affairs Alberto Garzón (Izquierda Unida) and Pablo Iglesias (Podemos). Before the November 2019 general election he demanded increased gambling regulation as a condition for any coalition. Iglesias had previously stated that new advertising regulations were needed in order to ‘treat betting like tobacco.’<sup>34</sup>

Several factors contributed to Izquierda Unida's support for stricter gambling advertising regulations. Izquierda Unida has a history of being concerned about gambling regulation – especially around the effects this on youth, dating back to the early 2000s when they opposed large casino projects supported by other parties. Around 2020, there was some public concern about the social cost of gambling, caused in part by a significant increase in the number of gambling venues, particularly in economically disadvantaged neighbourhoods. This was compounded by a dramatic increase in the amount of advertising people noticed, some of which were reportedly perceived as aggressive.

There is limited evidence in Spain supporting a direct causal link between gambling advertising and gambling harms, and it seems that academic research on gambling harms did not play a significant role in the introduction of stricter gambling advertising measures.

#### 3.6.4 Drivers Against Gambling Marketing Regulation

The gambling industry, represented by associations like the Spanish online gambling industry federation JDigital, holds substantial economic power. The gambling industry has used various strategies to oppose stricter regulations, including lobbying and public relations campaigns. The gambling industry reportedly has a close relationship with the more conservative Spanish political parties that now govern in many of the autonomous regions. Gambling, particularly land-based gambling activities, has been promoted as a leisure activity. Gambling companies have a strong presence in the restaurant business sector: in Spain there are 178,000 gambling machines, about 78% of which are in bars and restaurants throughout the country.

More recently, appeals against the 2020 Royal Decree by the gambling sector (JDigital), the press (AMI, Information Media Association) and the Professional Football League resulted in some measures being rolled back. The most important argument made against the 2020 Royal Decree was that the decree limited JDigital's constitutional right to freedom of enterprise, and a royal decree cannot restrict a constitutional right. This issue reached the Supreme Court and the Constitutional Court, and the government made some modifications to the law, which the Constitutional Court then accepted.

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<sup>34</sup> <https://sbcnews.co.uk/sportsbook/2018/10/15/spains-2019-budget-seeks-to-implement-tough-betting-advertising-code/>

### 3.7 Germany

**Table four: Types of gambling advertising permitted in Germany**

Sponsoring (sports)	Yes
Commercials during sport broadcasts	No
Public posters	Yes
Online advertising	Yes, with limitations
TV & Radio advertising	Yes, with limitations
Social media influencers	Yes, with limitations
Targeted Ads	Yes

#### 3.7.1 Country context

The gambling industry in Germany had a GGY of €13.4 billion in 2022. It is estimated that 30% of people participated in gambling over the past 12 months in 2021<sup>35</sup>. Of the people who gamble, 2.3% of the German population aged 18–70 years have been identified as having a ‘gambling disorder’ according to DSM-5 (mild disorder: 1.1%, moderate disorder: 0.7%, and severe disorder: 0.5%) (Meyer et al., 2024)<sup>36</sup>. Overall, 4.6 million people in Germany are said to have or are at risk of developing a gambling disorder (Schutze et al., 2023)<sup>37</sup>.

In 2021/2022, €396 million was spent by gambling companies on marketing, with the most money being spent on sports betting (Schutze et al., 2023)<sup>38</sup>. The organisation that regulates gambling advertising is the New Federal Gambling Commission (GGL), which was founded to oversee online gambling licensing, and to regulate and police gambling marketing.

In our scan of gambling evidence we found 195 research papers on gambling marketing published between 2014–24 (39% of the number of GB research studies regarding gambling marketing in the same period).

#### 3.7.2 Summary of gambling in Germany

Whilst several forms of gambling and lottery were legal in Western Germany in the 1950s, they were banned in the former German Democratic Republic until reunification in 1990 (Ludwig et al., 2012)<sup>39</sup>. In the late 1990s, online betting brands started to flourish, leading to a ban on commercial online gambling sites in 2008 (Schutze et al., 2023)<sup>40</sup>. However, the ban was not uniformly effective due to different laws in different states. In 2012, one out of 16 federal states opened the market for online sports betting and online casinos (English, 2013)<sup>41</sup>, prompting pressure on the other states to follow suit. In the years leading up to 2021, the black market in Germany proliferated as the industry filed several lawsuits to challenge the existing framework.

Due to inconsistent legislation, frequent court cases by the industry and concerns about the black market, Germany legalised sports betting in 2020 (Bündnis gegen Sportwettenwerbung, 2023)<sup>42</sup> and

<sup>35</sup> <https://www.dhs.de/infomaterial/gluecksspielatlas-deutschland-2023-zahlen-daten-fakten>

<sup>36</sup> Meyer, G., Kalke, J., Buth, S., 2024. Problem gambling in Germany: results of a mixed-mode population survey in 2021. *International Gambling Studies* 24, 1–18. <https://doi.org/10.1080/14459795.2023.2182337>

<sup>37</sup> <https://www.dhs.de/infomaterial/gluecksspielatlas-deutschland-2023-zahlen-daten-fakten>

<sup>38</sup> <https://www.dhs.de/infomaterial/gluecksspielatlas-deutschland-2023-zahlen-daten-fakten>

<sup>39</sup> Ludwig, M. et al. (2012) ‘Gambling experiences, problems, research and policy: Gambling in germany’, *Addiction*, 108(9), pp. 1554–1561. doi:10.1111/j.1360-0443.2012.04025.x.

<sup>40</sup> [https://gluecksspielatlas2023.isd-hamburg.de/dl/Gluecksspielatlas\\_2023.pdf](https://gluecksspielatlas2023.isd-hamburg.de/dl/Gluecksspielatlas_2023.pdf)

<sup>41</sup> English, J., 2013. Taxation of Online Gambling in Germany. *Gaming Law Review and Economics* 17, 20–32. <https://doi.org/10.1089/glr.2012.1714>

<sup>42</sup> <https://buendnis-gegen-sportwettenwerbung.de/geschichte-der-online-sportwettenwerbung-in-deutschland>

then introduced a new national gambling act in 2021. This act has been the subject of intense debate, including several challenges in court. In 2021, the new treaty on gambling was finally ratified, opening the market to private betting firms but also introducing some marketing restrictions.

The Gambling Act 2021 introduced several marketing restrictions. In general, gambling marketing for licenced operators is legal. Advertising to minors or at-risk groups, such as individuals likely to suffer from certain mental health conditions or those with a history of gambling addiction, is prohibited. Notably, Germany has adopted a watershed approach to advertising by licensed online casinos, poker, and virtual slot operators. These adverts are prohibited on radio, TV, and the internet between 6am and 9pm (Schutze et al., 2023)<sup>43</sup>. However, this watershed does not apply to sports betting. This has drawn intense criticism from several stakeholders, as sports betting is amongst the most rapidly growing gambling activities, with particular concerns about gambling harms amongst young people.

### 3.7.3 Drivers of gambling marketing restrictions

The tipping point for the new federal legislation was the inconsistency in laws across different states and the impact of this. One state (Schleswig-Holstein) had already opened the market for online gambling and sports betting, creating an uneven regulatory landscape. This patchwork of regulations put pressure on the federal government to act, as it became increasingly clear that a unified approach was necessary to manage the growing industry effectively. The proliferation of illegal gambling activities led to substantial losses in potential tax revenues. By legalising online and sports betting, it was hoped that consumer protections would be enhanced, as licensed brands would need to adhere to strict regulatory conditions. Indeed, the legislation focused strongly on how increasing the availability of gambling products could increase the risks of addiction and harm in the population (Ukhova et al., 2024)<sup>44</sup>.

The concept of "channelisation" was central to this strategy, where marketing was seen as essential in guiding consumers from illegal to legal gambling platforms. Legal operators would be required to comply with strict conditions, leading to better consumer protections and harm-reduction possibilities. It seems that the measures introduced in Germany were less restrictive than in some other countries in this study to balance the channelisation argument with the need for policies that reduce public-level harm; in this case by allowing gambling marketing, but having some restrictions, such as a watershed ban. Whilst gambling marketing research did not play a major role in this decision, it was rather based on the common understanding that children and vulnerable people must be protected from excessive exposure to gambling marketing. Notably, sports betting marketing has been excluded from most restrictions, which seems somewhat inconsistent and came as a surprise for many stakeholders.

There were also initiatives, such as the Coalition against sports betting advertising (Bündnis gegen Sportwetten-Werbung) advocating for stricter marketing restrictions. However, these initiatives were relatively new and lacked resources, limiting their immediate impact on the legislative process – which may have contributed to the lack of marketing restrictions against sports betting. Nonetheless, their existence underscored the growing public and organisational concern over the effects of gambling advertising.

<sup>43</sup> [https://gluecksspielatlas2023.isd-hamburg.de/dl/Gluecksspielatlas\\_2023.pdf](https://gluecksspielatlas2023.isd-hamburg.de/dl/Gluecksspielatlas_2023.pdf)

<sup>44</sup> Ukhova, D., Marionneau, V., Nikkinen, J., Wardle, H., 2024. Public health approaches to gambling: a global review of legislative trends. *The Lancet Public Health* 9, e57–e67. [https://doi.org/10.1016/S2468-2667\(23\)00221-9](https://doi.org/10.1016/S2468-2667(23)00221-9)

### 3.7.4 Drivers against gambling marketing restrictions

The gambling lobby in Germany is powerful and maintains strong connections with major political parties (Schutze et al., 2023)<sup>45</sup>. The industry's narrative emphasises that legalisation can offer substantial consumer protections, such as exclusion schemes, which are facilitated by licensing. Consequently, the gambling lobbies have consistently pushed for market liberalisation with minimal marketing restrictions.

A significant aspect of the debate in Germany has focused on the necessity of moving consumers away from black market gambling to legal sites. The industry argued that marketing is essential for this transition, as it informs consumers about the legal options available and helps steer them away from illegal operators – therefore enhancing player protections. They have promoted the idea that overly strict marketing restrictions would hinder this channelisation, resulting in continued participation in the illegal market and exacerbating its growth.

The argument for market liberalisation is also supported by a strong perception of personal freedom, which resonates with certain segments of the population and political landscape. Notably, the German Gambling Commission is reported to support the notion of personal freedom in the context of gambling, believing that individuals should have the right to choose whether to engage in gambling activities, provided there are adequate protections in place.

Research on gambling in Germany is limited, with only a few universities engaged in this field, primarily from a psychological or legal perspective. The structure of funding for gambling research is fragmented, lacking a central institution, which hampers the quality and scope of research.

The introduction of the Gambling Act 2021 and its subsequent restrictions can be understood within a broader context of regulatory and societal factors. The federal structure of Germany has led to diverse regulatory approaches across states, complicating the enforcement of a unified national policy. The balancing act between consumer protection, market liberalisation, and the economic interests of the state and industry stakeholders remains a complex and ongoing challenge.

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<sup>45</sup> [https://gluecksspielatlas2023.isd-hamburg.de/dl/Gluecksspielatlas\\_2023.pdf](https://gluecksspielatlas2023.isd-hamburg.de/dl/Gluecksspielatlas_2023.pdf)

### 3.8 The Netherlands

**Table five: Types of gambling advertising permitted in The Netherlands**

Sponsoring (sports)	No
Commercials during sport broadcasts	No
Public posters	No
Online advertising	Yes
TV & Radio advertising	No
Social media influencers	No
Targeted Ads	Yes

#### 3.8.1 Country context

In 2023 the gross gambling revenue in the Netherlands was €1.39 billion, a 28% increase from €1.08 billion in 2022 (Macintyre, 2024)<sup>46</sup>. A 2024 study using PGSI found that one in 20 meet the criteria for moderate-risk or a high-risk gambling (3% and 2% respectively). (Ipsos I&O, 2024)<sup>47</sup>.

The Kansspelautoriteit (KSA) is an independent administrative body and the supervisor and regulator of gambling services in the European part of the Kingdom of the Netherlands. KSA regulates all gambling activities to ensure a safe and fair gambling environment and produce publicly accessible gambling monitoring reports quarterly every year which provide updates on gambling activity in the Netherlands. The Minister for Legal Protection bears the political responsibility for gambling policy in the Netherlands.

The number of research papers on gambling marketing published between 2014-24 that we found in our literature search was 52 (Just over 10% of the number of GB research studies regarding gambling marketing in same period).

#### 3.8.2 Summary of gambling in The Netherlands

Lotteries have been legal in the Netherlands from the 18th century, with horse racing betting legalised in 1930s and sports betting legalised in 1958. In 2012, the Dutch Gaming Authority (Kansspelautoritet) was established to oversee games of chance and monitor consumption of gambling on illegal platforms. When the law was passed in 2012, Dutch citizens over 18 years of age were allowed to gamble, but all of the land-based gambling establishments were controlled by the Dutch government and operated under Holland Casino. Licenses to offer gaming services were not granted to foreign or local operators.

The Netherlands opened markets up to regulated online gambling in October 2021. Gambling marketing and advertising activity expanded significantly in a short period of time, following the online gambling market opening up.

Approximately 6 months after market liberation in October 2021, the Netherlands announced mass restrictions on untargeted marketing on television, radio, internet search engines and public spaces. Gambling sponsorship of events and clubs will also be banned in a phased rollout from July 2024.

In February 2024, there was a motion in parliament to completely ban gambling advertising in the Netherlands, although this did not receive enough votes to be taken forward. However, in April, the

<sup>46</sup> <https://altenar.com/blog/navigating-the-legal-landscape-for-gambling-in-the-netherlands-2024/#:~:text=Licensed%20operators%20recorded%20an%20encouraging,the%20KSAs%206th%20monitoring%20report>.

<sup>47</sup> <https://repository.wodc.nl/bitstream/handle/20.500.12832/3366/3476-deelname-aan-kansspelen-in-nederland-meting-2024-summary.pdf?sequence=4&isAllowed=y>

Netherlands passed by a small majority a ban on all online advertising for games considered 'high-risk' including slots.

### 3.8.3 Drivers of gambling marketing regulation

The legislative changes were driven by the Minister for Legal Protection Franc Weerwind who promised to 'make every effort' to bring stricter gambling advertising laws. In particular, the KSA referenced increasing participation of young people aged 18-24 in online gambling and increased exposure to children in gambling advertising and sponsorships as a reason to restrict advertising. These arguments were important for justifying legislative changes and ongoing efforts to implement further restrictions on targeted advertising.

### 3.8.4 Drivers against gambling marketing regulation

There is anecdotal evidence that the gambling industry was active in opposing legislative changes. Industry advocates referenced the risks of movement from regulated operators to illegal online gambling markets, which was a key reason behind the initial decision to open the market.

### 3.9 Belgium

**Table six: Types of gambling advertising permitted in Belgium**

Sponsoring (sports)	Yes
Commercials during sport broadcasts	No
Public posters	No
Online advertising	No
TV & Radio advertising	No
Social media influencers	No
Targeted Ads	No

#### 3.9.1 Country context

In 2022, the Gross Gambling Revenue (GGR) of the Belgian gambling sector represented just over €1.45 billion (split 55% for online games and 45% for offline games) (Belgian Gaming commission, 2024)<sup>48</sup>. Historically, land-based gambling has been more prominent in Belgium. During the Covid-19 pandemic, in 2020 and 2021, online gambling took a much more significant share of GGR. In 2022, the share of GGR from online gambling was smaller but still slightly larger than that of land-based gambling (ibid)<sup>49</sup>.

There have been two recent major studies of gambling prevalence in Belgium. In 2018, a study by Sciensano found that 32% of Flemish people aged 15 years and older played a gambling game at least once in the past 12 months (Drieskens and Gilse., 2019)<sup>50</sup>. In 2016, a different study found that 64% of the Belgian population aged 18 or older said that they had played games of chance for money in the past year (Van Rooij et al., 2017)<sup>51</sup>. The same two studies researched the number of people at risk of gambling addiction: in 2018 in the Flemish-speaking areas of Belgium, 0.9% of the population was at risk of gambling addiction, of which 0.3% was at high risk<sup>52</sup>. In 2016, of the Belgian population aged 18 years and older 5.2% of those who gambled were at risk or experiencing 'problem gambling' (4.3% at risk 0.9% 'problem gambling')<sup>53</sup>.

The Gaming Commission regulates all forms of gambling. Local authorities also regulate the building of and granting of permits for casinos and gambling or betting halls.

In our scan of gambling evidence (see 2.6), we found 30 research papers on gambling marketing published between 2014-24 (6% of the number of GB research studies regarding gambling marketing in the same period).

#### 3.9.2 Summary of Gambling

Gambling was legalised in Belgium with the Gaming Act in 1999. Since the legalisation of online gambling in Belgium in 2011 there has been a gradual tightening of the regulation of gambling advertising, culminating in a near-total ban in 2023. In October 2016, the gambling industry in Belgium agreed upon a self-regulating Sector Code. This code introduced several measures aimed at curbing the more aggressive forms of advertising, particularly those that could affect children and other vulnerable

<sup>48</sup> Belgian Gaming Commission (2023) THE GAMING MARKET IN FINANCIAL FIGURES 2022, [https://gamingcommission.paddlecms.net/sites/default/files/202401/KSC\\_2022\\_Financial%20report\\_Final%20version.pdf](https://gamingcommission.paddlecms.net/sites/default/files/202401/KSC_2022_Financial%20report_Final%20version.pdf)

<sup>49</sup> As above

<sup>50</sup> Drieskens, S. et al (2019). Health Interview Survey 2018 by Sciensano

<sup>51</sup> Van Rooij, A. J., Vanden Abeele, M. M. P., & Van Looy, J. (2017). Gambling and Gaming in Belgium: Opportunities and Risks associated with Online Digital Gambling. [https://www.imecint.com/drupal/sites/default/files/inline-files/Egamblingfullreport\\_final\\_0.pdf](https://www.imecint.com/drupal/sites/default/files/inline-files/Egamblingfullreport_final_0.pdf)

<sup>52</sup> Drieskens, S. et al (2019). Health Interview Survey 2018 by Sciensano

<sup>53</sup> Van Rooij, A. J., Vanden Abeele, M. M. P., & Van Looy, J. (2017). Gambling and Gaming in Belgium: Opportunities and Risks associated with Online Digital Gambling. [https://www.imecint.com/drupal/sites/default/files/inline-files/Egamblingfullreport\\_final\\_0.pdf](https://www.imecint.com/drupal/sites/default/files/inline-files/Egamblingfullreport_final_0.pdf)



groups. This trajectory reflects a pattern seen amongst several of the countries in this study: initial industry self-regulation followed by increasingly stringent legal restrictions.

The 2018 Royal Decree further limited gambling advertising across various channels, including digital platforms, television, and radio. For example, it banned broadcasting gambling advertisements 15 minutes before or after children's programming, prohibited public posters promoting gambling, and restricted direct advertising to named individuals in any form. Advertisements offering gaming credits were also banned.

Despite these increasingly strict regulations, the number of people gambling daily online in Belgium increased from 63,000 in 2010 to 141,000 in 2022. Some have attributed this growth to the proliferation of online gambling platforms. In financial terms, Belgium's gambling industry reported significant revenue figures, with €1.45 billion in 2022. This included bets of €18.2 billion online and €6.9 billion from slot machines.

The most recent and stringent legislation on gambling advertising in Belgium was the 2023 Royal Decree. Often referred to as the advertising ban, it effectively prohibited all forms of gambling advertisements on television, radio, cinemas, social media, and public spaces - effectively covering both offline and online advertising - from 1st July 2023.

Under the 2023 Royal Decree, Gambling companies are prohibited from using targeted advertising to socially vulnerable groups, including minors and those experiencing gambling harms. Additionally, they cannot send out any personalised communications. Using well-known individuals or fictitious characters, including influencers, for marketing purposes is also prohibited.

Despite the broad scope of the ban, there are specific exceptions under certain conditions. These include:

- Business-to-business advertising
- Incidental advertising in the context of reporting on sporting competitions and events
- Sports Sponsorship: until January 2025, gambling companies can sponsor sports clubs and teams and sporting events, but this will be phased out by January 2028 (see below).
- Use of trademarks and logos in commercial establishments whose principal activity is the operation of gambling.
- Advertisements in television or radio programmes, or other audiovisual media recorded abroad, are allowed unless specifically aimed at the Belgian market.
- The use of brands or logos in online advertising programs on search engine result pages related to gambling terms is allowed, provided the adverts are considered paid search results.
- Gambling companies can advertise on their own websites and social media pages.
- Land-based gambling operators may advertise within their gaming establishments, but only for the gaming products they offer on-site.

Sports sponsorship is being phased out gradually. In 2023, advertising on the sports gear of underage players was banned. From January 1<sup>st</sup> 2025, advertising and sponsorship messages for professional sports competitions in the Belgian market will be prohibited, including advertisements on playing fields and during Belgian sporting competitions. The sponsorship of sports shirts will still be allowed, but not on the front of shirts, and the size of the logo will be limited. From January 1<sup>st</sup> 2028, gambling companies will be prohibited from sponsoring professional sports associations entirely, including displaying logos on sports gear, but they will still be able to sponsor amateur sports.

New legislation was approved by the Belgian house of representatives earlier in 2024 that will consolidate the 2023 advertising ban. This will incorporate the principle of a total ban on gambling advertising into the Belgian Gaming Act 1999 itself, with only limited exceptions allowed through Royal Decrees in the future (please see our note on Royal Decrees in the next section). Stefaan Van Hecke, the member of parliament responsible for the new law, said in January 2024:

*“There will be a ban in principle... The government can still provide exceptions to the advertising ban. But any form of advertising that is not explicitly permitted is prohibited. There is no longer a grey area.”<sup>54</sup>*

### 3.9.3 Drivers of the Gambling Marketing Regulation

The primary tipping point behind the Royal Decree 2023 was the role of Vincent Van Quickenborne, the Belgian Minister for Justice at the time. The proposed restrictions were announced in May 2022 and included in a draft Royal Decree in the same month.

The minister's campaign to raise support for the advertising ban was rooted in an emotional narrative. He said that the new regulations were aimed at protecting young people and addressing the issue of gambling addiction. Key arguments in the campaign included the assertion that gambling advertising normalises gambling behaviour and encourages gambling addictions (despite the lack of direct, causal evidence supporting this claim at the time of the initial decree). The campaign also argued that gambling companies exploit individuals with gambling addictions. Van Quickenborne said in a press release at the time the ban was announced:

*“Gambling is the new smoking... The gambling industry is making more and more profit in our country at the expense of people with a gambling addiction. Every day, gambling advertisements are fired at us from all sides and encourage these addictions, also among young people, for them, the damage has usually already been done, with enormous financial, mental and social consequences. That's why we are severely restricting gambling advertising”<sup>55</sup>.*

Evidence played a limited role initially. In 2022, there was no evidence from causal and longitudinal research investigating the impacts of gambling advertising from studies in Belgium that could be used to support a causal relationship between gambling advertising and problem gambling that could justify the restrictions. International evidence in this area was also limited. The only relevant data available at the time in Belgium was on the prevalence of gambling and gambling addictions.

Van Quickenborne's narrative was supported by the Flemish centre of expertise on alcohol and other drugs (VAD), a partner organisation of the Belgian government that provides scientific expertise on gambling policy. VAD had previously suggested increased restrictions to gambling advertising to limit gambling harms in Belgium at the time the ban was announced. VAD reported that over 100,000 people actively gambling in Belgium were suffering from gambling disorders, with a third of them experiencing

<sup>54</sup> This is a translation so wording may not be exact.

<sup>55</sup> This is a translation so wording may not be exact.

severe addiction. According to a report by VAD, this group significantly contributes to the gambling industry's turnover, financing up to 40% of it. Subsequent studies by researchers were commissioned to strengthen the evidence base for the regulations after the ban was announced (De Jans et al. 2024)<sup>56,57</sup>.

There is some limited evidence to suggest that public opinion was broadly in favour of increased gambling advertising restrictions: one study conducted before the introduction of the new restrictions asked 212 Belgians whether they supported or opposed a total ban on gambling advertising in Belgium. This was measured on a five-point Likert scale from 'completely oppose' to 'completely support', with a mean result of 3.55 (De Jans et al., 2023)<sup>58</sup>.

The Belgian National Lottery, which was exempt from the advertising ban, lobbied in favour of the new regulations (Ghyselinck, 2022)<sup>59</sup>.

Another important factor is that the legislation that was passed in 2023 was a Royal Decree which is an authoritative order issued by a government or judicial authority, while a law is a rule of conduct that is established by a legislative body. Therefore, government does not have to go through parliament for this. This means that fewer votes in favour of the ban were needed to pass it than if it had been a new law.

### 3.9.4 Drivers against marketing regulation

The 2023 Royal Decree faced significant opposition from various sectors. Politically, Georges-Louis Bouchez, leader of the right-wing party Mouvement Reformateur (MR), was a vocal critic. He argued that the restrictions would push those who gamble towards unregulated black-market platforms and jeopardise the financial stability of sports teams, which often rely on gambling sponsorships. Several MPs have previously voiced concerns about Bouchez's ties to the gambling lobby. Jean-Marie Dedecker of the New Flemish Alliance party (a Flemish nationalist and conservative political party) has also spoken against the advertising ban.

Industry stakeholders, including major sports organisations and gambling companies, also opposed the ban. On 24th March 2024, several major Belgium sports organisations announced that they would be looking to fight the Royal Decree. Several gambling companies also filed appeals against the ban. All of these appeals ultimately failed (Gyssels and Le Bacq, 2023)<sup>60</sup>.

Traditional media outlets, which generate significant revenue from gambling advertisements, reacted with lobbying efforts and critical articles in newspapers. A key argument was that the ambiguous guidelines of the 2023 Royal Decree led to uncertainties about compliance.

The ban has been criticised for being driven more by political agendas than by evidence-based policymaking, exemplified by the exemption of the National Lottery. Critics argued that this undermined the integrity of the regulations.

<sup>56</sup> De Jans, S., Hudders, L., & Constandt, B. (2024). #Sponsored: A Systematic Literature Review and Theoretical Framework of Gambling Sponsorship Research. *Journal of Advertising*, 53(3), 434–453. <https://doi.org/10.1080/00913367.2023.2288829>

<sup>57</sup> De Jans, S., Hudders, L., & Constandt, B. (2024). Are gambling company sports sponsorships a losing game? Investigating consumer responses on gambling, brand and team outcomes. *International Journal of Advertising*, 1–26. <https://doi.org/10.1080/02650487.2024.2350852>

<sup>58</sup> De Jans, S., Cauberghe, V., Hudders, L., & Rys, F. (2023). An experimental study to examine whether and how Flemish and Dutch harm prevention messages on gambling advertising affect consumers' gambling-related beliefs and intentions. *Psychology of Addictive Behaviors*, 37(6), 771–784. <https://doi.org/10.1037/adb0000951>

<sup>59</sup> <https://www.hln.be/sport/ceo-jannie-haek-van-de-nationale-loterij-over-het-reclameverbod-wij-zijn-geen-gokbedrijf--afc5b9cd/>

<sup>60</sup> [https://www.standaard.be/cnt/dmf20230629\\_92379724](https://www.standaard.be/cnt/dmf20230629_92379724)

### 3.10 Australia

**Table seven: Types of gambling advertising permitted in Australia**

	Australia
Sponsoring (sports)	Yes
Commercials during sport broadcasts	Yes
Public posters	Yes
Online advertising	Yes
TV & Radio advertising	Yes
Social media influencers	Yes
Targeted Ads	Yes

#### 3.10.1 Country context

Gambling is a prevalent activity in Australia, with the latest research indicating that total gambling expenditure in the country reached \$24 billion between 2020 and 2022 (Victorian Responsible Gambling Foundation, 2023)<sup>61</sup>. This figure represents the highest per capita spending on legal gambling worldwide. A significant portion of the Australian population engages in gambling, with almost two in five Australians (38%) gambling at least weekly. Concerningly, among those who gamble, almost half (46%) are classified as being at some risk of experiencing gambling-related harm (Australian Gambling Research Centre, 2023)<sup>62</sup>. While there is no single overarching gambling regulator in Australia, with regulation primarily occurring at the state level, the Australian Communications and Media Authority (ACMA) is responsible for overseeing rules related to gambling advertising on television, radio, and online platforms.

In our scan of gambling evidence we found 65 research papers on gambling marketing published between 2014-24 (13% of the number of GB research studies regarding gambling marketing in the same period).

#### 3.10.2 Summary of gambling marketing regulations

In 2018 new rules were introduced restricting gambling advertising during live sport on broadcasting and online. The restrictions apply between 5.00 am and 8.30 pm and ban gambling advertising during play, within breaks in play and 5 minutes on either side of the coverage of the live sporting event. At all other times of the day, gambling advertising is not allowed in coverage of live sport during play and allowed in scheduled and unscheduled breaks (Australian Communications and Media Authority, 2023)<sup>63</sup>.

Australian states and territories have introduced new rules governing the extent to which gambling operators can offer inducements for a person opening an account. However these rules vary by state and territory. For example, in Western Australia, it is unlawful to advertise, offer and/or provide an inducement in return for a person opening a betting account or for referring another person to open an account. In Victoria, gambling operators have only been banned from offering incentives for people to refer others (such as family and friends).

#### 3.10.3 Drivers of the gambling marketing regulation

Most Australians support increased restrictions on gambling advertising. An Australian Institute of Family Studies study in 2022 found that around half of Australian adults support an outright ban on 'all advertising before 10:30pm on television, radio, live-stream and on-demand platforms' (53% support;

<sup>61</sup> <https://responsiblegambling.vic.gov.au/about-us/news-and-media/latest-edition-of-australian-gambling-statistics/>

<sup>62</sup> <https://www.aihw.gov.au/reports/australias-welfare/gambling>

<sup>63</sup> <https://www.acma.gov.au/publications/2023-10/report/gambling-advertising-australia-placement-and-spending#:~:text=The%20restrictions%20apply%20between%205.00,of%20the%20live%20sporting%20event.>

19% oppose) (Australian Institute of Family Studies, 2023)<sup>64</sup>. However, it is unclear to what extent this influences political decision-making.

There is anecdotal evidence that some changes to advertising and marketing rules in 2018 followed public response to spikes in gambling advertising activity from specific gambling operators. However, this is generally difficult to measure.

Civil society groups (e.g., the Alliance for Gambling Reform) are active in advocating for changes to gambling advertising rules. However, it is not clear how influential these campaigns are.

#### 3.10.4 Drivers against gambling marketing regulation

Australia has a complex regulatory environment regarding gambling and gambling marketing. Different regulatory and governance bodies, at varying levels of government, oversee gambling advertising – based on advertising type (e.g. online, social media TV). States regulate direct marketing by gambling operators (e.g. inducements, bonus bets). Therefore, comprehensive reform is unlikely to be possible through a single policy lever. Likewise, complex governance arrangements make it more challenging to implement, monitor and ensure adherence to any new regulation.

There is little evidence of strong political will to implement increased regulation on gambling advertising. The federal government has not signalled any commitment to implementing recommendations in the Inquiry into online gambling and its impacts on those experiencing gambling harm.<sup>65</sup> The Inquiry recommended a total ban on gambling advertising to be rolled out over a four-year period.

Revenue from gambling forms a significant proportion of state budgets. Recently, state governments (particularly in Victoria and New South Wales) have been fiscally constrained, which may further dampen their 'will' to enact changes that may affect state revenues.

Key lobbying groups spend significant resource on political lobbying and donations. In 2019, gambling industry political donations equalled \$2.13 million<sup>66</sup>. Grattan Institute found that 10% of all political donations come from the gambling industry (Baldwin and Griffiths, 2023)<sup>67</sup>. Industry and associated lobbyist are considered influential, however it is difficult to isolate the extent of this influence. In one state (New South Wales), the state government outlawed political donations from clubs that housed poker machines or were otherwise involved in wagering, betting or other gambling (Department of Premier and Cabinet, 2023)<sup>68</sup>.

<sup>64</sup> <https://aifs.gov.au/research/research-snapshots/community-attitudes-towards-sports-and-race-betting-advertising>

<sup>65</sup> [https://parlinfo.aph.gov.au/parlInfo/download/committees/reportrep/RB000159/toc\\_pdf/Youwinsome.youlosemore.pdf](https://parlinfo.aph.gov.au/parlInfo/download/committees/reportrep/RB000159/toc_pdf/Youwinsome.youlosemore.pdf)

<sup>66</sup> <https://www.theguardian.com/australia-news/2023/feb/11/australias-political-parties-received-90m-in-dark-money-from-donors-during-election-year>

<sup>67</sup> <https://grattan.edu.au/news/big-gambling-is-playing-with-our-democracy/>

<sup>68</sup> [Minns Government introduces bill to ban clubs with pokies from donating to NSW political parties | NSW Government](https://www.nsw.gov.au/news/minns-government-introduces-bill-to-ban-clubs-with-pokies-from-donating-to-nsw-political-parties)

## 4. Debates around other industries

### 4.1 Rationale

Three other industries have been considered because, as with gambling, there have been debates about the extent to which marketing should be allowed, given the harm they can cause, versus commercial and personal freedoms. The industries selected cover tobacco, alcohol and foods that are High in Fat, Salt and Sugar (HFSS), which have been considered in the GB context. We aim to identify similarities, differences and implications for any future gambling marketing restriction.

### 4.2 Methods

The information presented in this chapter has been gathered from a range of documents, including published government policies, academic articles, and journalistic commentary online. Unlike the country case studies reviewed in the previous chapter, experts have not been consulted to verify and build on the nuance of the insights provided. Senior officials within relevant government departments and agencies, and a number of academics with relevant expertise, were approached but were not able to engage. This was explained either through confidentiality or capacity issues.

The same contextual factors, drivers for and drivers against marketing regulations, have been considered to allow for a meaningful comparison.

### 4.3 Smoking

#### 4.3.1 Industry context

The market value of the UK tobacco industry in 2002 was estimated to be around £18 billion (Euromonitor International, 2024)<sup>69</sup>. The UK tobacco market was dominated by a few major companies, including British American Tobacco (BAT), Imperial Tobacco (now Imperial Brands), Gallaher Group (acquired by Japan Tobacco International in 2007), and Philip Morris International (PMI).

In 2002, the smoking prevalence in the United Kingdom was approximately 26% among adults.<sup>70</sup> In 2022 it was 12.9% (Office for National Statistics, 2023)<sup>71</sup>.

In 2002, there was substantial evidence available regarding the harm caused by advertising smoking products. Numerous studies and reports highlighted the impact of tobacco advertising on smoking behaviours, particularly among young people (Pierce et al., 1998)<sup>72</sup>.

The UK's regulatory framework for tobacco advertising is primarily governed by the Tobacco Advertising and Promotion Act 2002, along with subsequent regulations and directives aimed at further restricting tobacco promotion.

#### 4.3.2 Summary of smoking advertising regulation

Initial attempts to regulate tobacco advertising in the UK began in the 1960s and 1970s, primarily through voluntary agreements between the government and the tobacco industry. The Broadcasting Act

<sup>69</sup> Euromonitor International - Tobacco in the UK, 2002, <https://www.euromonitor.com/tobacco-in-the-united-kingdom/report>

<sup>70</sup> This data is based on the General Household Survey (GHS), which is conducted by the Office for National Statistics (ONS). The survey provides detailed information on various aspects of household and individual behavior, including smoking habits.

<sup>71</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandlifeexpectancies/bulletins/adultsmokinghabitsingreatbritain/2022#:~:text=Based%20on%20APS%20data%2C%20the,20.2%25%20of%20the%20population>.

<sup>72</sup> Pierce JP, Choi WS, Gilpin EA, Farkas AJ, Berry CC. Tobacco Industry Promotion of Cigarettes and Adolescent Smoking. *JAMA*. 1998;279(7):511–515. doi:10.1001/jama.279.7.511.

1990 prohibited tobacco advertising on television. In the 1990s, growing evidence of the harmful effects of tobacco led to increased pressure for stricter regulations. The European Union produced directives aimed at harmonising tobacco control measures across member states. The Tobacco Advertising and Promotion Act 2002 marked a significant shift towards comprehensive regulation, with the UK government taking a more assertive stance against tobacco advertising. The Act was the culmination of years of advocacy by public health organisations and was based on evidence linking tobacco advertising to increased smoking rates, particularly amongst young people.

The UK implemented a comprehensive ban on tobacco advertising, primarily through the Tobacco Advertising and Promotion Act of 2002. The current restrictions on smoking advertising in the UK were introduced gradually over time. A general advertising ban was introduced in February 2003, followed by a ban on tobacco promotions and a ban on UK-based sporting event sponsorships later in the same year. In 2004, a ban on advertisements in retail outlets was introduced, followed by a ban on sponsorship of global events in 2005. In 2012, a requirement for tobacco products to be hidden from public view in large stores was introduced and extended to all stores in 2015, with new legislation introduced in the same year requiring standardised packaging of tobacco products.

#### 4.3.3 Drivers of smoking marketing regulation

By the late 1990s and early 2000s, there was a growing body of evidence linking smoking to serious health issues, including lung cancer, heart disease, and respiratory problems. Public health campaigns increasingly highlighted these risks, and there was a growing public consensus on the need to reduce smoking rates (Balfour, 2000)<sup>73</sup>. There was increasing concern about the influence of tobacco advertising on young people. Advertising, researchers and campaigners argued, acted as a means of attracting new, younger smokers, leading to a push to limit exposure to tobacco marketing (MacFadyen, Hastings, and MacKintosh, 2011)<sup>74</sup>. The Labour government, under Prime Minister Tony Blair, was committed to improving public health and reducing health inequalities. There was political will to introduce comprehensive measures to tackle smoking (Department of Health, 1998).<sup>75</sup> Public opinion also favoured a ban, with 63% of people polled in 2001 reporting that they supported a ban on tobacco advertising (BBC News, 2001).<sup>76</sup>

The UK was also influenced by wider European Union directives aimed at harmonising tobacco control measures across member states. The EU had been pushing for stricter controls on tobacco advertising and sponsorship (European Parliament and Council, 2001)<sup>77</sup>. The economic burden of smoking-related illnesses on the National Health Service (NHS) was also significant. Reducing smoking prevalence was seen as a way to alleviate some of these costs.

#### 4.3.4 Drivers against smoking marketing regulation

The tobacco industry mounted significant opposition to the Act, arguing that it would have detrimental economic impacts and infringe on commercial free speech. They lobbied against the Act and attempted to delay its implementation.

<sup>73</sup> Nicotine addiction in Britain: A report of the Tobacco Advisory Group of the Royal College of Physicians, published February 2000, <https://shop.rcp.ac.uk/products/nicotine-addiction-in-britain?variant=6633984645>

<sup>74</sup> MacFadyen L, Hastings G, MacKintosh A M. Cross sectional study of young people's awareness of and involvement with tobacco marketing BMJ 2001; 322 :513 doi:10.1136/bmj.322.7285.513

<sup>75</sup> UK government White Paper "Smoking Kills", [https://webarchive.nationalarchives.gov.uk/ukgwa/+www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4006684](https://webarchive.nationalarchives.gov.uk/ukgwa/+www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4006684)

<sup>76</sup> <http://news.bbc.co.uk/1/hi/health/1491367.stm>

<sup>77</sup> EU Tobacco Products Directive, 2001, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32001L0037>

While there was broad public support for reducing smoking rates, some segments of the population and certain political groups resisted the restrictions, viewing them as overreach by the government.

## 4.4 Alcohol

### 4.4.1 Industry context

In 2017, 24% of adults in England and Scotland regularly were drinking over the Chief Medical Officer's low-risk guidelines (Burton et al., 2016)<sup>78</sup>, and 27% of drinkers in Great Britain binge drink on their heaviest drinking days (Office for National Statistics, 2018)<sup>79</sup>.

The UK alcohol market size stood at £50 billion in 2023<sup>80</sup>. The UK alcoholic beverage wholesaling industry is fragmented. The four largest companies hold 32% market share in 2024 (IbisWorld, 2024)<sup>81</sup>.

There is evidence to suggest that alcohol marketing can have harmful effects, particularly on young people and those with alcohol use disorders (Spencer, 2021)<sup>82</sup>. Further research indicates that alcohol marketing can negatively impact those with alcohol use disorders. For instance, studies have shown that exposure to alcohol advertising can trigger cravings and reduce confidence in one's ability to control their drinking among those seeking treatment for alcohol dependence (Guillou-Landreat, 2020)<sup>83</sup>.

Alcohol marketing in the UK is regulated through a mixture of self-regulation (Portman Group) and codes of conduct overseen by the Advertising Standards Authority.

### 4.4.2 Summary of alcohol advertising regulation

The Television Act of 1961 introduced restrictions on alcohol advertising on television, and the Broadcasting Act of 1980 further tightened restrictions on television and radio.

In 1996 the industry-led Portman Group Code of Practice was established against the targeting of under-18s, promoting anti-social behaviour or encouraging excessive drinking. The code has been revised multiple times, with significant updates in 2003, 2008, and 2019 (Portman Group, 2023)<sup>84</sup>. In 2003, Ofcom took over broadcast advertising regulation, introducing the Broadcast Committee of Advertising Practice (BCAP) Code<sup>85</sup>.

The UK government launched the Public Health Responsibility Deal in 2011 to engage businesses in promoting public health. The deal includes specific alcohol marketing pledges to market products responsibly and reduce alcohol-related harm (Department of Health, 2011)<sup>86</sup>.

Advertising of alcohol products in the UK is regulated by the Advertising Standards Authority (ASA) in relation to adherence to the UK Code of Non-Broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code) and the UK BCAP Code, in line with gambling regulation. These rules dictate that alcohol advertisements must not be directed at people under 18 years old, encourage irresponsible or excessive drinking, link alcohol consumption to social success or sexual attractiveness, or show alcohol

<sup>78</sup> Burton, R. et al. (2016). The Public Health Burden of Alcohol and the Effectiveness and Cost-Effectiveness of Alcohol Control Policies: An Evidence Review.

<sup>79</sup> [2] Office for National Statistics (2018). Adult drinking habits in Great Britain: 2017.

<sup>80</sup> [UK Alcoholic Drinks Industry Review 2024 | Mintel Store](#)

<sup>81</sup> [IBISWorld - Alcoholic Beverage Wholesaling in the UK - Market Size, Industry Analysis, Trends and Forecasts \(2024-2029\), July 9, 2024.](#)

<sup>82</sup> <https://ahauk.org/alcohol-advertising-and-its-impact-on-young-people/>

<sup>83</sup> [Impact of alcohol marketing on drinkers with Alcohol use disorders seeking treatment: a mixed-method study protocol.](#)

<sup>84</sup> [Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks](#)

<sup>85</sup> [Broadcast Committee of Advertising Practice \(BCAP\) Code](#)

<sup>86</sup> <https://www.gov.uk/government/collections/responsibility-deal>



being consumed in an irresponsible manner. Therefore, the regulatory framework for alcohol advertising in the United Kingdom is designed to ensure that marketing practices are responsible and do not encourage excessive or irresponsible consumption.

There is also an industry-funded Portman Group code of practice on marketing activities relating to product naming, packaging and promotion.

#### 4.4.4 Drivers of alcohol marketing regulation

It should be noted that alcohol marketing is not significantly restricted and that regulations in place are largely comparable with that of gambling. Comparable arguments have been made for tighter restrictions on marketing of alcohol products, based on the need to prevent harm and improve public health. For example, by Boniface et. al (2021)<sup>87</sup>:

*The UK's current complaints-led self-regulatory approach fails to protect consumers and vulnerable groups from being exposed to influential alcohol marketing. There are few meaningful sanctions to deter brands and companies from violating existing codes, processes are retrospective, reactive and slow, and the codes fail in their stated aim of protecting young people.*

#### 4.4.5 Drivers against alcohol marketing regulation

The Institute for Alcohol Studies (n.d.) have identified a number of ways in which the alcohol industry influences policy discussions and decision-making, most notably:<sup>88</sup>

*Industry actors seek to influence policy by framing arguments around alcohol in a way that places responsibility on a minority of 'problematic' individual consumers, and thus away from alcohol itself, the industry's practices and population-level policy measures.*

## 4.5 High in Fat, Salt and Sugar foods

### 4.5.1 Industry context

The UK food and drink market was valued at £167 billion in 2022, making it the largest manufacturing sector in the UK. Over 290,000 food and drink businesses are in the UK, employing around 4.1 million people. The industry is highly diverse, with businesses ranging in size from small, artisanal producers to large, multinational corporations. The vast majority (97%) of food and drink businesses in the UK are small and medium-sized enterprises (SMEs) (Food and Drink Federation, 2023).<sup>89</sup>

In 2021 to 2022, 25.9% of adults aged 18 years and over in England were estimated to be living with obesity. One-fifth of children are overweight or obese when they begin school, increasing to one-third by the time they leave primary school. The most deprived children are twice as likely to be obese than the least deprived children (Baker, 2023).<sup>90</sup>

Evidence shows that food retail price promotions are widespread and effective at influencing food preferences and purchases (particularly for children). Previous reports recommended that reducing and rebalancing promotions towards healthier food and drink is essential to help reduce children's sugar and calorie intakes and help tackle obesity (Public Health England, 2015).<sup>91</sup>

<sup>87</sup> [UK alcohol marketing regulation is failing: a new approach is needed to prioritise protection for all](#)

<sup>88</sup> <https://www.ias.org.uk/factsheet/industry/>

<sup>89</sup> [Food and Drink Federation Industry Fact sheet, 2023.](#)

<sup>90</sup> [Obesity statistics - House of Commons Library \(parliament.uk\)](#)

<sup>91</sup> <https://www.gov.uk/government/publications/sugar-reduction-from-evidence-into-action>

## 4.5.2 Summary of HFSS advertising regulation

The 2003 Communications Act introduced provisions on advertising of HFSS food in TV shows and films through product placement, particularly those likely to be seen by children. In 2011 the Public Health Responsibility Deal was launched by the UK government to engage businesses in promoting public health, with specific pledges by the industry to promote healthier food options and to reduce the availability of unhealthy foods<sup>92</sup>.

In 2021 more restrictions were introduced through the Food (Promotions and Placement) (England) Regulations specifically targeting the placement of HFSS food in retail environments. In 2023 restrictions were introduced on promotions of HFSS products by volume price. In 2022 the Health and Care Act introducing a watershed ban on television and online advertising received royal assent but will not come into force until October 2025. Ofcom will be the statutory regulator of the 2022 Health and Care Act and it is expected that the ASA will be designated as co-regulator.

There are currently a number of regulations regarding the marketing of HFSS products including restrictions on product placement and targeting of children, placement and promotions in stores, and volume prices. More significant changes banning advertising on TV and online between 5:30am and 9pm have received royal assent and will be introduced, following a transition period, in October 2025.

## 4.5.3 Drivers of HFSS marketing regulation

The Scientific Advisory Committee on Nutrition (SACN) report 'Carbohydrates and health' published in July 2015 included recommendations that the average population intake of sugar should not exceed 5% of total dietary energy and that consumption of sugar-sweetened drinks should be minimised. These recommendations were accepted by the government and integrated into official UK advice on healthy diets. The 2015 Public Health England Sugar Reduction report The Evidence for Action specifically recommended tighter restrictions on HFSS advertising (Public Health England, 2015).<sup>93</sup> The 2015-16 Childhood Obesity Committee expressed a view that voluntary pledges through the 2011 Public Responsibility Deal were unlikely to work due to the inherent competitiveness of business and emphasised the need for mandatory restrictions to create a level playing field.

In terms of supporting evidence, studies have shown that restrictions on unhealthy food and drink advertising can be effective in reducing consumption of these products, particularly among children. For example a study of the TfL advertising ban of HFSS products predicted that the policy could lead to 5% fewer individuals living with obesity, and a saving of £218 million for the NHS (National Institute for Health and Care Research, 2022: Yau et al., 2022)<sup>94</sup>.

## 4.5.4 Drivers against HFSS marketing regulation

The introduction of advertising restrictions on unhealthy food and drink products in the 2022 Health and Care Act was met with some challenge from the industry, arguing that the restrictions will not impact the intended audience of young people. The food and drink industry argued in general that the restrictions

<sup>92</sup> <https://www.gov.uk/government/collections/responsibility-deal>

<sup>93</sup> [Main heading \(publishing.service.gov.uk\)](#)

<sup>94</sup> <https://evidence.nihr.ac.uk/alert/advertising-ban-was-linked-to-lower-purchases-of-unhealthy-food-and-drink/>, [Changes in household food and drink purchases following restrictions on the advertisement of high fat, salt, and sugar products across the Transport for London network: A controlled interrupted time series analysis. PLoS Medicine 2022;19:e1003915.](#)

would lead to a significant loss of revenue, as they would no longer be able to advertise their products to a large audience. This could, they argued, lead to job losses and damage the UK economy.

Some argued that the focus should be on individual responsibility and education rather than restricting advertising. They believe that consumers should be empowered to make their own choices about what they eat and drink and that the restrictions are a threat to free speech (Adam Smith Institute, n.d.).<sup>95</sup>

This is demonstrated in the public statement by the Food and Drink Federation (n.d.)<sup>96</sup> arguing that sufficient advertising rules exist, the changes will predominantly impact adults and not children, and that there is a very limited evidence base supporting the proposals.

## 4.6 Reflections

There are considerable differences between the current or planned restrictions on advertising of smoking, alcohol and HFSS products in the UK. Active promotion of smoking is banned, advertising HFSS through broadcasting online will be banned between 5:30am and 9pm, and the ASA regulates alcohol marketing along similar guidelines to that of gambling. To understand these differences, it is necessary to consider the extent to which each associated activity is normalised in British society. Furthermore, it is necessary to consider the extent to which each activity is understood as harmful and how that harm is perceived in the public consciousness (e.g. as an activity that is harmful to all or only to a minority of individuals).

Whilst smoking is understood as inherently harmful, drinking alcohol and gambling are both largely normalised in British society. As with smoking, obesity is understood as harmful, however consumption of foods that are HFSS is largely normalised in British society. Therefore, whilst active promotion of smoking and (soon) obesity is heavily restricted as a means to prevent harm, the same principles have not been applied to drinking and gambling. Crucially, despite the level of harm and the highly addictive nature of each activity, both industries have deployed similar strategies to counter arguments for regulation, framing the problem as one of ‘individual responsibility’, only experienced by a minority (Bhuptani et al., 2023).<sup>97</sup>

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<sup>95</sup> <https://www.adamsmith.org/ad-ban-more>

<sup>96</sup> <https://www.fdf.org.uk/df/closed-consultations/uk/df-response-restrictions-on-advertising-hfss/>

<sup>97</sup> <https://academic.oup.com/eurpub/article/33/2/305/7059266?login=false>

# 5. Comparative Analysis and implications for GB

## 5.1 Comparative analysis between the countries

Each country included in this study has a unique cultural, social and political context that must be considered in any comparison of the drivers of gambling marketing regulations. For example, Australia and Italy both have a dominant tradition of Electronic Gaming Machines, whilst Germany had a considerable black market and long period of illegal online gambling before such activity was legalised and regulated. However, all have significant gambling industries that have grown in recent years with significant sectors that benefit from gambling spending, such as advertising, broadcasters, sports leagues, and bodies. And in the comparator countries where restrictions were introduced (all except Australia), there were some commonalities regarding how gambling activity has evolved within societies and the key drivers for and against regulation.

Australia is the only country included in the study where national regulation has not been introduced. Gambling harms are recognised as a significant issue in Australia, which has the largest per capita spend on legal gambling in the world. The recent federal parliamentary enquiry into online gambling recommended a total ban on advertising to be rolled out over a four-year period. However, there is little evidence of strong political will; one challenge is that gambling is regulated at a state level, and gambling provides significant revenue for states. Regulation followed a common trajectory when put in place in the other comparator countries.

### 5.1.1 A common trajectory

In these cases, the restrictions on gambling marketing followed: the liberalisation of gambling markets (generating state revenue and driving consumption and normalisation), an increase in the number of people harmed by gambling (directly or indirectly), and a consequent need to reduce this harm by reducing consumption. This process was ‘turbocharged’ by the opportunities to gamble offered by the onset of online casinos and sports betting – offering gambling 24/7 via smartphones. In the case of the Netherlands and Germany this common trajectory was instigated in response to the proliferation of unregulated online gambling, with liberalised marketing propelling consumption further.

The length of time between these stages differed, from rapid liberalisation and saturation, to a slower journey to regulation over time. For example, in Germany, the restrictions were introduced as part of a wider set of market liberalisation policies. In the Netherlands, restrictions were introduced within six months of such liberalisation as a rapid response to consumption, and in Belgium, Italy and Spain, regulations represented a slower time reaction to the growth in consumption and harm.

### 5.1.2 Political Will and the impact on public health

In all of these countries, political will was the primary tipping point for change, based on a clear case for taking national action. Political will refers to the willingness of politicians to take on gambling as a key campaigning issue, promoting national legislative change, and to use available levers and platforms to combat industry interests. In each country, there was either a prominent individual or political party committed to reforming how gambling is promoted and advertised publicly. Whether this was driven by the agenda of a single individual (Belgium) or rooted in the long-term views of a political party coming

into power (Spain), the impact of wider gambling liberalisation (Netherlands and Germany), or a bottom-up ‘grass-roots’ influence on national government (Italy), political will was instrumental to change.

All of these actors emphasised the public health argument for gambling advertising reform on the basis that gambling is addictive and the cause of significant mental and physical harms. A key argument made across countries was the risk posed to children and young people, given the prolific and addictive nature of online gambling opportunities. Some countries (Spain and Belgium) focused in particular on the risk of normalising potentially harmful gambling activities through advertising, arguing that gambling should be seen as the ‘new tobacco’ and that marketing will lead young people to view it as part of everyday life.

### 5.1.3 What politicians were responding to

In all cases, survey data indicated that the public generally favours more regulation of gambling and marketing. This reflects public unease at the amount of advertising. The third sector influenced governments’ willingness to frame gambling as harmful, compounded by public opinion that more regulation is needed. The level of influence of the third sector and civil society organisations varied across the countries examined, most strongly apparent in Italy. Such influences played a key role in driving political will and shaping the dominant narrative.

### 5.1.4 Normalisation and market maturity

A critical difference between the countries reviewed is the level of market maturity in terms of how long ago gambling (particularly online) activity has been legalised and liberalised. This is significant with regard to the extent to which gambling is normalised within the population. In some cases (e.g., Netherlands), rapid liberalisation produced a shock, creating legislation conditions. In others, unease built up more slowly. This suggests that the level of normalisation within a population acts as a barrier to reforming advertising; one strategy used (for example, in Spain and Belgium) was to challenge this normalisation, e.g. through comparisons to smoking.

Where restrictions were introduced, the increased normalisation of gambling as a leisure activity through increased marketing was challenged, either by the third sector (as in Italy) or politicians reflecting community unease. Whilst no country banned gambling, gambling was recognised as a harmful product, which, therefore, should not be actively promoted. However, whilst GB surveys suggest that the public supports gambling marketing restrictions, the extent to which gambling is viewed as harmful is not clear.

In contrast, advertising regulations have been introduced for smoking in the UK, driven by the dominant public narrative that both smoking represents a clear risk to public health and should, therefore, not be promoted. A case for more restrictions on gambling marketing would, therefore, have to address the extent to which gambling is normalised and accepted.

### 5.1.5 The role of evidence

Across countries that have introduced significant restrictions on gambling marketing, there has been a varied level of evidence to support the case that advertising drives harm. An increase in gambling prevalence and consequent harm (either legally or on the black market) was used in debates about gambling and gambling marketing across all cases. However, there was not a direct link between the release of new data and evidence and increased regulation. Furthermore, political and third sector campaigns used evidence of the specific impact on vulnerable groups. However, it is not apparent that available evidence on the extent and nature of gambling advertising harms has been the driving force for change in any of the countries examined.

### 5.1.6 The case against restrictions

Counter arguments to the public health case for regulation have been considered in every country. These tended to focus on two things: the economic impact of lower tax revenue and employment, and the risk of a black-market expansion. The lobbying influence of the gambling industry is significant in every country and is compounded by the financial interests of both sports and media companies. The success of these counterarguments and lobbyist efforts is reflected in some key exemptions in the legislative changes, for example, relating to sports betting. Notably, in the case of Spain and the Netherlands significant efforts are underway to reverse the restrictions, supported by a narrative of the need for a free market, individual choice, and free speech. Therefore, the debate on gambling marketing and the contest for the dominant narrative is ongoing.

## 5.2 Comparisons with, and implications for, GB

What can be learned from the comparative countries that led to regulatory change on marketing in GB?

### 5.2.1 The current political debate

Submissions to the consultation on the (previous) UK government's White Paper on Gambling Reform highlight the spectrum of debate on marketing regulation. Industry stakeholders who benefit from advertising, for example, advertisers and sports bodies, support the current regime of self-regulation and co-regulation. However, stakeholders from the health and charity sectors think that there is too much self-regulation. Most of the public agree there should be more regulations around gambling advertising: two-thirds (67%) say there is currently too much advertising about gambling, and the majority are in support of more regulations related to gambling advertisement on both social media (74%) and TV (72%) (Ginnis, 2024)<sup>98</sup>. There are also a number of organisations campaigning for more regulation, with an All Party Parliamentary Group (APPG) for Gambling related harm, led by Lord Foster of Bath, making the case for more marketing regulations. However, gambling marketing reform, or gambling reform more widely, has not been (despite the White paper) a significant political issue in recent years. This was not, for example, a prominent part of any of the party manifestos in the UK General Election 2024.

Labour, who won the election, promised to reduce gambling-related harm but also to work with the industry to reform responsible gambling (Labour Party, 2024)<sup>99</sup>. This position was criticised by those arguing for a different regulatory approach for not recognising gambling as a public health issue and for signalling a continued close relationship with the industry (Cassidy and Schalkwyk, 2024)<sup>100</sup>.

### 5.2.2 New evidence on the level of problem gambling

As this report was in the final stages of development, the Gambling Commission released its annual report (2023) on the findings from the Gambling Survey for Great Britain (GSGB). There is some debate over the methodology used for the survey (which differs from the previous methodology, which estimates that 0.3% of the public are experiencing problem gambling, PGSI 8+). However, the new official statistics released by the independent regulator for gambling (which used a new methodology) estimated this group to be up to 2.5%.

<sup>98</sup> [https://www.ipsos.com/en-uk/ipsos-research-explores-barriers-opening-about-experiencing-problems-gambling#:~:text=Most%20of%20the%20public%20agree.%25\)%20and%20TV%20\(72%25\).](https://www.ipsos.com/en-uk/ipsos-research-explores-barriers-opening-about-experiencing-problems-gambling#:~:text=Most%20of%20the%20public%20agree.%25)%20and%20TV%20(72%25).)

<sup>99</sup> <https://labour.org.uk/wp-content/uploads/2024/06/Change-Labour-Party-Manifesto-2024-large-print.pdf>

<sup>100</sup> <https://www.theguardian.com/society/article/2024/jun/14/labour-manifesto-commitment-on-gambling-is-irresponsible#:~:text=Labour's%20manifesto%20commitment%20to%20%E2%80%9Cwork,addressed%20to%20keep%20people%20safe.>

Figure two: PGSI distribution of score categories, by gambling participation<sup>101</sup>

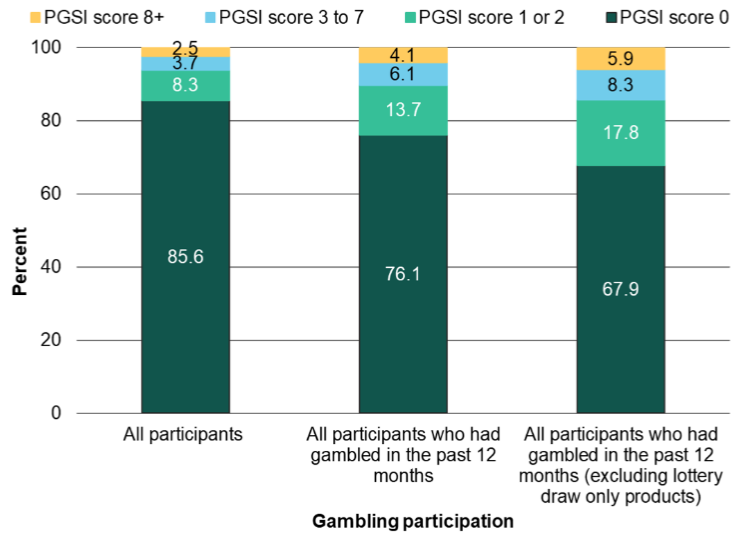


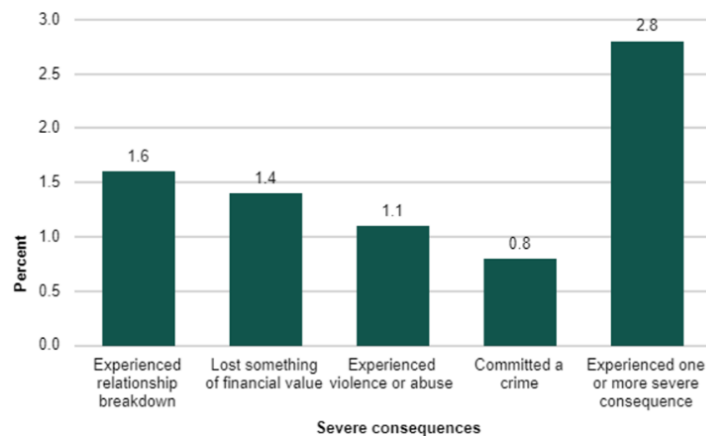
Figure two shows the PGSI distribution of score categories *by gambling participation*. The PGSI score comes from asking participants about 9 items which measure the behavioural symptoms (e.g. betting more than you can afford to lose) of gambling disorder and some adverse consequences (e.g. causing consequences to your household). The chart shows:

- 2.5% of respondents are experiencing ‘problem gambling’ (PGSI 8+), with a further 3.7% scoring 3-7 on the PGSI and 8.3% scoring 1-2.
- Of those who gambled in the last 12 months the rate of ‘problem gambling’ (PGSI 8+) increases to 4.1% and 5.9% (excluding national lottery).

Moreover, for the first time, the Commission included a set of questions to measure the adverse consequences of gambling, including questions on severe and potential adverse consequences. Severe adverse consequences included relationship breakdown, losing something of financial value, experiencing violence or abuse, or committing a crime. Of those who had gambled in the past 12 months, 2.8% had experienced one or more of the severe consequences.

<sup>101</sup> [Gambling Survey for Great Britain - Annual report \(2023\): Official statistics - Problem Gambling Severity Index \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/gambling-survey-for-great-britain-annual-report-2023-official-statistics-problem-gambling-severity-index)

**Figure three: Proportion who gambled in the past 12 months experiencing severe consequences due to own gambling<sup>102</sup>**



It is not within the scope of this report to interrogate the results in detail, as they have just been released. However, they show a significant increase in the headline rate of problem gambling (from 0.3 to 2.5%) and a range of data indicating serious harm. Whilst comparisons with the comparator countries are complex, this data suggests comparable or more evidence of harm. As has been noted (in 5.1.5) we did not find that new data on evidence and harm led to change on its own. However, it did support political arguments for more regulation of gambling, so the release of this data could be significant by reframing the perceived level of harm in GB.

## 5.3 Implications

### 5.3.1 More regulation requires action from ministers

Marketing regulation introduced in comparator countries has been based on the premise that increased consumption drives increased harm and that promoting harmful activity is unacceptable. Significantly, the normalisation of gambling for children and young people has been framed as unacceptable. In Belgium and Spain, significant politicians took very strong positions, likening gambling to smoking; in Italy, community anger grew over time, and the Netherlands and Germany acted to rebalance regulation after liberalisation. In the UK, the government started its White Paper in a very different political position – acknowledging harms but emphasising the need to balance with commercial freedoms.

### 5.3.2 Significant restrictions require primary legislation

GB is the only country of any of the comparator countries that heavily relies on industry and self-regulation in the gambling marketing space. This means, that the existing GB codes designed to limit harm are designed and policed by the commercial actors with regulators. For example, the ASA/CAP in UK are funded via a voluntary levy by the advertising industry. This has prompted concerns about their independence as restrictions and bans on marketing practises, would directly harm their funders (House of Commons, 2023)<sup>103</sup>. In all the comparator countries, regulation has been put in place on a statutory basis via primary legislation at a national level (in Belgium and Spain, this replaced some form of self-regulation). Therefore, the difference between the level of regulation and regulatory oversight in comparator countries and regulations in GB is stark. Whilst the White Paper did include significant reforms, such as a review of incentives and calling on operators to take the code further, these were

<sup>102</sup> [Gambling Survey for Great Britain - Annual report \(2023\): Official statistics - Additional adverse consequences from gambling \(gamblingcommission.gov.uk\)](https://gamblingcommission.gov.uk)

<sup>103</sup> <https://hansard.parliament.uk/Lords/2023-12-05/debates/8A9A99FB-CD4C-4591-B357-02A1FA287FCB/DigitalMarketsCompetitionAndConsumersBill>



within the existing regulation framework. This demonstrates a central government position that GB's self-regulatory system is fit for purpose. Only with new legislation will the level of everyday exposure to gambling marketing be significantly reduced.

### 5.3.3 A case for change is required, linking consumption to harm

In the comparator countries, evidence of prevalence and harm played a key role in advocating for stricter gambling regulations. However, in none of the comparators was the lack of direct causal evidence used as a significant or central argument against regulations; objections were rather based on the economic impact. Regulation was clearly based on the premise that marketing of course drives consumption, which in turn increases harm.

Notably, GB has produced by far the most research on gambling harms and marketing. We identified 496 published research papers on gambling marketing in Great Britain—more than the combined total from Belgium, the Netherlands, Italy, and Spain. Moreover, international stakeholders have suggested that the quality of research in Great Britain is often strong, and in some cases, stronger than elsewhere. Despite having what appears to be the most robust evidence base on the negative effects of gambling marketing, GB has the fewest marketing restrictions among our comparator countries.

## 6. Conclusion

In contrast to Great Britain, comparator countries in Europe have taken decisive steps to curb the impact of gambling by implementing marketing regulations. Countries such as Germany, the Netherlands, Belgium, Spain, and Italy have all recognised the link between gambling marketing, increased consumption, and resultant harm, leading them to introduce far-reaching restrictions. These measures, once considered bold, are increasingly seen as standard practice across Europe, challenging the notion that such regulations are radical or unwarranted. This shift in perception reflects a broader recognition of the need to protect the public – but especially vulnerable populations such as children and young people – from gambling related harms.

One of the study's key insights is the role of political will in driving regulatory change. In the comparator countries, the decision to impose strict marketing restrictions was a political one, rooted in public health concerns. Politicians in these countries framed gambling as a public health issue, much like smoking or excessive alcohol consumption, and argued that unchecked marketing contributes to the normalisation of gambling and its associated long-term harms. This perspective was reinforced by evidence showing the growing prevalence of gambling-related harm, although the evidence alone was not the sole catalyst for change. Instead, the successful implementation of regulations relied on a political case being made. In some instances this was supported by strategic alliances and the creation of shared narratives that positioned these measures as necessary and proportionate responses to a growing public health crisis.

Great Britain, despite having the most extensive research base on gambling marketing among the countries studied, remains an outlier in its approach to regulation. The reliance on industry- and self-regulation has seemingly led to a regulatory framework that is less stringent than those found in the comparator countries. The study suggests that significant reductions in gambling marketing exposure in Britain are unlikely to be achieved without new primary legislation that places public health above commercial interests.

The comparison with other sectors, such as tobacco and alcohol, provides examples of how other harmful products have been regulated. In these sectors, the balance between commercial freedoms and harm prevention has shifted decisively in favour of public health, with widespread support for marketing restrictions informed by available evidence. The study indicates that a similar shift is possible, and perhaps necessary, in the gambling sector, but it will require a concerted effort to build the political and public consensus needed to drive meaningful reform.

The findings of this study highlight a critical juncture for gambling regulation in Great Britain. With recent statistics from the Gambling Commission revealing that 2.5% of the population experiences 'problem gambling' (PGSI 8+) -- a figure that rises significantly when National Lottery players are excluded - the urgency for action is apparent. The fact that 2.8% of those who have gambled in the last 12 months have faced severe consequences, such as financial loss, crime, or relationship breakdowns, underscores the profound impact that gambling can have on individuals and communities. As marketing continues to permeate daily life in Britain, the role it plays in exacerbating these issues cannot be overlooked.

In conclusion, the path forward for Great Britain involves recognising that strict gambling marketing regulations are not radical but rather a logical response to the evidence of harm. It requires a move away from self-regulation towards a legislative framework that prioritises public health, supported by strategic alliances and a unified narrative that makes the case for change.

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# Our standards and accreditations

Ipsos' standards and accreditations provide our clients with the peace of mind that they can always depend on us to deliver reliable, sustainable findings. Our focus on quality and continuous improvement means we have embedded a "right first time" approach throughout our organisation.



## ISO 20252

This is the international specific standard for market, opinion and social research, including insights and data analytics. Ipsos UK was the first company in the world to gain this accreditation.



## Market Research Society (MRS) Company Partnership

By being an MRS Company Partner, Ipsos UK endorse and support the core MRS brand values of professionalism, research excellence and business effectiveness, and commit to comply with the MRS Code of Conduct throughout the organisation & we were the first company to sign our organisation up to the requirements & self-regulation of the MRS Code; more than 350 companies have followed our lead.



## ISO 9001

International general company standard with a focus on continual improvement through quality management systems. In 1994 we became one of the early adopters of the ISO 9001 business standard.



## ISO 27001

International standard for information security designed to ensure the selection of adequate and proportionate security controls. Ipsos UK was the first research company in the UK to be awarded this in August 2008.



## The UK General Data Protection Regulation (UK GDPR) and the UK Data Protection Act 2018 (DPA)

Ipsos UK is required to comply with the UK General Data Protection Regulation (GDPR) and the UK Data Protection Act (DPA). These cover the processing of personal data and the protection of privacy.



## HMG Cyber Essentials

Cyber Essentials defines a set of controls which, when properly implemented, provide organisations with basic protection from the most prevalent forms of threat coming from the internet. This is a government-backed, key deliverable of the UK's National Cyber Security Programme. Ipsos UK was assessed and validated for certification in 2016.



## Fair Data

Ipsos UK is signed up as a "Fair Data" company by agreeing to adhere to twelve core principles. The principles support and complement other standards such as ISOs, and the requirements of data protection legislation.

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