

GAMBLING COMMISSION

Broadway Gaming Limited

**Breach of Social Responsibility code provisions:
5.1.7 Marketing of offers**

5 December 2017

**The issues identified in this statement are likely to form the basis for
future compliance assessments of gambling operators**

1. Executive summary

This case concerns Broadway Gaming Limited (Broadway), which holds an operating licence for remote bingo and casino activity.

The Gambling Commission commenced a regulatory investigation on 6 March 2017 having identified that a number of promotions on websites operated by Broadway were misleading.

Our investigation found a number of adverts misled consumers by failing to include significant terms.

In line with our *Statement of principles for licensing and regulation*, we have decided that Broadway will pay £100,000 in lieu of a financial penalty.

Broadway has acknowledged its weaknesses and worked with us to avoid a repetition of its failings.

2. Commission findings

In June 2016 the Advertising Standards Authority [upheld a complaint about an advert](#) that appeared on Broadway Gaming Ltd's website Butlersbingo.com.

The ASA ruled that the advert – which offered "Deposit £10. Play £35" – was misleading as it did not communicate significant conditions for the promotion.

Further investigation, completed after the ASA ruling regarding Butlers Bingo, found similar failings on the following websites run by Broadway: Bingo Diamond, Casino of Dreams, Dotty Bingo, Rehab Bingo.

Broadway has accepted these adverts breached SR code provision 5.1.7.2:

- *Licensees must abide by any relevant provision of the CAP or BCAP code, as the case may be, which relates to 'free bet', 'bonus' or similar offers and in that regard follow the CAP and BCAP 'Guidance on the rules for gambling advertisements'. In particular that:*
 - a. *Marketing communications (which include advertisements) must state significant limitations and qualifications. Qualifications may clarify but must not contradict the claims that they qualify.*

During our investigation Broadway admitted that affiliate advertisers had placed similar adverts on other websites. The operator accepted that it is responsible for the actions of its affiliates and provided assurances that it will exercise greater control of the marketing material produced and published by affiliates in the future.

3. Good practice

To avoid making the same mistakes as Broadway, operators should consider the following:

- Have you ensured marketing communications include significant limitations and qualifications which consumers should be aware of?
- Have you ensured marketing communications are compliant with LCCP provisions and CAP and BCAP rules?
- Have you used the free and paid for copy advice service provided by the ASA and CAP?
- Have you ensured contractual terms and conditions with affiliates are robust?
- Have you ensured that affiliates are clear of their requirements regarding advertising standards and the consequences of compliance failings?
- Are you conducting regular audits of your affiliates' activity against your compliance policy?
- Are you auditing new affiliates' websites, in addition to the creative and copy used, before accepting them onto your affiliate programme?

4. Regulatory settlement

The penalty package comprises:

- a) a payment in lieu of a financial penalty in the sum of £100,000 which we would otherwise impose for breach of a licence condition in accordance with our [Statement of Principles for Determining Financial Penalties](#), to include a contribution to the Commission costs of investigating this matter.
- b) agreement to the publication of this statement outlining the failings by Broadway and the lessons to be learned by the wider industry.

We acknowledge that Broadway has made changes to its marketing to ensure the relevant information has been included.

During the investigation Broadway was open and transparent in its dealings with us. It demonstrated that it had insight into the failings and took action that prevented the need for more formal regulatory action.

Broadway has also provided assurances that it has enhanced its procedures and controls to ensure future marketing communication does not mislead consumers.

5. Conclusion

We consider that this case provides valuable learning for remote and non-remote operators.

Operators must ensure that they do not mislead consumers or more generally cause consumer confusion by using unclear and ambiguous terminology in the marketing and advertising of their products. Their marketing and advertising should comply with the requirements of [BCAP/CAP](#) codes and the *Licence conditions and codes of practice*.

Operators should take a proactive approach in assessing marketing and advertising promotions to ensure consumers are fully informed about the nature of the products on offer.

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making gambling fairer and safer