



DIGITAL MEDIA & ELECTRONIC COMMUNICATIONS

Advertising Regulatory Board ups the ante on responsible gambling advertising

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While gambling advertising is already extensively regulated in national and provincial legislation, the Advertising Regulatory Board (ARB) has proposed amendments to take its self-regulatory Gambling Advertising Code up a notch.

The proposed Code presents an opportunity for industry to collaborate to formulate and adhere to a gambling advertising code that protects the public through responsible gambling advertising rules that are practical and informed by commercial realities, over and above the advertising restrictions in gambling legislation.

The ARB has published proposed amendments to the Gambling Code for stakeholder consultation, with comments due by 28 February 2026.

The increasing prevalence of gambling and betting advertising in South Africa has put a spotlight on the regulation of gambling advertising.

There are wide-ranging concerns about gambling – and by extension gambling advertising – including concerns about the illegal black market and the need to protect vulnerable members of the population, including children and problem gamblers.

But some may not be aware that gambling advertising is already extensively regulated in South Africa.

The National Gambling Act and the National Gambling Regulations restrict gambling advertising in various ways.

- In terms of the National Gambling Act, a person may not advertise any gambling activity in a false or misleading manner, advertise unlawful gambling, or advertise gambling in a manner intended to target or attract minors.
- The National Gambling Regulations also contain a raft of restrictions on the placement, timing and content of gambling ads: For example, gambling ads must not portray excessive play, present a game as a means of relieving financial or personal difficulties, exhort gambling as a means of recovering past gambling or financial losses, claim guaranteed personal, financial or social success, represent gambling as an alternative to employment, or imply that winning is the probable outcome of gambling. Gambling ads must also include the prescribed National Responsible Gambling Programme helpline number and messaging.

In addition to the *National* gambling legislation, each South African *province* has its own gambling law and regulator, with its own restrictions. For example, in the Western Cape, there are various restrictions on undesirable gambling advertising.

The Advertising Regulatory Board (ARB) (formerly the Advertising Standards Authority of South Africa) is a *self-regulation* body that works with ad agencies, the media and industry to self-regulate advertising through the ARB Code of Advertising Practice (the "ARB Code"), on which the ARB receives and adjudicates complaints. The ARB Code deals with advertising in general, but also contains 9 appendices dealing with subject-specific advertising, ranging from pet food to cosmetics to breast milk substitutes, alcohol and gambling.

The ARB introduced the Gambling Advertising Appendix (the "Gambling Code") in an effort to strengthen the integrity of gambling advertising practices and ensure that advertising in this sector is responsible.

Earlier versions of the Gambling Code consolidated the existing laws on gambling advertising into a single streamlined document with simplified language.

The ARB is now taking the Gambling Code up a notch. It has proposed amendments to the Gambling Code in an effort to address some of the issues that have emerged recently, to provide an industry-led solution to ensure responsible gambling advertising.

The ARB launched the revised Gambling Code at the Responsible Gambling Summit in November 2025, and held an industry workshop on 28 January 2026 to go through the draft Code in more detail.

The proposed amendments to the Gambling Code include:

- Additional **content restrictions**, including prohibition on portraying irresponsible gambling behaviours and gambling as a solution to financial or personal problems.
- More restrictions on **advertising to minors**, including prohibition of themes or imagery that have primary appeal to people under the gambling age, e.g. cartoons and characters which are known to be widely popular primarily with people under 18.
- A new section on **timing and placement restrictions**, with restrictions for different media platforms, including outdoor, radio, television and online content services, social media and digital platforms. New provisions on the use of celebrities on social media and digital platforms require the celebrity to be – and appear to be – at least 21 years old, shown behaving responsibly, and in an age-appropriate setting, with the use of celebrities who appeal primarily to an underage audience prohibited.
- A requirement for the **National Responsible Gambling Programme warning** to be spoken at the same speed and volume as the rest of the commercial.

While the Gambling Code cannot replace legislation, it presents an opportunity for industry to collaborate to formulate and adhere to a code that protects the public – and particularly the vulnerable members of society – through enhanced rules that are practical, informed by commercial realities, and reflective of best practice, allowing businesses to operate with greater autonomy and flexibility while still maintaining public protection standards. A self-regulatory code such as the Gambling Code is also easier and quicker to amend to keep up with developments than an Act of Parliament or regulations.

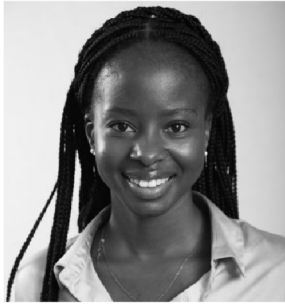
The Gambling Code is open for comment by interested parties. Submissions or requests for extensions may be made to the ARB by Saturday 28 February. For further information, contact us (wrosenberg@werksmans.com or nmadondo@werksmans.com) or contact the ARB on info@arb.org.za



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