

NOTE

This is the SRC commentary on article 9.1 of the Advertising Code for Online Games of Chance, linked in an English translation from SRC immediately below

<https://www.reclamecode.nl/nrc/advertising-code-for-online-games-of-chance/?lang=en>

Television and radio are highly popular media that are watched or heard by consumers who are unknown to the broadcasting company. This means that reducing the risk of vulnerable individuals taking cognisance of the advertising for online games of chance broadcast via these media is not possible. This is why the legislature chose to prohibit advertising for these games of chance on linear television and radio between 06:00 and 21:00 hours. This prohibition is repeated in the code and expanded to include online dissemination of commercials.

The television commercials that may not be broadcast between 06:00 and 21:00 hours may not be disseminated online during that period, either. A "video advertising message" means the type of commercials customarily included by the broadcasting companies in their commercial breaks. Those commercials are separate video messages with a message that is basically uniform and that are of a certain length, which is why "separate" is used in the description. That description was also chosen to prevent sponsored programs, for example, or organic video content or promo clips from being disseminated online.

"Disseminated via online media" refers to placing or having the message placed on third-party websites, for example. It also includes advertising by means of social media. It does not include advertising on one's own website. For social media, sometimes a commercial that has been placed cannot be removed. This holds true for example to a commercial on one's own channel placed outside of the window. This is why dissemination pertains to uploading and not to subsequently leaving the commercial there. Even if the commercial as it was placed on one's own timeline continues to be visible in the timeline, even during the prohibited window of time. Furthermore, others sharing the advertiser's commercial is not the advertiser's responsibility, unless these others are rewarded for doing so, of course.

Advertising other than television commercials, such as commercials with still images, banners with animations/ other moving images, sponsored content, organic video, organic on social media channels and corporate videos therefore may be disseminated online between 06:00 and 21:00 hours.

The online presence of legal offerings continues to be necessary in order to compete with the illegal offerings. Naturally, with regard to the advertising that is still permitted, the operator must prevent the advertising from being seen by young adults or other vulnerable individuals to the extent possible. This is laid down in Article 9, paragraph 9.

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