

DVTM "Bettertainment Advertising Codex 2021/2022"

The basis for the DVTM "Bettertainment Advertising Code", in the sense of advertising guidelines, are the regulations of the State Treaty on Gaming (GlüStV) 2021 and the associated explanatory notes.

Preliminary remarks:

According to the GlüStV 2021, advertising for gambling is permitted and explicitly desired. Only in this way can the objectives of the GlüStV 2021 be achieved, in particular the channeling of the already existing demand into a limited gambling supply and directing the natural gambling instinct of consumers into a secure market with audited and licensed providers. To achieve this, advertising must act as a signal for permitted gambling. The DVTM and its members share this view.

Nevertheless, the DVTM and its members are aware that "pathological gambling behavior" can lead to serious consequences for those affected, their environment and society as a whole. In view of this the members of the DVTM commit themselves to design advertising for gambling in such a way that it does not promote any addictive gambling behavior. Out of this commitment, the DVTM and its members want to

- prevent that the representations or statements in the advertising for gambling are misunderstood as an invitation to problematic gambling behavior;
- prevent advertising for gambling from being directed at minors;
- promote a conduct in competition that complies with these principles and counteracts behavior contrary to these principles.

The DVTM achieves this goal by its members recognizing this advertising code as generally valid and aligning their actions accordingly. At the same time, this advertising code and its advertising guidelines are intended to provide members with a comprehensible practical aid with regard to those regulations of the GlüStV 2021 that are subject to interpretation.

1. Statements

The GlüStV 2021 uses terms without providing the corresponding definition for them. This makes the implementation of GlüStV 2021 more difficult for market participants. For a better understanding the following statements should be made first:

Advertising and sponsorship are to be treated differently. Sponsorship within the meaning of § 2 (2) no. 10 is not covered by the definition of advertising of the Interstate Treaty on the Media and must therefore be regulated separately. Furthermore, additional provisions on advertising in other laws or treaties, e.g., those relating to competition law or media law, remain unaffected by the State Media Treaty.

2. Limits of advertising

The DVTM and its members are convinced that

- an efficient channeling in the sense of an optimization especially of youth,-consumer & player protection as the basis of efficient addiction prevention & addiction support;
- an efficient channeling of the already existing demand into a limited gambling supply and directing the natural gambling instinct of consumers into a safe market with audited and licensed providers;
- thus the realization of the objectives of GlüStV 2021

can only take place if advertising, especially in the "digital age", is designed in such a way that the members of the DVTM can present their offers to people willing to gamble in a way that they will be perceived and that they do not switch to more attractive, but illegal offers with a "mouse click".

In order to concretize the goals intended in the GlüStV 2021 with the advertising of gambling, the DVTM commits its members to adhere to the following rules in all advertising:

Misleading advertising for gambling is not permitted if it

- gives a false impression with regard to the chances of winning or the type and amount of the winnings or the fees to be paid for participation;
- encourages players to win back losses or reinvest winnings;
- makes the abandonment of gambling appear pejorative;
- disguises the random nature of gambling;
- emphasizes exclusively and one-sidedly the benefits of gambling and makes gambling appear to be a good of daily life;
- conveys that gambling can solve financial difficulties or provide an opportunity to improve one's financial situation;
- suggests that participation in games of chance promotes social success and, in particular, can be used to enhancing one's reputation or personal attractiveness;
- is broadcast daily between 6:00 a.m. and 9:00 a.m. on the radio or posted on the internet, provided it is advertising for virtual slot machines, online poker and online casino games on the radio and internet; this does not apply to advertising for other forms of gaming, e.g. sports betting offered under an umbrella brand – provided that the advertising indicates the advertised form of gaming in addition to the umbrella brand, e.g. by the visible addition of "sports betting" – and for advertising in sports facilities in the form of umbrella brand advertising on jerseys and boards as well as for similar advertising media;
- immediately before or during the live broadcast of sports events on the broadcasting channel for sports betting on the respective event;
- shows active athletes and active officials as performers and not mere brand ambassadors of their club, provided that they are explicitly advertising for sports betting;
- shows actors who are also visually perceived as children or young people;

- as advertising on the Internet, in particular in the form of affiliate links, which is remunerated variably, in particular dependent on turnover, payment or playing stake; fixed remunerations, in particular of a previously agreed fixed amount per customer to whom an advertisement is displayed, who clicks on it, registers with the provider after the click, makes a deposit with the provider and/or places a bet, shall remain unaffected and permissible;
- combines the display of live scores of a sports event with the advertising of sports betting on the respective sporting event. A connection of the advertising for sports betting on the sports event with the display of live news from this event only exists if there is a recognizable connection between the two, but not if there is a link between the two at some clearly remote location on the same Internet sub-page for sports betting where this event is advertised. Unaffected by the prohibition are, for example, umbrella brand advertising for sports betting organizers, the advertising of sports betting on other sports events and the display of live betting results on the betting offers on a betting provider's own website;
- giving the impression of being editorial content instead of advertising (prohibition of surreptitious advertising);
- uses the terms "casino" or "casino games" in direct advertising for paid virtual slot machine games;
- is contrary to the objectives of Section 1 GlüStV 2021 in terms of its nature and scope.

The DVTM and its members are aware that advertising to vulnerable persons, e.g. minors, those at risk of gambling addiction and gambling addicts, can lead to misconceptions about the influence that can be exerted on the outcome of gambling. It can also contribute to the first ever demand for games of chance. For this reason, the GlüStV 2021 also expressly emphasizes the guarantee of youth and player protection as a key objective. With this code the DVTM intends to make a sustainable contribution to achieving this goal. Therefore, advertising must be designed in such a way that it is directed exclusively at adults and not explicitly at minors. In order to effectively achieve the objectives of the legislator, the members shall observe the following guidelines:

Advertising for games of chance that specifically targets minors or consumers with problematic or pathological gambling behavior, or to consumers with mental or physical weaknesses or in a financial or social predicament, is impermissible if it contains

- representations and statements which, by virtue of their content, form or manner of dissemination, specifically target minors or persons with problematic or pathological gambling behavior, as well as persons with financial difficulties;
- takes place in media that are predominantly aimed at children and adolescents;
- takes place shortly before and shortly after children's or youth programs;
- takes place at events that are predominantly attended by children and young people, for example at sports competitions attended by minors.
- conveys that gambling can solve financial difficulties or is an opportunity to improve one's own financial situation;
- suggests that gambling can solve social or occupational problems and psychosocial conflicts, e.g. loneliness or depression;
- conveys that participation in gambling increases social recognition and self-esteem.

As far as possible, children and young people are to be excluded as recipients of advertising.

3. Transparency and Education Requirement

In order to ensure safe and sustainable player protection, advertising materials must contain practical and transparent information regarding age restrictions and addiction prevention. The advertising material must also provide information on the possibilities of counseling and therapy. The following must be observed in any case:

- Any advertising for gambling must contain the following addendum ("mandatory information"):
"Participation from the age of 18. Gambling can be addictive.
Further info and help at www.bzga.de "
- The compulsory information must be included in the respective means of communication in a clear, easily perceptible form and size.
- Advertising for games of chance with high payout ratios or maximum winnings - "jackpots" - must provide information about the probability of winning and losing.
- In the case of online advertising - website, apps, social media and the like, etc. - a presentation of the mandatory information from paragraphs 1 and 2 directly on the advertising material may be omitted in exceptional cases, in particular in the case of so-called banner advertising, if the display is not practicable for reasons of space and/or is not graphically feasible. In this case, the associated symbols must be incorporated into the respective online advertising in a clear, easily perceivable form and size.
- The "mandatory information" pursuant to item 1 shall also apply to the advertising of gambling offers by means of radios, podcasts and broadcast-like telemedia. The obligatory notices must be included in perceptible form in the respective means of communication.

4. Labelling Obligation

Advertising must be clearly distinguishable from editorial content. Therefore:

- Advertising must be recognizable and labeled as such.
- Surreptitious advertising is prohibited.
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