CANADIAN GAMING ASSOCIATION

Code for Responsible Gaming Advertising

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Preamble

The Canadian Gaming Association (CGA) is a national trade association that represents leading operators and suppliers in Canada's gaming, sports betting, eSports, and lottery industries. The CGA recognizes its pivotal role in shaping the industry's practices and promoting responsible gaming.

A clear focus on responsible advertising is paramount. Adherence to the CGA's "Code for Responsible Gaming Advertising" (the Code) and all relevant standards are meant to provide Canadians with transparency and honesty and ensure that the gaming industry's conduct is clear, conspicuous, and compliant.

CGA's Code provides a benchmark for acceptable and socially responsible advertising within the Canadian gaming industry. It sets forth principles that guide gaming advertisers in their promotional efforts.

The CGA members take immense pride in the safety and well-being of their players and are committed to promoting gaming in a responsible manner.

The Code has been developed by the CGA in partnership with the gaming industry. It reflects our collective dedication to responsible advertising practices. The Code is administered by Ad Standards.

The Code does not replace federal or provincial statutes or regulations. Instead, it stands as a voluntary commitment by the gaming industry to uphold standards that are at least as high as those mandated by law.

The Code supplements those advertiser obligations outlined under relevant Canadian federal and provincial laws and regulations, broadcast codes, as well as those contained in the *Canadian Code of Advertising Standards* administered by Ad Standards.

At all times, operators are responsible for establishing compliance criteria, and control activities to meet all applicable standards within this Code. Members of the industry are encouraged to include a link to this Code on their gaming website(s).

Consumer and competitor complaints about specific gaming advertising may be reviewed and adjudicated against both the *Canadian Code of Advertising Standards* and this Code by Ad Standards. The CGA and Ad Standards intend to review and update this Code every three years or more frequently should a review and update be needed to respond to regulatory changes.

Scope

The Code applies to all advertising of gambling, gaming or betting, in all forms, communicated to Canadians in any medium by CGA members and any other signatories to this Code.

The CGA recognizes that it is not possible to cover every eventuality in a code and, therefore, the gaming industry agrees to observe the spirit as well as the letter of this Code. Questions about the interpretation of the Code and the enforcement of its provisions are to be directed to Ad Standards.

For greater certainty, the Code does not apply to advertising of non-gaming aspects of the operations of CGA members and other signatories to this Code, such as restaurants and theatres within land-based casinos.

Definitions

"Advertising" and **"Advertisement"** is any message (other than those excluded from the application of this Code), the content of which message is controlled directly or indirectly by the advertiser expressed in any language and communicated in any medium (except those listed under Exclusions) to Canadians with the intent to influence their choice, opinion or behaviour.

"Advertiser" is an "entity" that engages in "advertising" and has, or shares with one or more other entities, the final authority over the content of "advertising" or an "advertisement". Without limiting the generality of the foregoing, the term "advertiser" includes affiliates and influencers.

"Affiliates" in the gaming industry are entities that are often paid or otherwise compensated to refer consumers to another business' products, services, or websites through direct-to-consumer marketing or advertising services.

"Entity" includes, but is not limited to, one or more brands, persons, companies, and organizations.

"Gaming" or **"Gambling"** is any "lottery scheme", game of chance or mixed chance and skill that requires monetary consideration for participation. For greater certainty, gaming includes any gaming organized or offered by charitable or religious organizations, bingo halls, land-based casinos, online sports betting, or casino gaming offered by online platforms. This definition excludes games of pure skill (e.g. sports tournaments).

"lottery scheme" has the same meaning as in subsection 207(4) of the Criminal Code (Canada).

"verified player" means a natural person who has satisfied the conditions under applicable law in order to participate in a gaming activity. For example, a person will be considered a verified player on an internet gaming site when they register for an account and successfully complete the required KYC procedures. The term "player" and "verified player" are used interchangeably throughout this Code.

Exclusions

Excluded from the definition of "advertising":

- lottery products offered by provincial lottery corporations
- corporate reports, press releases and annual reports; and
- packaging, wrappers and labels.

Excluded media:

- foreign broadcast media (namely media that originates from foreign broadcast signals and contains the advertising in question) unless the advertising is intentionally targeting Canadians.

I. Truthful and Transparent Advertising

1. Advertisements must be built on transparency and provide clear and factual information about the gaming product.

2. Advertisements must not misrepresent gaming experiences or the likelihood of winning.

Examples of non-compliance:

Advertising a $1M prize alongside the statement "Everyone is a winner" while the odds of winning the advertised prize are low.

Stating that the outcome of a game will depend on a person's skill when skill is not a factor in winning.

Implying that the chances of winning will increase the more or the longer one plays or the more one spends: "You may have lost now, but stick around and luck will come your way!"

Describe the game, offer or bonus related to gaming as "free" when an individual has to risk or lose money to participate.

3. Advertisements must prominently disclose all material conditions to participate in the gaming activity or any offer or promotion related to a gaming activity where such advertising is permitted under this Code.

Example of non-compliance:

Failure to disclose minimum deposit requirement of $50 to participate or failure to disclose the number of plays (commonly referred to as "play throughs") required to win or withdraw.

II. Social Responsibility and Good Taste

1. Gaming advertising must portray gaming in a responsible manner and depict moderate play. Gaming advertising may be subject to complaints if it does not reflect contemporary standards of good taste (i.e. that the advertising offends the standards of public decency prevailing among a significant segment of the population).

2. Gaming advertising shall not depict situations where individuals are gaming for extended periods of time or repeatedly throughout the day or night. Advertising shall not suggest that gambling excessively is socially acceptable conduct.

Example of non-compliance:

Depicting a scenario where an individual plays from sunrise to sundown or repeatedly throughout the day.

3. Gaming advertising shall not suggest or depict situations where gambling takes priority over an individual's job or employment, family members, friends, or loved ones.

Examples of non-compliance:

Depict scenarios where someone leaves a family setting (e.g. a dinner table) or work meeting to gamble.

Depict a scenario where a parent misses or is late for a parent-teacher conference due to gambling.

4. Gambling advertising shall not depict or imply that gambling can be a source of immediate gratification, relief from stress or boredom or as an escape from one's problems.

5. Gaming advertising must not attribute financial, educational or social status with gambling.

6. Gaming advertising shall not use imperative language to urge people to gamble. It is permissible to use imperative language to sign up for a gaming site (such as "Sign Up Now").

Example of non-compliance:

"Bet Now. Hurry! Stake your money now or lose $1M."

7. Gaming advertising shall not imply gaming under the influence of alcohol. Gaming advertising shall not depict or imply an association with drugs or any other intoxicating substance. Further, gaming advertising shall not be associated with an alcohol or drug (or other intoxicating substance) brand. Advertisers are responsible for ensuring that gaming advertising featuring alcohol in any way comply with all relevant codes and guidelines for alcohol advertising.

8. Advertisements shall not include visual depictions of gambling in educational or religious settings or where gambling is prohibited.

9. Advertisements shall not promote or encourage gambling in conjunction with reckless and/or irresponsible behaviour or illegal activities.

Example of non-compliance:

The driver of a vehicle is seen placing a bet while stopped at a red light.

10. Advertisements should not portray the act of gambling as risk-free.

Examples of non-compliance:

"Gambling is easy, just bet and you'll win."

"You can't win if you don't play."

"Place a bet and withdraw your winnings. No such thing as a loss on our site."

11. Advertisements should not create a false sense of urgency or pre-occupation around gambling. For instance, it is prohibited to use the word "today" in an advertisement.

Example of non-compliance:

"If I don't place this bet, I won't be able to sleep tonight [or I'll miss out on this limited-time promotion]. I have to place at least one."

"Bet TODAY for your chance to win!"

"Hurry! Stake your money now or lose $1M."

III. Adult Audience

1. Gaming advertising must, in the totality of their elements, be obviously directed to adults and shall not be advertised in a manner that appeals primarily to individuals who are under the legal age for gambling.

2. In the case where the theme of a game may be considered to be appealing primarily to individuals who are under the legal age for gambling, advertising the availability of the game for play will be considered a violation of Clause III 1, even where that game has been approved within the jurisdiction by the relevant authority.

Examples of non-compliance:

Using cartoon figures or children jingles in advertising (e.g. Twinkle Twinkle Betting Star).

3. Gaming advertising will not include any athletes active or retired. The term "athlete" refers to professional and amateur athletes that are recognized or known; it does not capture casual participants in local sports. The advertiser can depict scenes of sport footage so long as there is no focus on an identifiable athlete(s), other than in an incidental manner. This principle does not apply to the use of athletes in advertising for the exclusive purpose of advocating responsible gambling practices.

4. Gaming advertising will not contain the name of or depict Santa Claus, the Tooth Fairy, the Easter Bunny (or other fairy tale characters), cartoon figures or any characters, mythical or real, whose primary appeal is to individuals who are under the legal age for gambling. This principle does not apply to advertising that appears in emails/text messages sent to verified players who have consented to receive such messages from the advertiser.

5. Gaming advertising shall not include individuals who are or appear to be individuals who are under the legal age for gambling. To help ensure that individuals in gaming advertising are and appear to be above the legal age for gambling, models, actors, influencers or individuals employed should be a minimum of 25 years old, substantiated by proper identification and should reasonably appear to be above the legal age for gambling.

6. Advertisers must ensure that gaming advertising shall not appear in media and venues, including on websites, and in digital, online or social media, directed primarily to individuals who are under the legal age for gambling, or where most of the audience is reasonably expected to be comprised of individuals who are under the legal age for gambling.

Notwithstanding the above, in respect of broadcast and social or digital media, the following thresholds apply:

For broadcast media, advertising should appear in media only where at least 80% of the audience is reasonably expected to be of legal age for gambling (determined by using reliable, up-to-date audience composition data). In respect of broadcast media, no gaming advertising may appear in or adjacent to children's programming.

For cinema, gaming advertising may only appear in movies that are rated as "Restricted" or "Mature" or in VIP theatres where age of entry is restricted to those that are over the legal gambling age.

For social or digital media (e.g. Instagram, Meta, TikTok, YouTube, etc.), advertisers must affirmatively use age-targeting tools to ensure that the advertisement will not be displayed to individuals under the age of 21.

It is recommended that advertisers monitor their media on a regular basis in order to ensure ongoing compliance.

Example of non-compliance:

Displaying ads during a family movie screening or during a play showcasing the Nutcracker.

7. Gaming products shall not be advertised by social media influencers, role models or celebrities that would likely to be expected to appeal to individuals who are under the legal age for gambling. In determining whether such individuals would likely be expected to appeal to individuals who are under the legal age for gambling, industry should consider factors such as (but not limited to), the demographic composition of the individual's following or fan base, the individual's links or associations to activities that are popular with individuals who are under the legal age for gambling.

8. Influencers on social media must clearly indicate that they have a material connection to the brand being promoted by using conspicuous and easily understood disclosure, such as #ad or #sponsored, and must also identify the brand (which can be accomplished by tagging the brand account).

For guidance on how to best achieve this disclosure, see the industry best practice tool as set out in the **Influencer Marketing Disclosure Guidelines**.

9. No brand identification, including logos, trademarks or names, should be used or licensed for use on clothing, toys or games, or game equipment, or other items intended for use primarily by individuals who are under the legal age for gambling.

10. Sponsorship of child-oriented events or events where most of the patrons are individuals who are under the legal age for gambling is prohibited. Advertisers are permitted to sponsor professional sports team, excluding any sports teams or leagues that predominantly involve individuals who are under the legal age for gambling.

11. Advertisements cannot be placed within or in close proximity (i.e. within a 200 m radius) to elementary schools and high schools. Advertisements cannot be placed on college and university campuses, except within venues on such campuses when such venues are used for specific events that are attended predominantly by those who are not students at the college/university and who are also predominantly over the legal age of gambling.

IV. Responsible Gaming/Gambling Statements

1. Statements encouraging responsible gaming or gambling must be included in all forms of gaming advertisements in a clear, conspicuous and legible/audible (as applicable) manner. At minimum, the advertising should include the statement "play responsibly".

The following are intended as examples only of best practices. They are not required to be used verbatim:

Social media

> "Play responsibly. Visit our Responsible Gambling page. Contact [include name of provincial resource for mental health addiction]."

Broadcast media or Video Streaming Services

> Visual: "Play Responsibly. Visit our Responsible Gambling page. Contact [include name of provincial resource for mental health addiction]."
>
> Audio: "Play Responsibly. Visit our Responsible Gambling page. Contact [include name of provincial resource for mental health addiction] if you or someone you know is suffering from a gambling addiction."

V. Inducements

1. Advertising that communicates gambling inducements, bonuses, credits, rewards and other similar offers or promotions are prohibited, except on the advertiser's direct gaming site, on age-gated affiliate sites where permitted by law, where the advertiser is a land-based casino and such advertising is permitted by regulation, and through direct marketing sent from the advertiser to verified players after receiving active player consent. An inducement includes any offer that may persuade or encourage a person to participate, or to participate frequently, in any gaming activity or to learn more about a gaming site.

Direct marketing includes but is not limited to: direct messaging via social media, emails, texts, and phone calls.

Active player consent can only be obtained on the advertiser's gaming site. For greater certainty, active player consent requires positive action from the verified player. For example, checking off an unchecked box to opt-in or typing in their email address.

Examples of non-compliance:

Advertising sign-up offers, deposit offers, offer of a reward, bonus or 'boosted' odds, refund/stake-back offers, multi-bet offers, time-based offers (i.e. those with a countdown clock), or winnings paid on losing bets.

Advertising words like "Special promos", "Scan the QR code for special offer", "Like BrandXBet Facebook page for a chance to win a prize"

"Join now and your first 10 bets are free"

"All of our bets are no-risk bets"

"We're offering free daily games but certain T&Cs apply"

"Copy my link and you can get 100 free spins"

Describing an offer as "free" when there are additional terms and conditions or involves financial risk – for instance if players have to spend or risk their own money to qualify.

2. To avoid inducements or offers being posted by consumers within comments on social media posts in contravention of this Code, it is best practice (although not required) for operators to turn off the comments feature on their social media platforms, or alternatively, to monitor these comments regularly and delete any comments that are offside the requirements of this Code.