

knowledge snapshot



The responsibilities of social media platforms in addressing illegal gambling advertising in Australia

What this article is about

The Australian Ad Observatory is a project of the Australian Research Council (ARC) Center of Excellence for Automated Decision-making and Society. The purpose of the project is to enlist the help of Australians who use Facebook to better understand online advertising. The project collects data through the help of research participants ('citizen scientists') who live in Australia. Participants collect targeted online ads that they see on their Facebook and send them to the Ad Observatory. The collected ads can be viewed by citizen scientists in a personal dashboard. These ads can also be searched, filtered, and sorted by researchers on the project.

Through the Australian Ad Observatory, the authors discovered gambling advertising by BitStarz, an online offshore casino. In this article, the authors discuss how the gaps in current Australian law have enabled BitStarz to advertise to Australians. Finally, the authors provide recommendations to strengthen law and policies around harmful advertising.

What was done?

The authors used data from the Australian Ad Observatory to search for common gambling terms (e.g., casino, slots, pokie). They checked the results to identify any online gambling services that were not allowed under Australia's Interactive Gambling Act 2001. They did this by cross-checking the names of the advertisers against a list of blocked gambling websites that is maintained by the Australian Communication and Media Authority (ACMA). The authors discovered an online offshore casino (BitStarz) was able to advertise on Facebook through targeted ads to users in Australia. This is concerning because BitStarz is not legally allowed to operate or

Why is this article important?

The Australian Ad Observatory is a project that enlists the help of Australians who use Facebook to collect data on online advertising. This article provides a commentary on how the gaps in current Australian law have enabled the advertising of online gambling services that are supposed to be prohibited in Australia. The authors also comment on how social media platforms help normalize gambling. The authors advocate for global online platforms to be held accountable for harmful advertising.

advertise in Australia. The authors discuss three reasons for how such advertising could appear on social media and be targeted to Australians.

What you need to know

The authors identified four instances of advertisements for BitStarz that were targeted at Australians. In 2021, BitStarz was found by the ACMA to be providing a prohibited service to customers in Australia. This is in breach of the Interactive Gambling Act. BitStarz was formally warned by the ACMA and placed on the list of blocked websites. The authors noted that the ads for BitStarz continued to run even after such legal action. The authors discuss three explanations for how such advertising could appear on social media to people in Australia despite the law prohibiting it.

Transnational enforcement challenges: Some jurisdictions have permissive legislation that allows online casino servers. These servers then offer gambling services to geographically distant locations (e.g., Australia) that try to prohibit such services. The

ACMA has a register of about 700 prohibited gambling websites that it asks internet service providers (ISPs) to block in Australia. But these gambling operators often set up mirror websites to circumvent the blocks.

Social media as a blind spot in the law: While the ACMA can ask ISPs to block the websites of online casinos in Australia, it is not able to request online platforms to block ads for those same websites. The law defines a website as being published in Australia only if “it is likely that a majority of persons who access the website are physically present in Australia.” This limits its power to prohibit websites with a global audience like those on Facebook.

Unaccountable social media policies: There is no information about how social media companies (e.g., Meta, Facebook’s parent company) implement and monitor their own policies to identify problematic advertisements. There is also no information on the extent to which these companies rely on computer algorithms and whether humans are involved at all in reviewing illegal ads.

The authors discuss how social media platforms fail to ensure that advertisements that appear on their platforms comply with the law. With their reach into everyday life, social media platforms help normalize gambling. The authors note that public authorities do not have access to all the advertisements that appear on a particular platform. The Australian Competition and Consumer Commission (ACCC, Australia’s main consumer regulator) is currently taking enforcement action against Meta. The authors suggest that social media platforms should provide more information about what advertising they accept and how their advertising content policies work.

Who is it intended for?

The commentary is intended for policy makers. The authors advocate for global online platforms to be held accountable for harmful advertising.

About the researchers

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Citation

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