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Advertising

Guidelines



1. Preliminary

1.1 Authority

This document is issued by the Financial Services Regulatory Commission (the Commission) pursuant to the Antigua & Barbuda Interactive Gaming and Interactive Wagering Regulations.

1.2 Confidentiality

This document, all related documents, and methodologies embodied in this document and related documents ("*the documents*") are the property of the Financial Services Regulatory Commission. Unauthorised copying and distribution of *the documents*, by any means, on any media is prohibited.

This document, its themes, and ideas are strictly confidential and may not be used in any manner other than its expressed purpose, without the written permission of the author. The documents are authorised for use by licence holders.

The documents are copyright.

1.3 Disclaimer

The guidelines provided in this document are current at the time of writing. The Commission may in its absolute discretion amend these guidelines, or any definitions or interpretations pursuant to this and related documents at anytime.

Each licence holder should ensure it has the current version of each document.

1.4 Queries

All queries relating to this document should be made, in writing, to:

Director of Gaming
Financial Services Regulatory Commission
First Caribbean Financial Centre
Old Parham Road
St John's
Antigua and Barbuda

e-mail : director@antiguagaming.gov.ag

1.5 References & related documents

The Financial Services Regulatory Commission utilised many documents and international standards when compiling the suite of guidelines.

The current list of related guidelines is available from the Commission's website at <http://www.antiguagaming.gov.ag>.

Licence holders and other interested parties should acquaint themselves with the contemporary documents before relying on them.



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2. Introduction

2.1 Scope

This document relates to all advertising which the Commission might reasonably consider is associated in anyway with the licensed interactive gaming or interactive wagering business operated pursuant to any licence issued by the Commission. This interpretation is necessarily broad as it is intended to encompass, but not be limited to, affiliates of licence holders and play-for-fun .net sites.

2.2 Purpose

Advertising is a means for licence holders to portray their business and philosophies to the wider world. Similarly, advertising portrays an image of businesses and the jurisdictions which enable and licence their business activities.

The purpose of this document is to provide guidance to licence holders, and wider associates of licence holders, as to the Commission's policies and how these are likely to apply to broader advertising considerations.

Failure to heed with these guidelines will invite the Commission to issue a specific direction pursuant to r 212. Given that these guidelines are in place, any such direction is likely to have a short duration for implementation (see r 213).

2.3 Audience

This document is intended for use by:

1. licence holders and would-be licence holders;
2. marketing agents for licence holders; and
3. affiliates and other associates of licence holders.

2.4 Context

The Commission is aware that interactive gaming and interactive wagering is marketed through a distributed network of affiliates and other associated entities. However, the Commission does not accept that the distribution of marketing and customer acquisition negates licence holder responsibility with regard to how it, its business, its associated businesses and through association Antigua and Barbuda is portrayed via advertising.



3. Advertising guidelines

These guidelines go further than the Interactive Gaming and Interactive Wagering Regulations, which state (in part):

211. A licence holder who advertises or approves the advertising of an authorized game must ensure that the advertisement is not-

- (a) indecent, pornographic or offensive;
- (b) false, deceptive or misleading; or
- (c) intended to appeal specifically to minors.

3.1 Introduction

Each licence holder shall ensure it takes all reasonable steps to minimise the extent of problem gambling and to prevent underage gambling from taking place. Socially responsible advertising is essential if that is to be achieved.

These guidelines apply to the relevant licence holder regardless of the advertising entity.

3.2 Responsibility

Licence holders are responsible for the manner in which it, its business associates, and affiliates represent its interactive gaming, interactive wagering and associated sites.

Licence holders must therefore use all reasonable endeavours to ensure that a third party performing advertising on its behalf abides by these guidelines.

3.3 Non-compliance

Licence holder, including organisations the Commission considers are likely to be associated with a licence holder, compliance with these guidelines will be assessed on an ongoing and annual basis. Compliance with these guidelines will be a factor in the Commission considering renewal applications.

The Commission shall particularly review licence holder, and associated advertising, during consideration of any renewal application. Any such consideration may include the inherent suitability of a licence holder, and its associates, and not just proven direct breaches by the licence holder during the ensuing twelve (12) months.

3.4 International advertising

Licence holders and their associates shall comply with all International laws, codes-of-practice, etc which apply where its advertising might be seen by customers or the broader community.

3.5 Antigua & Barbuda

Licence holders and their associates shall always conduct advertising in a manner which upholds and preserves the credibility of Antigua and Barbuda, the



Commission, and the interactive gaming and interactive wagering industries licenced in Antigua and Barbuda.

3.6 Accountability

3.6.1 Licence holder's name

All websites and client-side applications associated with a licence holder's interactive gaming or interactive wagering licence shall contain (within one click) the complete legal name of the licence holder.

Advertisements should readily identify the person / site for which the advertising is performed and the advertiser / affiliate performing the advertising.

3.6.2 Licence holder's address

All websites and client-side applications associated with a licence holder's interactive gaming or interactive wagering licence shall contain (within one click) the licence holder's registered address for written communications.

3.6.3 Financial Services Regulatory Commission

All websites and client-side applications associated with a licence holder's interactive gaming or interactive wagering licence shall contain (within one click) a statement that the licence holder operates in accordance with the Antigua and Barbuda Interactive Gaming and Interactive Wagering Regulations and a licence issued by the Financial Services Regulatory Commission (the Commission). The statement shall also cite that the licence holder's operations and activities are monitored, audited, and regulated by the Commission.

There shall also be the approved seal of the Commission, with an appropriate link to the Commission's website on all advertising and promotional material.

3.6.4 Complaints and dispute handling

All websites and client-side applications associated with a licence holder's interactive gaming or interactive wagering licence shall contain (within one click) a complaints and disputes handling procedure. The procedure shall be supplemented with telephone and e-mail support.

The procedure should state that it is a condition of licensing that records of complaints and disputes are maintained for six (6) years¹ and available to the Commission for ultimate dispute resolution.

Customers shall be able to classify complaints or disputes in, at least, the following categories²:

- a. under-age gaming or wagering;
- b. compulsive, problem, or pathological gaming or wagering; and
- c. fairness.

The complaints and dispute handling procedures shall comply with the Interactive Gaming and Interactive Wagering Regulations 2007, in particular Part XV. Customers shall be made aware of these Regulations within the complaints and dispute management processes described on the licence holder website and client side applications.

¹ See Interactive Gaming and Interactive Wagering Regulations 2007, r178.

² See Interactive Gaming and Interactive Wagering Regulations 2007, r193.



3.7 Decency

3.7.1 Community standards

Advertisements should be in good taste and not offend prevailing community standards – as determined by the Commission.

3.7.2 Stereotypes

Advertisements should not portray people in a stereotypes or demeaning manner with respect to age, sex, sexual orientation, race, disability, income, or wealth.

3.7.3 Target audience

The target audience will be people of eighteen (18) years and over. Media selection and placement will be in accordance with applicable media Code of Practice in the target audience jurisdiction.

3.7.4 Intellectual property

Advertisements should not contain any material that infringes on another's intellectual property rights.

Advertisements should not misuse or appropriate the intellectual property or goodwill of third parties.

3.7.5 Anti-social behaviour

Advertising by the licence holder or any associated person shall not be of an anti-social nature. Disruption or intrusion of community, business, events, and displays of public nudity shall be deemed anti-social behaviour.

3.7.6 Unsolicited advertising

Licence holders and their associates shall not engage in the distribution of unsolicited advertising (i.e. SPAM) either directly or through a third party. Email advertising should have an un-subscribe, or opt-out, facility and a means for recipients to contact the licence holder directly and complain about unsolicited or inappropriate marketing.

3.7.7 Alcohol or drugs

The advertising of interactive gaming or interactive wagering shall not be associated with excessive consumption of alcohol or drugs.

The advertising of interactive gaming or interactive wagering shall not be associated with the consumption of illicit drugs.

3.7.8 Defamatory behaviour

Advertisements should not contain a misrepresentation or defamatory statement that is likely to cause damage to the business or goodwill of another person. This does not include the legitimate campaigns or disputes – as determined by the Commission.



3.8 Honesty & completeness

3.8.1 Honesty

All advertising shall be honest. It shall not be false, misleading, or deceptive – particularly with regard to the chances of winning.

3.8.2 References to chance, probability, likelihood, or percentages

If references to chances of winning are made then they shall be based on verifiable factual information and actual probabilities or percentages. Thus, given the nature of gambling, any advertising message which speaks to likely outcomes, is expected to provide the more likely outcome for the target audience (i.e. to lose).

3.8.3 Life-style, wealth, income, or socio-economic group

Advertising shall not state or imply that gaming or wagering is associated with any particular life-style, wealth, income, or socio-economic group.

3.8.4 Registration & term and conditions

Any advertisement that describes, in anyway, the registration process shall provide full and complete information about that process and the terms and conditions – may be one (1) click away.

3.8.5 Promotional terms and conditions

Any promotional campaign with terms and conditions must provide a link or URL to the applicable terms and conditions established for the promotion.

3.8.6 Wagering odds

The wagering odds (aka prices) advertised should be available to customers – possibly with constraints (such as volume). Any constraints must be clearly stated in the terms and conditions applying to customers' accounts.

3.9 Vulnerable – minors

3.9.1 Notice

All websites and client-side applications associated with a licence holder's interactive gaming or interactive wagering licence shall contain (within one click) a notice in clear wording that persons under the age of eighteen (18) years of age are not permitted to register or gamble.

The control systems shall reasonably enforce the restriction on underage gambling.

3.9.2 Not appeal to minors

Advertisements shall not target minors, be displayed at sites frequented by minors, nor should advertisements appeal to minors – as determined by the Commission. This includes advertisements conducted by or on behalf of a licenced interactive gaming or interactive wagering business (i.e. affiliate and other such websites).



3.9.3 Not depict minors

The advertising should not contain, whether real or diagrammatic, persons under the age of eighteen (18) or give the impression of containing persons under the age of eighteen (18).

3.10 Vulnerable – problem

3.10.1 Cautionary messages

All advertising shall include a link or URL to an unambiguous message relating to potential problems associated with excessive gambling.

3.10.2 Informed choice

All sites and associated sites, including related applications shall comply with the principles of responsible gambling and should not be designed to encourage or mislead people to adopt uninformed gambling behaviour.

At no time should it be suggested that gambling is a means of solving financial difficulties.

Customers should not be encouraged to chase their losses or re-invest their winnings.

3.10.3 Links to help and self assessment

All sites and associated sites, including related applications shall within two (2) readily - as determined by the Commission - accessible, clicks provide links to sites which provide information, guidance and assistance about problem gambling.

At least one such site should be included for each player's jurisdiction.

3.11 Privacy

Personal information should only be collected on customers with the knowledge and acceptance of the customers. An opt-in policy should apply.

All licence holders should adhere to the privacy and data protection laws of jurisdictions where the customer is resident, or where no such laws exist to those set out in the British Code of Advertising, Sales Promotion and Direct Marketing (The CAP Code : www.asa.org.uk/index.asp).

NOTE: Nothing under this guideline overrides the requirement for licence holders to provide information to the appropriate regulatory and law enforcement authorities in Antigua and Barbuda.

All advertising shall be consistent with a Privacy Policy, which forms a component of each licence holder's control systems.



End of document