

This paper was drafted in February 2007 as a discussion paper for the GREF Working Group on Technical Issues, and explains the author's perspective best practices with regard advertising and marketing of gambling services. The paper has not been updated to reflect any changes since the first discussion in the Working Group.

The paper has been discussed and accepted in the 6th meeting of the GREF Working Group on Technical Issues on 2 March 2007, The Hague, The Netherlands, and has been endorsed at the annual meeting of GREF on 12 June 2009 in Tallinn, Estonia.

Best practices – Advertising and marketing of gambling services

Rolf Sims, Norwegian Ministry of Culture and Church Affairs
February 2007

At the meeting of the GREF Working group on Technical Issues in Barcelona 30th October 2006, it was decided that I should put together a paper on best practices from a list of topics provided in document relating to item 8 on the agenda for the meeting. I have decided to draw up a paper on the topic of advertising/marketing of gambling services.

Methodology

I May 2005 the Norwegian Government issued Guidelines for the marketing of state-controlled gaming and gambling. This was a direct result of a Governmental Action Plan to combat to prevent the development and combat problem gambling in Norway, as one of several measures implemented to tackle thus issue. The guidelines were drawn up through a combined effort involving Norwegian gaming authorities and the Consumer ombudsman.

This best practice paper is based on these guidelines, which at present are only applicable to state controlled gaming in Norway. However the principles may also be applied to gambling offered within all other market models.

Why regulate advertising/marketing of gambling?

Gambling legislation in most jurisdictions has strong underlying social considerations as a foundation. Common denominators that may be found in respective national legislation within all levels of regulation are:

- the wish to offer players a fair game
- prevent problem gaming by protecting the vulnerable
- keeping minors out of gambling
- prevent criminal activities in the gaming market

Advertising and marketing of gambling services represent a link between the player and the game at offer. Such activities may be a gateway for new players to gambling, maintain players` to their current gaming habits or guide players to new forms of gambling.

Advertising and marketing are often mentioned as issue in a problem gambling context and therefore have a social-political dimension. Most jurisdictions do not regard gambling as a primary service in domestic life, or a regular service in society. The player is never guaranteed a reimbursement of the economical value of the stake and gambling is therefore not generally regarded as a regular business transaction. Due to the peculiar nature of gambling, any information on a gambling activity should therefore contain a correct and informative description of the service on offer.

The terms advertising/marketing is defined herein as paid communications or activities that promote gaming and gambling activities. The guidelines also encompass all and any public statements or proclamations of trademarks, branding and sponsorship. However they may also apply to other activities to promote gambling.

Objectives

The aim of these best practices should be to ensure that the advertising and marketing of gaming and gambling activities is implemented in a socially responsible manner with the aim of limiting undesirable gambling habits and does not result in excessive gambling.

Best practice principles

The following may be implemented as best practice principles for advertising or marketing of gambling services:

1. Marketing of gaming/gambling activities should not misleading and/or provide insufficient guidance. When a player chooses to accept an offer to gamble, the information supplied within the marketing should contain a correct and honest description of the service at offer.
2. Winning chances should be presented in a correct and balanced way, so that no impression is created that winning chances are better than they actually are.
3. If the possibility of winning pre-defined prizes (for example progressive jackpots) is emphasised in the marketing material, it should be considered to include information showing the probability of winning the said prize and the possibly last date such a prize was paid out shall be included. It is not sufficient to refer to "satisfied customers" or similar.

As mentioned above, the player is never guaranteed a reimbursement of the economical value of the stake. Any information of winning chances and prizes should not lead players to believe otherwise.

4. Marketing should not be directed towards children and young people under the age of 18. Neither should children and young people under the age of 18 be used in the marketing of gaming/gambling. Gambling is generally regarded as being an activity for adults and a large majority of jurisdictions have an 18 year age limit to gamble. Marketing should therefore not contain elements that attract or invite minors to gamble. In many jurisdictions this would be regarded as an evasion of the law.
5. It is widely common to use celebrities in advertising/marketing, due to the commercial impact celebrity status may have for a product or service in a market. In a gambling context this is especially prevalent in the marketing of gambling connected to sporting activities. When using well-known personalities (celebrities), no suggestion should be made that participation in gaming/gambling has contributed to their success. The player should not be made to think that he/she may obtain the same degree of success or status through gambling.
6. Players should not be encouraged to try and recover gambling losses through continued participation in such activities. Chasing of losses is widely regarded as being a catalyst for the

development of and maintenance of a gambling problem. Advertising/marketing should therefore not portray continued gambling as a source for the recovery previous losses.

7. Advertising/marketing should not have any content that suggests that participation in gaming/gambling can result in:

- a solution to financial problems
- a method of earning income
- social acceptance of the player
- personal happiness

This principle is closely connected to principle 5 and 6 and the danger of problem gambling. Through advertising/marketing, gambling should be presented as a leisure activity and not a possible basis to create or maintain ones private economy.

8. Advertising/marketing of gambling should not be excessively intrusive or aggressive. The degree to which advertising is excessively intrusive or aggressive must be assessed in relation to its form, content, the use of sound, pictures, animation or other living images, and the context in general. One should also consider strict rules for or a prohibition on aggressive "hurry and buy" advertising that may encourage impulsive participation in gambling.

9. In connection with the advertising/marketing of gambling via interactive channels, caution should be shown if the use of excessively intrusive effects is being employed, such for example sound and light. The same should also apply to the use of pop-ups as these will represent an involuntary receipt of marketing which may e.g. lead to impulsive gambling.

10. It should be considered only to permit direct marketing of gambling to physical persons through postal direct marketing, SMS, MMS, e-mail, telefax, telephone, addressed mail or similar methods, upon prior permission from the addressee/recipient.

11. One may also consider implementing stricter regulations or codes of practice for advertising/marketing of gambling that represent a larger potential as catalysts for problem gambling, than games that represent a low risk; e.g. casinos/remote gambling contra national lotteries.

Control

The establishment of independent third part control of marketing/advertising of gambling should be considered. Assessment/evaluation of whether or not regulations on advertising/marketing lie within issued guidelines, legislation or best practices will always prove to be difficult unless these activities are regulated within a stringent, casuistic system. One may consider sharing experience with bodies that work with advertising/marketing connected to legislation regarding consumer protection.