

## EACA Policy Brief: Gambling Advertising

The modern entertainment sector could not exist without gambling. Gambling represents both a lucrative business for its owners as well as a way for customers in this industry to make fast and risky money.

In the area of gambling services, there is no EU regulation that is sector specific.

As long as they adhere to the fundamental freedoms outlined in the Treaty on the Functioning of the European Union (TFEU), EU Member states can freely organize their gambling services.

While it is true that gambling is allowed in many countries, there are nevertheless tight legislative restrictions on it.

These limitations are specifically tied to the advertising of this type of entertainment.

In this Brief, we are going to outline the laws applying to the advertising of online gambling in the following four Member States: France (i), Germany (ii), U.K (iii) and Belgium (iv).

### (i) FRANCE

#### **Regulatory Framework:**

Online gambling in France is supervised by L'Autorité Nationale des Jeux the ANJ, a public entity created in 2019. The ANJ has amended its gambling advertising rules and guidelines in 2022.

They are a part of the authority's broader assessment of the nation's gambling advertising standards, which is now being carried out with the assistance of media organizations Professional Advertising Regulatory Authority (ARPP) and the Audiovisual Communication Regulator (ARCOM).

The new rules come in response to a study and consultation done during the UEFA Euro 2020 Championships the year before, which the regulator claimed that caused public concerns about an "oversaturation" of gaming advertisements.

#### **Key points regarding gambling advertising in France:**

- Any advertising or message aimed towards minors or that might be of appeal to them is prohibited. This includes any advertisements that incorporate cameos of young people's favourite celebrities or individuals who appear to be minors, according to the regulator (even if they are not). The ANJ stressed that this encourages kids to think about gambling as a pastime, which can be harmful to their future habits;
- Advertising that "trivializes gambling" or "contains baseless claims" that suggest gambling can raise social standing, provide an employment alternative, or portray unrealistic winning odds is prohibited;
- The number of commercial communications per platform per day should be capped at three (i.e., website, app, social media, search engines). It must be possible for players to opt out of participating in advertisements. Also, the ANJ advises TV and radio broadcasters to cap the number of gambling advertisements each advertising slot at three;

- Any promotional material for a licensed gambling operator must include a warning against compulsive or pathological gambling as well as a reference to the information and assistance system outlined in Article 29 of Act No. 2010-476 of May 12, 2010.

The ANJ then announced its "Four Commitment Charter" in November 2022, bringing new regulations to "de-intensify" gambling promotion across the media verticals of TV, radio, display, and internet marketing during the World Cup.

Two of the charters are updates to existing deal that concentrate on television and radio.

- One of them limits the number of gambling advertisements that can be displayed during a commercial break from four to three;
- In the meantime, a new display advertising charter makes a commitment to limit advertising at train and metro stations and to refrain from advertising gaming close to institutions that provide addiction treatment and education;
- Advertising for responsible gaming will replace many of the current advertisements;
- Finally, a charter on digital advertising prohibits operators from directly marketing gambling to children or other vulnerable individuals. It also outlines expectations for the usage of ambassadors and influencers. All operators and Digital Alliance participants are required to abide by the charter.

## (ii) GERMANY

### **Regulatory Framework:**

In Germany, gambling is governed by a legal framework made up of state and federal regulations.

In July 2021, the new Glücksspielstaatsvertrag (GlüStV 2021), also known as the German Interstate Treaty on Gambling (ISTG) was established to legalize and control online gambling in Germany across all 16 states.

In addition to the restrictions set forth by existing laws (i.e. media, unfair competition and youth protection laws), the GlüStV offers detailed guidelines for the type and scope of advertising.

### **Key points regarding gambling advertising in Germany:**

- Advertising for gambling services that have not been granted a license by Germany's competent gaming regulatory authority is prohibited and is a criminal offense;
- Advertising targeting minors or populations who are vulnerable (meaning people likely to suffer from mental health conditions, or who previously suffered from a gambling addiction) is prohibited;
- Advertising that makes false claims about a consumer's likelihood of winning or the kind or value of a reward is prohibited;

- Advertising for online casino games, virtual slots and online poker on radio, TV, and the internet is prohibited between 6am and 9pm;
- Advertising for sports betting using athletes and authorities in competition is prohibited. As a result, it is no longer possible to find brand ambassadors in a competitive sporting context. In the future, it will also be illegal to use influencers for sponsorship or advertising. Streaming and other social media usage could be significantly impacted by this;
- Advertising via general telecommunications (i.e SMS, WhatsApp messages and telephone calls) is prohibited;

### **(iii) UK**

#### **Regulatory Framework:**

Gambling providers operating into the British market are required by the Gambling Act 2005 (as amended) to get a Gambling Commission license in order to conduct business with and advertise to British customers.

The Commission's Licensing Conditions and Codes of Practice (LCCP) mandate that gambling operators abide by the Advertising Standards Authority's (ASA) Advertising Codes (ASA).

Gambling operators must comply with:

- Chapter 17 of the UK Code of Broadcast Advertising (the Broadcast Committee of Advertising Practice (BCAP) Code). All radio and television advertisements and program sponsorship credits must adhere to this Code;
- Chapter 16 of the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (the Committee of Advertising (CAP) Code). This Code is applicable to direct marketing communications, sales promotions, and non-broadcast advertisements.

#### **Key points regarding gambling advertising in UK:**

- Advertising that promotes socially irresponsible gambling behaviour or that could cause financial, social, or emotional harm is prohibited;
- Advertising that exploits on children, young people, or other vulnerable people's susceptibilities, aspirations, credulity, lack of experience, or lack of information is prohibited;
- Advertising that implies that gambling may be a solution for money problems is prohibited;
- Advertising that links gambling to seduction, sexual success, or increased attractiveness is prohibited;
- Advertising that depicts anyone participating in gambling or acting prominently in an advertisement if they are under 25 (or look to be under 25) is prohibited.

A new gambling advertising rule and accompanying guidance came into force on October 1, 2022, strengthening the requirements on gambling operators to make sure the substance of their advertisements is not appealing to anyone under the age of 18. The reform implements steps to guarantee that gambling advertisements cannot have a significant appeal to children and young people ("New Rules") and comes as a result of a consultation that the Committee on Advertising Practice ("CAP") undertook two years ago.

On November 10, 2022, CAP also published updated instructions for advertisers on responsible age-restricted ad targeting online.

#### **(iv) BELGIUM**

##### **Regulatory Framework:**

In March 2023, King Philippe approved a Royal Decree that severely restricted gambling advertising in Belgium which was then published in the Belgian Official Gazette.

The measure will come into force on July 1st, 2023.

The restrictions will apply to all platforms, including OOH advertising, social media, and TV commercials. The legislation will also regulate gambling companies' sponsorships of sports teams.

All gambling advertising will be prohibited from stadiums beginning on January 1, 2025, and beginning on January 1, 2028, gambling companies will be prohibited from sponsoring sports organizations. The purpose of this transitional time is to "honour ongoing contracts."

The new laws are designed to fight the "normalization" of gambling, particularly with regard to advertisements that target minors.

##### **Key points regarding gambling advertising in Belgium:**

- Gambling companies will still be allowed to advertise on their own social media pages, but they won't be able to engage with users and their video messages will only be able to last for five seconds.
- Gambling companies will be allowed to advertise within actual gaming facilities as well as on a webpage that displays search results after entering gambling-related search terms.
- A "natural person" (defined as a genuine person, typically a celebrity when referring to legal advertising) or a fictional figure may not be used in a gambling advertisement.

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