

Regulation of Gambling Advertising

Eoin McLoughlin, Senior Parliamentary Researcher (Economics)

Emily Heery, Senior Parliamentary Researcher (Social Science)

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This *L&RS Note* examines the regulation of gambling advertising both in Ireland and internationally.

It is presented in advance of the publication of the Gambling Regulation Bill (forthcoming). Its content is influenced by the provisions of the General Scheme of the Bill which was published in October 2021. The *Note* considers some of the main literature relating to exposure of vulnerable groups and wider society to gambling advertising as well as highlighting measures that have been introduced in other countries. It looks at recent legislative developments which have taken place in Ireland and based on stakeholder commentary and secondary research it identifies three key issues relating to gambling advertising:

- Balancing controls on gambling advertising;
- Impact of gambling advertising in sport; and
- Exposure of vulnerable groups to advertising.



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Key Messages

- The proliferation of gambling advertising in Ireland and abroad through multiple media channels and particularly around sport has generated concern from various stakeholders regarding its impact on vulnerable groups and society in general.
- One of the core functions of the new Gambling Regulatory Authority as set out under the General scheme of the Gambling Regulation Bill will be to “develop appropriate safeguards to protect individuals from the harms of problem gambling through the regulation of gambling-related advertising.”
- Gambling advertising in Ireland currently must comply with the guidelines set by the Broadcasting Authority of Ireland and the Advertising Standards Authority for Ireland. To enhance those guidelines, the gambling industry introduced a safer gambling code in January 2022 which includes a pre-watershed ban on Irish channels, including a whistle-to-whistle ban for live sport, excluding horse or greyhound racing.
- Industry stakeholders argue that advertising (including sponsorship) is an important mechanism for licensed operators in a regulated market to identify themselves to customers and provide product information and choice.
- To address harmful exposure to gambling advertising, health stakeholders have called for heavy restrictions on gambling advertising including curbing or banning gambling advertising and sponsorship around sport and strict penalties for targeting gambling products to children or problem gamblers.
- Some studies have found that sport-related gambling advertising seemed to influence problem gamblers more than casual sports bettors.
- The findings of a 2020 review of the available research evidence linked exposure to gambling advertising with increases in gambling and problem gambling behaviour.
- A number of countries have introduced restrictions around gambling advertising, including watershed bans and in some cases have sought to limit overseas gambling entities advertising products in their country.

In determining the appropriate level of regulatory control over gambling advertising, many factors may need to be considered, including how best to prevent harmful exposure to vulnerable groups including children and problem gamblers, the impact on the gambling industry and wider society, and any unintended consequences such as strengthening the market position of unregulated offshore providers not subject to the same restrictions.

Introduction

Research commissioned by the Health Research Board (HRB), has found that almost one-half (49%) of adults aged 15 and over participated in any gambling activity in the past year (data collected in 2019-20). This corresponds to approximately 1,900,000 of the population aged 15 and over in Ireland and covers any type of gambling – buying lottery tickets, betting at the bookmakers, playing bingo and so on.¹

The prevalence of at-risk (low- and moderate-risk) and problem gambling was also measured in the HRB report using the Problem Gambling Severity Index (PGSI). According to PGSI criteria, 2.3% of the adult population in Ireland met the criteria for low-risk gambling, corresponding to approximately 90,000 adults aged 15 years and over. A further 0.9% (corresponding to 35,000 adults in the general population) were moderate-risk gamblers, and 0.3% (corresponding to 12,000 adults in the general population) were problem gamblers.²

A problem gambler is defined as those with negative consequences and a possible loss of control.

The proliferation of gambling advertising in Ireland and abroad through multiple channels (e.g. television, online/social media & sponsorship of sport), and particularly around sport, has generated concern from various stakeholders regarding the impact on vulnerable groups and society in general.

The General Scheme of the Gambling Regulation Bill (“the General Scheme”)³, published by the Government in October 2021, seeks to address the proliferation of gambling related advertising in Ireland.⁴ More generally, the legislation seeks to modernise the approach to the licensing of gambling in Ireland and to set out a framework and legislative basis for the establishment of a new, independent statutory body – the Gambling Regulatory Authority of Ireland. As set out in the General Scheme, one of the core functions of the Gambling Regulatory Authority will be to “develop appropriate safeguards to protect individuals from the harms of problem gambling through the regulation of gambling-related advertising”.⁵

¹ Mongan, D. et al. (2022). “Gambling in the Republic of Ireland: Results from the 2019–20 National Drug and Alcohol Survey.” Dublin: Health Research Board. Available [here](#).

² Ibid. pg. 24.

³ Department of Justice (October 2021). “General Scheme of the Gambling Regulation Bill.” Available [here](#).

⁴ Department of Justice press release (21 Oct. 2021). “Minister Browne publishes General Scheme of Gambling Regulation Bill.” Available [here](#).

⁵ Department of Justice (October 2021). “General Scheme of the Gambling Regulation Bill” pg. 29. Available [here](#).

This paper focuses on the potentially harmful role that the advertising of gambling products can play in exposing vulnerable groups and wider society to betting practices. It looks at key issues that have been raised by stakeholders that require consideration as well as examples of advertising regulatory measures that have been introduced in other countries to prevent the spread of harmful gambling.

Background to gambling advertising

The expansive presence of gambling companies in both traditional and 'new' media has led to concerns in many jurisdictions about the negative social impacts arising from the marketing of gambling products and an effort to circumscribe or limit its penetration. This is particularly the case where gambling is associated with sports.⁶

In its 2019 report, the Government's Inter-Departmental Working Group on the Future Licensing and Regulation of Gambling noted that "there is no current legislation dealing specifically with matters of sponsorship, advertising and promotion by the gambling industry outside of the standard such requirements of the Codes of the Advertising Standards Authority of Ireland ([ASAI](#)) and the Broadcasting Authority of Ireland ([BAI](#))."⁷

In considering the introduction of restrictions in Ireland on the sponsorship, advertising and promotion of gambling products, the working group cautioned that a 'one size fits all' approach may not suffice. Given the various forms of on-line advertising compared to traditional media (e.g., TV, radio advertising, etc.) different regulatory approaches may be required. It was of the view that the proposed new gambling regulatory authority should have the primary responsibility for developing policy and regulatory codes and guidelines concerning advertising and the working group made a number of recommendations in this regard.⁸

In the absence of a gambling regulator in Ireland, the Irish Bookmakers Association (IBA) has introduced its own [Safer Gambling Code](#), which most betting companies operating in Ireland have adopted. The code was recently revised to include a pre-watershed (9pm) whistle-to-whistle advertising ban for live sport, excluding horse or greyhound racing.⁹

⁶ Kerr, A. et al. (2021), "Gambling Trends. Harms and Responses: Ireland in an International Context." Maynooth University. Available [here](#).

⁷ Inter-Departmental Working Group on Future Licensing and Regulation of Gambling (2019). "Report to Government." March 2019. Available [here](#).

⁸ Ibid. pg. 54.

⁹ Irish Bookmakers Association (2021). "Safer Gambling Code." August 2021. Available [here](#).

The College of Psychiatrists of Ireland have put forward a number of recommendations as to how to prevent gambling advertising being targeted at vulnerable groups such as children.¹⁰ Such recommendations include that:

- Gambling advertisements on television and radio should not be permitted to be aired before the watershed.
- Gambling advertising within sports in Ireland should not be permitted.
- All gambling advertising related activity should be closely monitored by an independent regulator.
- Marketing of gambling products should not in any way be targeted at children or adolescents.
- The independent regulator should be aware of the use of micro-transactions and loot boxes in online gaming (**see previous L&RS Spotlight on loot boxes [here](#)**).

A recent trend has seen a number of Irish sporting organisations and clubs implementing their own policies in relation to gambling advertising. In 2018, the GAA voted to ban all sponsorship from gambling companies,¹¹ while the FAI has decided against partnering with a gambling company as their new primary sponsor.¹² Two League of Ireland Premier Division clubs have also signed up to [The Big Step](#) campaign which is seeking to end all gambling advertising and sponsorship in football.¹³

Legislative developments

The Government has committed to legislating on this issue with the [General Scheme of the Gambling Regulation Bill](#) seeking to address the proliferation of gambling-related advertising. A previous Scheme, the [General Scheme of a Gambling Control Bill 2013](#), was published in July 2013 which also included provisions related to gambling advertising but in the end did not proceed into legislation.

The General Scheme of the Gambling Regulation Bill provides for the establishment of an independent Gambling Regulatory Authority of Ireland, which will be responsible for:

¹⁰ College of Psychiatrists of Ireland (2020). "Gambling Disorder – Position Paper." April 2020. Available [here](#).

¹¹ GAA (2018). "Congress votes to ban gambling company sponsorship." February 2018. Available [here](#).

¹² *Irish Independent* (2021). "FAI give red card to betting companies in search for new main sponsor." January 2021. Available [here](#).

¹³ *Irish Independent* (2022). "Sligo Rovers back campaign to end gambling advertising and sponsorship in football." April 2022. Available [here](#).

- The proper and effective licensing and regulation of gambling activities in the State
- Requiring safeguards to address problem gambling, including in relation to the advertising of gambling and sponsorship by gambling providers, and
- Preventing gambling from being a source of or support to crime.

Heads 109 and 110 of the General Scheme focus on the advertising and promotion of gambling and allow the new Authority to issue codes regarding the advertisement of gambling generally, and in relation to any games, services, products and activities that are authorised by the Authority which may be provided by licence holders. This includes potential restrictions around the time and frequency that such advertising can appear on TV, radio and other media.¹⁴

The General Scheme also underwent pre-legislative scrutiny by the Joint Committee on Justice with two hearings held on [8 March](#) and [22 March](#) 2022. The Committee published its report in May 2022 which included a series of recommendations, including in relation to gambling advertising.¹⁵

A Private Members Bill, the [Gambling \(Prohibition of Advertising\) Bill 2021](#) (PMB), was also initiated in Seanad Éireann by Senator Mark Wall on 19 April 2021. The Bill seeks to prohibit in the public interest the advertising of gambling, subject to some limited exceptions. If enacted, the Bill would ban all gambling ads across digital, print and broadcast media.

Speaking at the introduction of the Bill into the Seanad, Senator Mark Wall outlined the reasons why such legislation is necessary:¹⁶

“We know that gambling addiction is something that affects a huge amount of people throughout the country. Our research shows that three in every four of us know at least one person with a gambling addiction. To protect these people and to end the cycle of the industry recruiting potential addicts, we need to break ties once and for all with the manipulation of gambling through advertising.”

¹⁴ *The Irish Times* (2021). “New gambling laws would see free bets banned.” October 2021. Available [here](#).

¹⁵ Joint Committee on Justice (2022). “Report on Pre-Legislative Scrutiny of the General Scheme of the Gambling Regulation Bill - May 2022.” Houses of the Oireachtas. Available [here](#).

¹⁶ Labour press release (2021). “Labour introduce bill to ban gambling ads.” April 2021. Available [here](#).

Key issues

Key issues regarding gambling advertising were identified from relevant secondary research and media and stakeholder commentary. Much of the stakeholder commentary was extracted from the report of the Joint Committee on Justice on pre-legislative scrutiny of the General Scheme of the Gambling Regulation Bill¹⁷ as well as the transcripts of the two public hearings held in March 2022.¹⁸ The Joint Committee received written submissions from seven industry (e.g., Flutter Entertainment Plc and Entain Plc) and four health/public interest stakeholders (e.g., the Institute of Public Health and Extern Problem Gambling). The Committee made three key recommendations of clear relevance to gambling advertising, namely that:

1. a pre-watershed ban be applied to all forms of gambling advertising.
2. the potential to decouple sports advertising and gambling advertising be evaluated, particularly in terms of sports advertisements aimed at young people.
3. the regulator to be established in the General Scheme will apply its new Codes equally to all operators, to ensure socially responsible operations and to afford protections to their customers.

Source: Joint Committee on Justice (2022). "Report on Pre-Legislative Scrutiny of the General Scheme of the Gambling Regulation Bill - May 2022." Houses of the Oireachtas. Available [here](#).

The three key issues relating to gambling advertising were identified based on relevant stakeholder commentary and research evidence:

- Balancing controls on gambling advertising
- Impact of gambling advertising in sport; and
- Exposure of vulnerable groups to advertising.

¹⁷ Joint Committee on Justice debate (8 March 2022). Transcript of first public hearing for Pre-Legislative Scrutiny of the General Scheme of the Gambling Regulation Bill. Available [here](#).

¹⁸ Joint Committee on Justice debate (22 March 2022). Transcript of second public hearing for Pre-Legislative Scrutiny of the General Scheme of the Gambling Regulation Bill. Available [here](#).

Balancing controls on gambling advertising

During the hearings, Members of the Committee and health stakeholders highlighted that there is a proliferation of gambling advertising via multiple channels including television, smart phones and seeing betting shops. CEO of Extern Problem Gambling, Barry Grant stated:¹⁹

“Anybody who turns on the radio, looks at social media, opens a newspaper or watches television, especially if one has a passing interest in sport or even daytime soap operas will be inundated with relentless gambling advertising.”

Senator McDowell questioned whether “it is necessary to normalise gambling through bingos and lotteries to the extent that is happening in the UK?” In response, the CEO of Flutter Ireland and UK (Conor Grant) responded that advertising is an important mechanism for licenced operators in a regulated market to communicate with customers. He argued that regulated operators should have a right to advertise and that is an important part of any regulatory framework and legislation. However, he stated that the tone and frequency of that advertising needs to be continually evaluated.²⁰

In their written submissions to the Committee, industry and health stakeholders were generally supportive of provisions allowing the Authority to make codes concerning gambling advertisement and promotion. To ensure that any new advertising measures are balanced and effective, both public health and industry stakeholders wanted to be included in any consultation by the Gambling Regulatory Authority regarding the development and revision of codes on advertising and promotion of gambling. Stakeholders also desired that any consultation exercise is fair and transparent.²¹

In their submissions on the General Scheme, Gambling industry stakeholders recommended that regulation of advertising in Ireland remains broadly in line with consumer offerings abroad to discourage Irish consumers pursuing offers outside the remit of the Irish gambling regulator, and the Irish Exchequer. Industry stakeholders argued that regulation of advertising should recognise clear distinctions between different types of gambling advertising and avoid unintended consequences through overly simplistic approaches. For example, Gambling.com suggested that effective regulation recognises a distinction between mass market advertising that encourages users to gamble (i.e. broadcast advertising, sporting events, billboards, etc.) and affiliate marketing

¹⁹ Ibid

²⁰ Joint Committee on Justice debate (8 March 2022). Transcript of first public hearing for Pre-Legislative Scrutiny of the General Scheme of the Gambling Regulation Bill. Available [here](#).

²¹ Joint Committee on Justice (2022). “Report on Pre-Legislative Scrutiny of the General Scheme of the Gambling Regulation Bill - May 2022.” Houses of the Oireachtas. Available [here](#).

services, such as those provided by the Gambling.com Group, that support consumers who have already chosen to gamble, and wish to do so armed with as much information as possible.²²

In the interest of creating a level playing field across the sector, Lottoland sought clarity in their submission on how the proposed codes will be enforced in regards to the National Lottery and its operator.²³ The Committee's recommendation that the codes should apply equally to all operators could be interpreted to indicate that the proposed codes on advertising, sponsorship and promotions should also apply to the National Lottery in the published Bill, even though the National Lottery appears to be exempt from the provisions of the General Scheme under Head 2.²⁴ In relation to codes on gambling promotions, the IBA felt that as Head 110 is currently worded, it appears that it could prevent a bookmaker from changing the odds on a selection which could prevent operators from being able to manage their risk or liabilities correctly. They also suggested that the provision to include "warnings that players may lose more than they deposit" needs to be reviewed as it is not possible for a player to lose more than they deposit for betting or gaming purposes.

In their submissions to the Committee, health stakeholders recommended heavy restrictions around advertising, marketing and sponsorship of gambling to mitigate societal harm from gambling. The Institute of Public Health argued that in a complex, integrated digital environment it is almost impossible to prevent children from being exposed to advertising and therefore recommended:

- extensive restriction on advertising that promotes gambling goods and services on TV, radio, and online channels;
- that everyone is automatically opted-out of direct marketing of gambling products including related gambling products (e.g., sports betting, lotteries etc.) to minimise opportunities for cross-selling;
- alignment between the Gambling Regulation Bill and the Online Safety and Media Regulation Bill to ensure consistency of approach;

Health stakeholders also recommended that the Authority should aim to balance every message from the gambling industry (such as 'it's better fun when there is money on it') with an effective message about the harms of gambling to redress the imbalance in terms of messaging.²⁵

²² Ibid

²³ Ibid

²⁴ Department of Justice (October 2021). "General Scheme of the Gambling Regulation Bill." Available [here](#).

²⁵ Joint Committee on Justice (2022). "Report on Pre-Legislative Scrutiny of the General Scheme of the Gambling Regulation Bill - May 2022." Houses of the Oireachtas. Available [here](#).

In their submissions, the Gambling Awareness Trust and Extern Problem Gambling recommended that advertising of gambling should be greatly curtailed similar to approaches implemented in Ireland for other addictive products such as alcohol and tobacco. The Gambling Awareness Trust called for consideration of a blanket ban on gambling advertising, as introduced in Italy in 2019. They also stated that it is imperative that those players identified as having a problem with their gambling activity be totally excluded from any promotional type materials or advertising, particularly those on the Exclusionary Register.²⁶ Deputy Niamh Smyth, T.D. also questioned whether removing overexposure or any exposure to gambling including advertising as was done for tobacco would work to prevent problem gambling.²⁷

In response, gambling industry stakeholders argued that one of the many differences between tobacco and gambling is that there are many offshore operators in the gambling market. They contended that one of the problems with banning advertising entirely is that it equalises the position of unregulated offshore providers and regulated on-shore providers. They argued that if regulated companies with all the safeguards imposed by the regulator are prohibited from advertising, they will go to offshore companies over which there are no controls. The IBA also contended that if gambling advertisements were banned, this would result in the closure of more retail betting shops, adding that almost 50% of the network of betting shops in Ireland had closed in recent times.²⁸

Impact of gambling advertising in sport

A review of gambling marketing research from 2014 to 2018 highlighted the saturation of gambling marketing around sport in several countries, particularly the UK and Australia.²⁹ The reviewers found that sport-related gambling advertising seemed to influence problem gamblers more than casual sports bettors. The review of the evidence also identified that problem gamblers approved more of gambling advertising than non-problem gamblers. Moreover, problem gamblers reported being attracted to in-play betting inducements, which enable gamblers to make high-frequency bets throughout a sporting event. A recent review of the academic literature on emerging gambling advertising (from 2015 to 2020) identified that gambling advertising content is targeted, positively

²⁶ Ibid

²⁷ Joint Committee on Justice debate (8 March 2022). Transcript of first public hearing for Pre-Legislative Scrutiny of the General Scheme of the Gambling Regulation Bill. Available [here](#).

²⁸ Ibid

²⁹ Newall, P. et al. (2019). "Gambling Marketing from 2014 to 2018: a Literature Review." *Current Addiction Reports* 6: 49–56. Available [here](#).

framed and expansively placed around sport.³⁰ The reviewers also found that emerging gambling advertisements have begun to utilise digital functionalities to encourage users to interact with an advertisement (e.g. respond to or share it) often via social media channels.

The pervasive role of gambling advertising in sport has been heavily criticised by stakeholders. President Michael D Higgins has been reported as describing the proliferation of gambling advertisements in sport as "a scourge".³¹ He reportedly said his heart had been "broken" regularly during the pandemic as he saw advertisement after advertisement for gambling apps during sports programmes accompanied by just "totally minimal, tokenistic invitations to be responsible".³² During the Committee hearings on the Gambling Regulation Bill, independent bookmaker, Colm Finlay, acknowledged that the glamourisation of betting on sports in recent years has encouraged vulnerable youths to bet and suggested that the issue of underage betting in betting shops can be solved through technology:³³

"Sports and betting have become deeply intertwined in recent years. This has been driven by massive television coverage, advertising and social media exposure. Young people have been seduced by the glamour and excitement of sports and betting. The inevitable recreational exposure has led to vulnerable youths being drawn into this world of easy money. Given the way betting shops operate, it is not possible, within the financial constraints of their operation, to control or monitor underage behaviour. Staff are under pressure dealing with transactions and are unable to supervise closely. I believe technology can solve this issue."

Based on their scrutiny of the Gambling Regulation Bill, the Committee recommended that the potential to decouple sports advertising and gambling advertising be evaluated, particularly in terms of sports advertisements aimed at young people.³⁴

Stakeholders have recommended heavy restrictions or full bans on gambling advertising in sport. In its 2020 position paper, the College of Psychiatrists of Ireland (the professional body for psychiatrists in the Republic of Ireland) recommended a full ban on gambling advertising within

³⁰ Torrance, J. et al. (2021). "Emergent gambling advertising; a rapid review of marketing content, delivery and structural features." BMC Public Health volume 21, Article number: 718. Available [here](#).

³¹ *The Irish Times* (2022). "Tipping Point: Time for racing to unhitch its wagon from gambling sponsorship." February 2022. Available [here](#).

³² *The Irish Times* (2021). "Gambling ads causing 'so much damage to families' – Michael D Higgins." June 2021. Available [here](#).

³³ Joint Committee on Justice debate (8 March 2022). Transcript of first public hearing for Pre-Legislative Scrutiny of the General Scheme of the Gambling Regulation Bill. Available [here](#).

³⁴ Joint Committee on Justice (2022). "Report on Pre-Legislative Scrutiny of the General Scheme of the Gambling Regulation Bill - May 2022." Houses of the Oireachtas. Available [here](#).

sports.³⁵ Also, three individuals with former links to Paddy Power (ex-Paddy Power CEO and founder Stewart Kenny, Paddy Power's first institutional investor, Ian Armitage, and former chairman of the bookmaker, Fintan Drury) have formed a group, called Stop Gambling Harm aimed at encouraging investors and legislators to bring their weight to bear on the gambling industry to curb those parts of its activities that can cause severe and long-lasting harm to society.³⁶ In regards to advertising, they recommended rigorous controls on advertising around sport and the broadcast of sport.

During the public hearings on the Gambling Regulation Bill, a representative from the Institute of Public Health suggested that the Bill could be more specific on the regulation of advertising, especially in sport:³⁷

“For us, sport plays a very important role in public health. It promotes physical activity, child development and weight management, and for mental health it is fantastic. We do not see the gambling industry having a role in the sponsorship of sport or the marketing and advertising of it. That is a key point for us here.

During the Committee hearings on the Bill, Deputy Michael Creed, T.D., also asked whether the link between participants in these sporting events and large betting companies undermines the integrity of the racing industry? He questioned whether there should there be greater distance between participants in sporting events and the offering of betting advice to the public on individual races?³⁸

Bookmaker, Colm Finlay, responded that:

“there is the potential for a healthy engagement between people who want to bet on sport and participants in it... I do not think a jockey will say the financial outcome of the horse suits the bookmaker sponsoring him or her if the horse does not win.”³⁹

In turn, Sharon Byrne of the Irish Bookmakers Association (IBA) added:

“Irish Bookmakers Association has a memorandum of understanding, MOU, with the Irish Horseracing Regulatory Board, IHRB, and the GAA. Some of the larger companies have MOUs between the exchanges and the British racing board. Any irregular betting patterns

³⁵ College of Psychiatrists of Ireland (2020). “Gambling Disorder Position Paper.” Available [here](#).

³⁶ *Irish Examiner* (12th December 2021). “This isn't about Paddy Power. It's about the harm 24/7 gambling does to society.” Available [here](#).

³⁷ Joint Committee on Justice debate (22 March 2022). Transcript of second public hearing for Pre-Legislative Scrutiny of the General Scheme of the Gambling Regulation Bill. Available [here](#).

³⁸ Joint Committee on Justice debate (8 March 2022). Transcript of first public hearing on the General Scheme of the Gambling Regulation Bill. Available [here](#).

³⁹ Ibid

or unusual information that might affect a market, a price or a runner is fed back. We have a good relationship with the regulatory bodies and share any information that comes to light.”⁴⁰

In their written and oral evidence to the Committee, Extern strongly recommended the separation of sports betting and gaming including cross-promotional activities. They argued that sports betting and gaming should be separated both in physical (land-based) premises and on online platforms (websites and apps). They asserted that high-frequency casino games (roulette, blackjack, virtual racing/sports, slot machines) are highly addictive – by design – and need to be kept segregated from sports betting. Extern articulated that in their experience of working with people affected by problem gambling, most people will progress from low-frequency, low-intensity sports betting – to high-frequency, high-intensity casino-style games (including virtual racing/sports) as their gambling becomes more problematic. They highlighted that the separation of sports betting and casino games has already been proposed in new German gambling regulations. These regulations also propose a ban on ‘cross-promotion’ of casino products to sports bettors.⁴¹

In their written submission, the Institute of Public Health recommended the proposed codes should include a prohibition of the sponsorship of events involving under 18, including the sponsorship of any sports club equipment. They also recommended that there should be a phasing out of gambling industry sponsorship for sports clubs and national governing bodies of sports with a focus on those groups providing sporting opportunities for children in Ireland. Likewise, Consultant Psychiatrist, Prof. Colin O’Gara, and Extern argued in their submissions that all gambling industry involvement in sport should be terminated immediately, as the ongoing harm to children is indefensible.⁴²

Flutter argued that reference to not using any animals in adverts in the General Scheme⁴³ does not cater for sporting events which feature animals. Consequently, it would prohibit operators’ ability to advertise horse and greyhound racing. Flutter also argued that reference to not using “animated characters” and “well known figures” in advertising is too broad and that these should not be considered problematic if they do not appeal unduly to children.⁴⁴

Industry stakeholders were also concerned that the wording of provisions on sponsorship under Head 111 in the General Scheme would prohibit any form of sponsorship by providers and called

⁴⁰ Ibid

⁴¹ Joint Committee on Justice (2022). “Report on Pre-Legislative Scrutiny of the General Scheme of the Gambling Regulation Bill - May 2022.” Houses of the Oireachtas. Available [here](#).

⁴² Ibid

⁴³ Head 109.4(1) in the General Scheme of the Gambling Regulation Bill. Available [here](#).

⁴⁴ Joint Committee on Justice (2022). “Report on Pre-Legislative Scrutiny of the General Scheme of the Gambling Regulation Bill - May 2022.” Houses of the Oireachtas. Available [here](#).

for the provision for consultation with industry in the creation of sponsorship codes. In their submissions to the Committee, industry stakeholders argued that advertising (including sponsorship) is an important mechanism for licensed operators in a regulated market to identify themselves to customers, provide product information and choice, and communicate safer gambling messages. The IBA and Flutter argued that the proposed prohibition would affect many sectors such as horse and greyhound racing and could result in a flow of sponsorship revenue to other jurisdictions.⁴⁵

Regarding banning advertising, industry stakeholders pointed out that gambling is a licenced product for adults which is advertised within the guidelines of the Broadcasting Authority of Ireland guidelines and the Advertising Standards Authority for Ireland. To enhance those guidelines, industry representatives highlighted that they implemented a safer gambling code in January 2022 which includes a pre-watershed ban on Irish channels, including a whistle-to-whistle ban on those sporting programmes on which they advertise. However, they also highlighted that they cannot stop international operators advertising on TV channels that are not Irish. Industry stakeholders thus emphasised the importance of a Regulator to bring in guidelines more suitable to the Irish marketplace and apply them to all operators and all channels.⁴⁶

Exposure of vulnerable groups to advertising

Research and commentary have emphasised the detrimental impact of exposure to gambling advertising on vulnerable groups, such as children as problem gamblers. At the public hearings on the Gambling Regulation Bill, the Institute of Public Health highlighted that children and problem gamblers are disproportionately affected by gambling advertising:⁴⁷

“Advertising and sponsorship most greatly affect those who have experienced problem gambling and children, who have not only a higher recall of gambling advertising but also a higher intention to bet after seeing advertising.”

A 2019 review of gambling marketing research indicated that gambling advertising is highly targeted with the most popular strategies being increasing brand awareness, advertising complex financial incentives for participation and advertising complex betting odds. The reviewers also found that perceptions of gambling advertising, particularly among vulnerable groups (e.g. children,

⁴⁵ Ibid

⁴⁶ Joint Committee on Justice debate (8 March 2022). Transcript of first public hearing on the General Scheme of the Gambling Regulation Bill. Available [here](#).

⁴⁷ Joint Committee on Justice debate (22 March 2022). Transcript of second public hearing on the General Scheme of the Gambling Regulation Bill. Available [here](#).

problem gamblers) appear to be influenced by this targeted content.⁴⁸ A 2020 review of the empirical literature found that the available evidence indicates that exposure to gambling advertising is likely associated with more positive gambling-related attitudes and increased intentions to gamble. The findings of the review also linked exposure to gambling advertising with increases in gambling and problem gambling behaviour.⁴⁹ The reviewers concluded that:

“The more people are exposed to gambling advertising, the more likely they are to become gamblers and problem gamblers. In the absence of effective government regulation, gambling advertising is likely to increase and be more influential, and lead to greater societal harm.” (p. 99)

To combat such issues, the health stakeholders recommended that gambling advertising should be heavily restricted in Ireland and that gambling advertising of any form should be banned before the watershed. The Institute of Public Health also called for the Gambling Regulation Bill to make it an offence to target gambling promotions towards children, those on the exclusion register, or those displaying characteristics of high-risk gambling.⁵⁰

Industry stakeholders raised concerns regarding certain provisions in the Gambling Regulation Bill which seek to limit children’s exposure to gambling advertising. In their submissions to the Committee, industry stakeholders criticised outdoor advertising provisions under Head 49 and highlighted that they already comply with the ASAI code stipulating that marketing communications featuring gambling should not appear within 100m of a school entrance. Flutter stated that this Head broadly describes a wide variety of other relevant locations (e.g., a ‘playing field’ or ‘sports venue’ that may be accessible to children) where restricting advertising will be less easily accommodated for providers. Flutter cautioned against such a broad list as it may have the effect of a de facto ban on outdoor advertising which forms an important aspect of a regulated gambling market. Entain argued that Head 49 seems to imply that the presence of a betting shop would constitute marketing in its own right and suggested there was no research to support the notion that seeing the name of a bookmaker above a shop encourages children to gamble. Entain also highlighted the difficulties these provisions would cause when shops and indeed schools change location. Likewise, Flutter claimed that retail betting shops might have to remove any branding

⁴⁸ Newall, P. et al. (2019). “Gambling Marketing from 2014 to 2018: a Literature Review.” *Current Addiction Reports* 6: 49–56. Available [here](#).

⁴⁹ Bouguettaya, A. et al. (2020). “The relationship between gambling advertising and gambling attitudes, intentions and behaviours: a critical and meta-analytic review.” *Current Opinion in Behavioral Sciences* 31:89–101. Available [here](#).

⁵⁰ Joint Committee on Justice (2022). “Report on Pre-Legislative Scrutiny of the General Scheme of the Gambling Regulation Bill - May 2022.” Houses of the Oireachtas. Available [here](#).

from their shop fronts, which would cause obvious challenges for the 800 betting shops across Ireland.⁵¹

In response to Committee Members' questions about preventing gambling ads on social media being displayed to those under 18, industry stakeholders emphasised that their adverts are specifically aimed at those aged over 25 years of age and that they also utilise negative keywords lists to exclude known trigger words from their advertising which cause issues for people. Stakeholders also informed the Committee that the IBA Safer Gambling Code includes an age gating requirement for online advertising. This means that when operators upload an ad, they must select their target market as "over 25". However, as not all operators subscribe to this code, the IBA welcomed the establishment of a regulator that would ensure all operators abide by these principles. While they acknowledged that it can be challenging to prevent adverts being shown to children on the internet and social media, industry stakeholders stressed that they are working on an ongoing basis with all the large social media companies and the advertising bodies on this issue. They also emphasised that targeting underage gambling is not the objective of any gambling operators in Ireland.⁵²

International examples

Concerns about the 'gamblification' of sport have led to increasing curbs on advertising, marketing and promotion of gambling products in many jurisdictions, and, in some cases to outright bans on gambling sponsorship of sports. The trend appears to mirror earlier efforts to comprehensively remove alcohol and tobacco advertising from sports.⁵³

A selection of country examples of the types of restrictions on gambling advertising introduced are shown in Table 1 below. These include watershed bans in countries such as Australia, Belgium, Netherlands and Spain to an outright ban in Italy. Countries such as Norway have also sought to try and limit overseas gambling entities advertising products in their country.

⁵¹ Ibid

⁵² Joint Committee on Justice debate (8 March 2022). Transcript of first public hearing on the General Scheme of the Gambling Regulation Bill. Available [here](#).

⁵³ Kerr, A. et al. (2021). "Gambling Trends, Harms and Responses: Ireland in an International Context." Maynooth University. Available [here](#).

Table 1: Selected country examples of restrictions introduced on gambling advertising

Country	Type of restriction introduced
Australia	In Australia, ads for betting products are not permitted in programmes directed at children between 5 am and 8.30 pm. In March 2018, a 'whistle to whistle' ban on gambling advertising was introduced, from five minutes before until five minutes after sporting events broadcast between the hours of 05:00 and 20:30. The Australian Communications and Media Authority will have powers to determine programme standards for gambling advertisements that apply to certain broadcasters and pay-tv providers. The media standards body will set standards for advertising on broadcast media. The Authority introduced new rules which came into effect in September 2018 which allowed for close monitoring of the adherence to these rules by gambling companies.
Belgium	Belgium has introduced regulations surrounding the promotion and advertising of gambling products. Legislation passed in October 2018 restricted online gambling advertising. Online casino operators will be restricted to promoting services on government-approved websites, with constricted messaging. Advertising of sports betting on television is restricted to after the 8pm watershed with no promotion allowed during the broadcast of live sports events. A ban on celebrity and/or athlete promotion of gambling products has also been part of Belgium's modified approach to advertising and promotion. In addition, it has recently been reported that a new draft Royal Decree will seek to effectively ban nearly all forms of gambling advertising by the end of 2022.
Italy	In January 2019, Italy implemented a blanket prohibition on gambling advertising and sponsorship with the specific aim of limiting the further spread of harmful gambling. It followed the results of a large-scale survey commissioned by Italy's gambling regulator which found that although only 19.3% of Italians who actively gambled last year said they were inspired to play after seeing a gambling advert, 30% of problem players choose to play based on advertising they had seen or heard.
Netherlands	In the Netherlands, the 'Remote Gambling Act' which came into force on 1 April 2021, includes a measure which will bar the advertising of gambling-related content between 6am and 9pm, during which time gambling companies cannot contact gamblers with free promotion offers. Remote gambling operators are also prohibited from using individual professional sportspersons or a team consisting of individual sportspersons in its advertising activities among other measures. It has also been recently reported that new legislation is set to be introduced which would ban operators from advertising on television, radio or in public spaces whether indoors or outdoors, from 1 January, 2023 while sponsorship of television programmes and events will be prohibited from 1 January 2024 and of sports shirts and venues from 1 January 2025.

Country	Type of restriction introduced
Norway	Norway has also moved to change its gambling advertising regulations. From 1 January 2021, the Norwegian Media Authority has the authority to prevent overseas gambling entities advertising their products in Norway. The Norwegian Ministry of Culture has also tightened guidelines for domestic operators Norsk Tipping and Norsk Rikstoto, limiting their advertising to “what is necessary to channel consumers away from unlicensed private operators and towards the two state-owned operators”.
Spain	Spain also made significant moves in 2020 to put in place stringent new rules on gambling advertising, with Covid 19 playing an important role in the tightening of regulations. Gambling operators will no longer be permitted to have branding on sports teams’ shirts, and will also be prohibited from purchasing naming rights to stadiums, event spaces or competitions. TV and radio advertisements for gambling will now only be permitted between 1am and 5am.
UK	In the UK, gambling advertising standards are issued by the Committee of Advertising Practice (CAP) and enforced by the Advertising Standards Authority. It is a condition of a Gambling Commission licence that marketing communications, including those for “free bet” and bonus promotions, do not mislead. It has also been reported that revised guidance on protecting the under-18s is due to come into effect in October 2022 and states that sportspeople, celebrities and social media influencers who are “likely to be of strong appeal to children or young persons, especially by reflecting or being associated with youth culture” will be banned from gambling and lottery adverts. UK-based betting companies have supported the introduction of restrictions on television advertising before 9pm.

Source: Selected examples reproduced from Interdepartmental Working Group report ([2019](#)) and Kerr, A. et al. ([2021](#)).

Conclusions

The saturation of gambling marketing in Ireland and elsewhere through traditional and online channels and particularly around sport has generated concern from commentators regarding the potentially harmful impact on society. Reviews of the academic research have indicated that children and problem gamblers are particularly influenced by gambling advertising. To address societal harm from gambling, many countries have recently introduced curbs on gambling advertising including watershed bans in Australia, Belgium, the Netherlands and Spain, whilst Italy has introduced an outright ban. In Ireland, one of the key functions of the proposed Gambling Regulatory Authority will be to develop appropriate safeguards to protect individuals from the harms of problem gambling through the regulation of gambling-related advertising.

Commenting on the General Scheme of the Gambling Regulation Bill, both industry and health stakeholders have called for the proposed Gambling Regulatory Authority to consult widely with stakeholders in the creation of any codes on advertising, promotions or sponsorship of gambling. Gambling industry stakeholders contend that regulation of gambling advertising should recognise clear distinctions between different types of gambling advertising and avoid unintended consequences through over-simplistic approaches (such as measures which effectively ban any sponsorship of sport or which ban outdoor advertising). Meanwhile, health stakeholders argue that in an increasingly complex digital environment that it is virtually impossible to prevent exposure to vulnerable groups and therefore recommend extensive restrictions on gambling advertising, particularly around sport (including a ban on gambling advertising before the watershed and strict penalties for targeting of gambling adverts towards vulnerable groups).

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Contact:

Houses of the Oireachtas

Leinster House

Kildare Street

Dublin 2

D02 XR20

www.oireachtas.ie

Tel: +353 (0)1 6183000 or 076 1001700

Twitter: @OireachtasNews

Library & Research Service

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