

Help Note

Marketing for betting tipster services



CAP Help Notes offer guidance for non-broadcast marketing communications under the UK Code of Non-broadcast Advertising, Sales Promotions and Direct Marketing (the CAP Code). For advice on the rules for TV or radio commercials, contact Clearcast www.clearcast.co.uk for TV ads or the RACC www.racc.co.uk for radio ads.

Background

These guidelines, drawn up by the CAP Executive, are intended to help marketers and agencies interpret the rules in the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing. The “Key points” are intended to guide media ad departments. The Help Note is based on past ASA rulings. It neither constitutes new rules nor binds the ASA Council in the event of a complaint about a marketing communication that follows it.

Key points for media ad departments

- Publishers are advised to require all betting tipster marketers to disclose to them their real name, trading name (if different) and permanent address
- Publishers should check that marketers have “proofed” forecasts with an independent third party before marketing that they have tipped particular winners or achieved a certain level of profit (see 5.1)
- Publishers who “proof” their marketers’ forecasts for them should be able to provide documentary evidence that the forecasts were lodged with them in advance and that their systems for recording such forecasts have been approved and regularly monitored by an independent third party (see 5.2)
- Publishers should check that marketers have not claimed that their forecasts are very likely or certain to win or their service is very likely or certain to turn a profit (see 6.1)
- Publishers should check that marketers who make claims about their track record have not exaggerated their success, have stated clearly both the relevant period of forecasting and the “bank” and have either based their forecasts on starting prices or have stated the basis for any earlier prices (see 7)

Publishers should check that opinions/testimonials are not presented as statements of fact, are genuine and are used with permission (see 8).

The law and the Code

3.1 Marketers should seek legal advice or contact their home authority to ensure that their claims are legal. Individual circumstances will determine whether or not any marketing communication breaches the law;

3.2 Marketers offering services via a premium rate telephone line must conform to the latest edition of the PhonePayPlus Code of Practice.

3.3 The British Code of Advertising, Sales Promotion and Direct Marketing (the CAP Code) states: “Before distributing or submitting a marketing communication for publication, marketers must hold documentary evidence to prove claims that consumers are likely to regard as objective and that are capable of objective substantiation. The ASA may regard claims as misleading in the absence of adequate substantiation.” (Rule 3.7), and “Marketing communications must not materially mislead or be likely to do so” (Rule 3.1).

Scope

4.1 This guidance applies not only to horse racing betting tipster advertisements in non-broadcast media but also to those marketing tipster services for other events (e.g. football matches); and

4.2 This guidance applies to those marketing betting systems as well as those marketing specific forecasts on events.

“Proofing” forecasts

5.1 Marketers must be able to substantiate claims that they have tipped particular winners or achieved a certain level of profit. To do this, they should “proof” forecasts, i.e. lodge all forecasts with an independent third party before the events to which they refer take place;

5.2 Ideally, marketers should “proof” forecasts with an independent third party such as a well known and reputable firm of accountants or solicitors. If marketers “proof” forecasts with the publishers of their advertisements, the publishers should be able to provide documentary evidence that the forecasts were lodged with them before the relevant events took place and that their “proofing” systems for recording such forecasts have been approved and regularly monitored by a well known and reputable firm of accountants or solicitors; and

5.3 Marketers who claim to have forecast a successful combination (e.g. a double or a treble) must be able to substantiate that the forecast was “proofed” specifically as a combination and not just as several individual bets.

Exaggerated success claims

6.1 Marketers should not claim that their forecasts are very likely or certain to win or that their service is very likely or certain to turn a profit.

Track record claims

7.1 Marketers who make claims about their track record (e.g. by quoting aggregate profit figures) must state clearly the relevant period of forecasting and the total amount of money (the “bank”) needed to place stakes on the forecasts;

7.2 Marketers should not refer to successful periods in a way that wrongly implies they are successful in other periods, or are generally successful;

7.3 Marketers who make claims about their track record are urged to base their claims on

starting prices.

7.4 Marketers who make claims about their track record based on prices other than starting prices should be able to substantiate that those prices were available with a reputable bookmaker and should state the basis of those prices. Marketers basing their forecasts on ante-post prices should not ignore from their calculations those stakes lost because horses did not run.

Opinions/testimonials

8.1 Opinions should not be presented as statements of fact. The use of quotation marks alone may not be sufficient to make clear that an opinion is not a statement of fact;

8.2 Opinions on particular forecasts or on the success of particular services should be genuine and should be used only with the written permission of those giving them; and

8.3 Opinions alone do not constitute substantiation and should be supported, if necessary, with independent evidence of their accuracy.

Advice on specific marketing communications is available from the Copy Advice team by telephone on 020 7492 2100, by fax on 020 7404 3404, or you can log a specific written enquiry via our online request form <http://www.copyadvice.org.uk/Ad-Advice/Bespoke-Copy-Advice.aspx>. The Copy Advice website at www.copyadvice.org.uk contains a full list of Help Notes as well as access to the AdviceOnline database, which has links through to relevant Code rules and ASA adjudications.