

## G-Regs™

Italy – Guidelines for the Commercial Communication of gaming with cash winnings – from IAP (L'Istituto dell'Autodisciplina Pubblicitaria)



Full title

Guidelines for the Commercial Communication of gaming with cash prizes/ winnings.

Source (IAP website): <http://www.iap.it/il-diritto/codice-e-regolamenti/linee-di-indirizzo/>

IAP - L'Istituto dell'Autodisciplina Pubblicitaria – The Self-Regulatory Institute of Advertising (Self-Regulatory Organisation for Advertising in Italy)

### INTRODUCTION

This document sets out the guidelines for the Commercial Communication of gaming with cash winnings in compliance with current regulations in relation to advertising in the gaming industry (DL Balduzzi) as well as Article 28ter of the Self-Regulatory Code for Commercial Communications by the IAP. The guidelines are intended to promote forms of safe, legal and responsible gaming, with the aim of offering gaming to those permitted to enjoy it (i.e. 18+), providing a commercial communication based on the principles of honesty, balance/ moderation, fairness and responsibility to safeguard the primary interest of a person to a family, social and working life protected from the consequences of irresponsible gambling.

The guidelines also aim to ensure that commercial communications are not addressed directly to, nor do they cause physical or moral detriment to minors, not encouraging, therefore, minors to play games offering cash winnings.

The Self-Regulatory Code for Commercial Communications serves as a general framework, which operates by way of the voluntary submission of companies adhering to judicial decisions and by virtue of an accepted commitment by the media not to disseminate commercial communications deemed by the self-regulatory bodies (*i.e. Review Board and Jury*) to be in breach of the Code.

The guidelines contained in this text complement the IAP Self-Regulatory Code for Commercial Communications, fitting harmoniously into the proven self-regulatory system which, over the course of fifty years of operations, has been continually updated, ensuring an adequate instrument to meet the expectations for the protection of consumers and citizens.

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CONSIDERING the Code of Commercial Communications is issued and applied by IAP (Istituto di AutodisciplinaPubblicitaria - Self-Regulatory Institute of Advertising/ Italian SRO for Advertising), which provides specific guidelines enabling enhanced protection of the "weaker members of society" - such as those who suffer particular psychological conditions, minority groups, children and the elderly - in any medium/ channel and in any time slot (each hourly period), regardless of the perceptions of a specific audience;

CONSIDERING the existing rules which ensure that advertising is legal, fair, not deceptive or misleading, irrespective of the type of public targeted;

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Reviewed by: TS

Approved by: Your Name

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WHEREAS, with the 2014 Recommendation, the European Commission has sought to establish a set of principles that Member States are encouraged to integrate into their own laws on gambling, thereby achieving a high level of protection for consumers, users and minors;

RECOGNIZING that Community standards do not place an absolute prohibition on the promotion and sponsorship of legal gaming;

the following guidelines are indicated:

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### **1. Purpose and Scope. Referral.**

1.1 The Guidelines cover commercial communications relating to gaming with cash winnings authorised on Italian territory.

1.2 These guidelines - which are intended to ensure the implementation of such commercial communications as a service to the public, with specific regard to the prevention of and the fight against gambling addiction and with regard to the prohibition of gambling for minors - are provided in the context of the general provisions in the Code of Commercial Communications and, in particular, Article 28ter of the code, to which reference is made (of gambling advertising).

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### **2. Definitions**

2.1 For the purposes of these guidelines the term "commercial communication" includes advertising and all other forms of communication intended to promote the sale of games with cash prizes/ winnings, whatever the medium used. These means include, but are not limited to: so-called display advertising, promotions, sponsorship, direct marketing, and commercial communications disseminated through "new media".

2.2 The term "game with cash prizes/ winnings" describes the organization and operation of skill-based games and betting pools<sup>1</sup>, for which there is a monetary reward <sup>2</sup>and for which payment is required to participate.

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### **3. Principle of Fairness**

3.1 The commercial communication of games with cash prizes must be honest, truthful and fair. Commercial communications relating to games with cash winnings, authorized on Italian territory, must not run counter to the need to foster the development of patterns of behaviour based on balance, fairness and responsibility. This is to safeguard the fundamental right of individuals, especially minors, to a family, social, and working life protected from the consequences of irresponsible gaming behaviours, caused by excess or addiction.

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### **4. Protection of Minors**

4.1 Commercial communications of games with cash prizes/ winnings should not target or refer to minors, even indirectly, or show minors or people who clearly appear to be minors, involved in gaming situations. Nor should signs, symbols, drawings, fictitious

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<sup>1</sup> *Lit.* prediction of outcomes (Italian: *concorsi pronostici*; IAP have advised translation "betting pools")

<sup>2</sup>*Lit.* a reward of money in every case

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characters or real people, directly or primarily related to minors be used in such a manner that could spark / trigger an interest (in gambling) among them (i.e. minors)<sup>3</sup>.

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## 5. Promotion of Games with cash prizes

5.1 Any commercial communication of games with cash prizes/ winnings must avoid any statement or representation which is likely to mislead, including by omissions, ambiguity or exaggeration that are not obvious hyperbole (i.e. obvious and deliberate exaggeration), particularly regarding the characteristics, costs, odds/ chances of winning or the conditions for the use of incentives and bonuses.

5.2 Commercial communications relating to gaming in particular must not:

1. represent (symbolise) or encourage excessive gambling, uncontrolled gambling or gaming wrongly associated with strong emotions;
2. exploit / take advantage of sporting passion to imply that those who love sports must play or suggest that those with sporting skills will be similarly skilled at gambling;
3. deny that gambling can be risky;
4. fail to spell out/ clearly state the terms and conditions for the use of incentives and bonuses and emphasize without justification the true extent/ scope (*of those incentives/ bonuses*);
5. present or suggest that gaming is a way to solve financial or personal problems, or that gambling constitutes an alternative source of income or livelihood to work, rather than a simple form of entertainment and fun;
6. lead to the belief that the player's experience, competence, or skill will reduce or eliminate the uncertainty (odds) of winning, or will allow players to win systematically;
7. target or refer to minors, even indirectly, or depict minors or people who clearly appear to be minors, involved in gaming situations;
8. make direct use of signs, symbols, drawings, fictitious characters or real people, of primary appeal to minors (*lit.* primarily related to minors), or which specifically appeal to minors (*lit.* in such a manner that could spark/ lead to an interest (*jn gambling*) among them (i.e. the minors));
9. encourage the belief that gaming and gambling will help to enhance an individual's self-esteem, social status and interpersonal success;
10. present abstention from /non-participation in gaming or gambling as a negative attribute/ value;
11. mislead by confusing the ease of playing with the ease of winning;
12. make reference to instantly available consumer credit services for gambling purposes.

5.3 All commercial communications of games with cash prizes/ winnings must contain a clear and specific warning that the game is available to persons aged 18 years and above, and that gambling can cause pathological addiction.

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## 6. Identification of the commercial communication

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<sup>3</sup> Essentially saying that they should not be used to appeal to minors. English translation of this section from IAP: gambling advertising must not make direct use of signs, symbols, drawings, fictitious characters or real people of primary appeal to minors, or that may generate a direct appeal on minors.

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6.1 Commercial communications of games with cash prizes/ winnings must always be recognizable as such. The means by which, in addition to a commercial communication, other types of information and content are channelled must be clearly distinguished and kept separate from any commercial communication by the use of an appropriate process.<sup>4</sup>

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## 7. Preventive action

7.1 Compliance with the aforementioned Guidelines also works as a preventive key where, prior to distribution of a communication, the commercial advertiser requests an opinion from the Review Board (lit. Monitoring Committee) of the Self-Regulatory Institute of Advertising (IAP)<sup>5</sup>

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## 8. Application

8.1 The above regulations are applied according to the rules and procedures and with the sanctions laid down in the Self-Regulatory Code of Commercial Communications.

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## 9. Sanctions

9.1 If, when examined, a commercial communication does not comply with regulations, the self-disciplinary controlling bodies provide that the parties concerned immediately desist from the distribution of the same.

9.2 All decisions are published on the website and in the archives of the Self-Regulatory Institute of Advertising (IAP), together with the names of the parties to which they refer.

9.3 A request can be made for individual decisions to be disclosed to the public, excerpts, with the names of the parties and the body of information where deemed appropriate.

9.4 The decisions are final.

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## 10. Monitoring

10.1 It is the right of any interested party to report infringements of the rules laid down in the previous articles by the relevant bodies of the Self-Regulatory Institute of Advertising (IAP).

10.2 The results of the activity are periodically communicated to the Ministry accountable, to be examined and assessed as part of a special committee, established among the subscribers to this set of rules and chaired by the relevant Ministry.

10.3 In the light of experience gained, the Committee (Review Board) referred to in paragraph 10.2, promotes activities and initiatives to be implemented in collaboration with the parties involved in the application of these Guidelines.

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<sup>4</sup> IAP translation of this paragraph in Art. 7 of the Code is as follows: When a medium presents news and other editorial matter to the public together with marketing communication, it should be ensured that the marketing communication is readily distinguishable as such.

<sup>5</sup> Referring to Copy Advice

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