

# EOGL

European  
Organization  
for Gaming Law

**MARKETING IN GAMBLING  
ADVERTISING REGULATIONS  
TREND**

[www.eogl.eu](http://www.eogl.eu)

## **LEGAL LIMITATIONS**

Limitations are directed:

- to protect vulnerable groups (minors and problem or pathological gamblers)
- to be in accordance with actual regulations for Responsible Gaming
- to protect society against excessive advertising of gaming
- to protect personal data
- to fulfil AML regulations

## **TWO LEGAL REGULATIONS ARE THE TREND:**

- limitation of advertising
- advertising rules are under the influence of required responsible gaming solutions

## **LEGAL LIMITATIONS TRENDS**

Advertisements should be:

- Accompanied by a warning message against gambling addiction and a message referring to a phone number that players can call
- Prohibited in publications aimed at minors.
- Prohibited on audiovisual programs presented to minors.
- Prohibited in online programs aimed at minors.
- Prohibited in movie theatres during the broadcast of works available to minors.
- Prohibited for sending (E-mails, SMS) to minors, registered

## **CASE STUDY**

- **United Kingdom (as a trendsetter)**
- **Italy (actual situation as an extreme example)**

## **UNITED KINGDOM ADVERTISING REGULATIONS FOR GAMING**

**The Advertising Standards Authority (ASA)** is the UK's independent regulator of advertising across all media, applying the Advertising Codes, which are written by the Committees of Advertising Practice.

The rules are designed to ensure that marketing communications for gambling products are socially responsible, with particular regard to the need to protect children, young persons under 18 and other vulnerable persons from being harmed or exploited by advertising that features or promotes gambling.

# UNITED KINGDOM

## ADVERTISING REGULATIONS FOR GAMING

**The Advertising Standards Authority (ASA)**, The Committees of Advertising Practice :

- UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code) is the rule book for non-broadcast advertisements, sales promotions and direct marketing communications (marketing communications)
- **The UK Code of Broadcast Advertising (BCAP Code)** applies to all advertisements (including teleshopping, content on self-promotional television channels, television text and interactive tv ads) and program sponsorship credits on radio and television services licensed by Ofcom.
- **Advertising guidance** (eg. Gambling advertising: responsibility and problem gambling, Guidance for Advertisers of free Bets and Bonuses, ...)

## **UNITED KINGDOM**

### **ADVERTISING REGULATIONS FOR GAMING**

#### **UK Gambling Commission – codes of practice:**

- social responsibility code provisions
- ordinary code provisions (compliance with advertising codes, other marketing requirements, electronic marketing consent, responsibility for third parties + remote, complaints and disputes, ...)

#### **UK Competition and Markets Authority**

- whether the terms, conditions and practices that licensees use are fair and transparent, especially around bonus offers



## **UNITED KINGDOM**

### **ADVERTISING REGULATIONS FOR GAMING**

UK's Gambling Commission (UKGC) adopted a set of new rules which came into effect from 31 October 2018. The rules are expected to ensure better protection and fairer treatment for consumers from the part of gambling businesses. Major points:

- Operators have to abide UK advertising codes which are written by the committees of advertising practice and enforced by the Advertising Standards Authority.
- Operators have to be held fully accountable for the actions and behaviors of third parties, including affiliates.
- Operators have to comply with consumer law, particularly in relation to online promotions and the withdrawal of customer funds.
- Operators have to introduce better complaint handling processes

# UNITED KINGDOM

## ADVERTISING REGULATIONS FOR GAMING

### The Industry Group for Responsible Gambling

IGRG is a collective body for the five key gambling trade associations in the UK to work together on collective issues around social responsibility:

## **UNITED KINGDOM**

### **ADVERTISING REGULATIONS FOR GAMING**

#### **The Industry Group for Responsible Gambling**

The 5th Edition of Gambling Industry Code for Socially Responsible advertising

**Came into force on 1st August 2019.**

The changes include a 'whistle to whistle' ban on all TV betting adverts during pre-watershed live sport, starting five minutes before the event begins, and ending five minutes after it finishes. Additional measures include an end to betting adverts around highlight shows and re-runs, and an end to pre-watershed bookmaker sponsorship of sports programmes. These changes, should effectively stop betting adverts from being shown in commercial breaks during televised live sport (excluding horse and greyhound racing programmes). These measures are complementary to the additional restrictions that have been made by some broadcasters, which include limiting betting adverts during the 'build up' shows prior to live sport to one advert per break.

## **UNITED KINGDOM**

### **ADVERTISING REGULATIONS FOR GAMING**

#### **The Industry Group for Responsible Gambling**

The 5th Edition of Gambling Industry Code for Socially Responsible advertising

The code already includes, for instance, provisions which:

- Prevent any online casino advertising before the 9.00pm watershed;
- Stop gambling sponsorships appearing on any children's merchandise, including notably on replica football shirts;
- Include measures relating to online and social media marketing;
- Requires all gambling adverts on television to carry a responsible gambling message and/or a reference to [begambleaware.org](http://begambleaware.org) throughout the length of those adverts.

## UNITED KINGDOM

### ADVERTISING REGULATIONS FOR GAMING

#### The Industry Group for Responsible Gambling

The 5th Edition of Gambling Industry Code for Socially Responsible advertising should strengthen the current code restrictions around pre-watershed TV advertising and serves to reduce the overall number of betting adverts on TV and to prevent the concentration of betting adverts around live sporting events before the watershed and should be achieved by:

- The so-called ‘whistle to whistle’ ban on betting advertising prior to the 9.00pm watershed around all live televised sports (apart from horse and greyhound racing), with the ban commencing five minutes prior to the live broadcast of the game/match beginning and ending five minutes after it has finished.
- A complete ban on pre-watershed betting advertising on around the non-live broadcasting of sports (ie re-runs of events and highlights programmes).

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- The code changes should also apply to the live streaming of events (ie when sporting events that are being broadcast on television can also be viewed on mobile and other

## **UNITED KINGDOM**

### **ADVERTISING REGULATIONS FOR GAMING**

#### **The Industry Group for Responsible Gambling**

The 5th Edition of Gambling Industry Code for Socially Responsible advertising

- There are no financial reports about consequences of advertising ban yet.
- Only Sky TV reported advertising revenue decreased 13.8%, reflecting an unfavorable impact from a change in legislation related to gambling advertisements in the UK and Italy, as well as overall market weakness.

## **ITALY**

# **ADVERTISING REGULATIONS FOR GAMING**

**Italy had a common advertising regulation for gaming (more or less similar to other EU countries).**

**Nowadays, there is completely banned sponsorship and advertising for gaming, starting with January 1, 2019.**

**BUT ...**

## ITALY

### THE RESEARCH

Published in October 2018., the **Italian National Institute of Health (ISS)** study on Italian gambling has shed significant light on the realities of tackling problem gambling within Italy.

Undertaking Italy's first '*epidemiological study*' on problem gambling trends, effects and triggers, the ISS surveyed 12,000 adults, representing the nation's most comprehensive research on gambling trends to date.

In its report, the Health institute categorically emphasized that an advertising/marketing ban would have little to no impact on Italian gambling trends.

- **'Only 19.3% of the players who watched the gaming advertisement chose to play after viewing it, while 80.7% claim they were not conditioned.'**



# ITALY

## At the beginning of 2019. ...

- The regulator detailed Italy's gambling ad ban regulations and explained it won't be as harsh as it previously announced.
- Traditional advertising, commercial communications such as product placement, distribution of branded items, advertorials and influencer marketing will be banned.
- Indexing services to improve search engine results for companies will be permitted.
- In addition, third-party affiliates may use operators' brand names in limited capacities. They may compare odds on specific events or bonus offers, and such.

**BUT ...**

# ITALY

**At the end of April 2019** Italian regulator AGCOM has set how it plans to enforce Italy's gambling advertising ban:

- Direct and indirect advertising, sponsorship or promotional communications are all banned.
- Traditional advertising, commercial communications such as product placement, distribution of branded items, advertorials and influencer marketing are banned.
- Other types of company-customer communications won't fall under new rules. Informative communications such as sporting odds, jackpots, odds of winning a game, bonuses available and minimum bet sizes are allowed.

## ITALY

**At the middle of summer 2019** sports betting seems to be growing exponentially all over the world, but this time Italy wasn't part of that movement. Italy's gambling regulator has reported the financial figures from July's operations, which indicate that the segment did not perform as well as expected:

- Licensed sports betting operators posted revenues of € 95.3 million in July, representing a 16.6% decrease from the same period last year
- Online poker tournaments were down by 11.1% to € 5.3 million.
- Cash games also posted a revenue fall of 6.6% to € 4.4 million.
- Online casino revenue increased by 14.6% to € 64.4 million.

## ITALY

The government of Italy has proposed an increase on I Gaming taxes as part of its 2020 budget plan sent to the European Commission.

In order to fight illegal gambling, the government wants to create a central registry for gambling licensees under the ADM regulatory body. New measures include penalties of up to € 1.3 million for financial institutions that process payments on behalf of unlicensed operators.

Italian trade group LOGiCO, representing the interest of online gambling operators, has written an open letter to the President, asking for open communication in order to review the current gambling regulations in Italy.

- According to the trade group, a total ban on advertising and sponsorship, as well as increased taxation on gaming, affects the online gaming sector, not only in economic terms, but also it harms the market itself. They argue that the regulations undermine the solidity of the entire remote gaming regulatory system. In the absence of a legal offer, it relegates the gaming demand to illegal channels, which are easily reachable. As gamblers can still access these sites, the regulations end up having the opposite effect, increasing social problems.

## **ANOTHER POTENTIAL CASE – SPAIN?**

It has been reported that the Spanish government's 2019 budget announcement is expected to include advertising restrictions for licensed gambling.

Support for a gambling advertising ban in Spain continues to grow.

Healthcare professionals have announced their support of gaming regulations. According to local media, psychologists and addiction experts are calling for a gambling advertising ban.

A gambling advertising ban in Spain has been under debate for quite a while, but could finally be enforced.

The Spanish Ombudsman asked for a complete ban of gambling advertising in Spain. However, should there only be limits applied.

**The government could accept all the Ombudsman's recommendations and limit the industry's marketing efforts.**

## **SWEDEN AND MODERATE ADVERTISING**

Sweden's gambling regulatory authority is expecting to set out a new plan to regulate the amount of gambling advertising mentioning "moderate advertising".

Many people have asked about current laws and how moderate advertisement should be.

However, the regulator said that for companies that want to comply with the law, the ambiguity of the word "moderate" should not be a problem and noticed that in several cases, the Swedish Consumer Agency has already taken a position on the issue of what is moderate - for example, in the Swedish Consumer Agency's lawsuit filing submitted to the Patent and Market Court last December, a number of factors are decisive for the assessment of moderate advertising.

The gaming companies that don't follow the requirement for moderation in gaming advertisement could take a great risk. The Gaming Inspectorate's sanctions are reverse-looking, which means that the Gaming Inspectorate can, with the help of the Gaming Act, impose backward sanctions if it is established in the Consumer Agency's supervision that a company has violated the moderation requirement.

The UK Gambling Commission's Program Director for Consumer Protection & Empowerment, **Ian Angus:**

**“My advice to you is this: a storm is gathering, but it can be avoided. Learn from the mistakes of the past – listen to what the public is saying and put responsible advertising standards at the very heart of your business. Don't wait for the storm clouds to burst and precautionary measures to be triggered. Step up now and own this.”**

**THANK YOU**

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**Zoran Puhac**

**Secretary-General of EOGL**

**[zoran.puhac@eogl.eu](mailto:zoran.puhac@eogl.eu)**