

Advertising Standards

As part of the Division's ongoing efforts to ensure the viability of New Jersey's gaming industry (land based, online, sports wagering), the Division has developed "Best Practices" in the area of advertising. The Division deployed a methodology incorporating direct dialogue and communication with the industry similar to those implemented for Responsible Gaming ("RG"), Know Your Customer ("KYC"), and Cyber Security best practices.

The debate regarding advertising is not a New Jersey specific one. Rather based on the fact that sports wagering is now legal in 36 states, it is a national issue. It is also an issue that everyone needs to take ownership of – the sportsbook operators, their casino and racetrack partners, the sports teams and the leagues signing sponsorship deals, the media who report on sporting events and sports wagering, affiliate marketers, regulators, and others profiting from gambling. The Division shared its initial comments and concerns in this area with the industry on January 19, 2023. Since that time, the Division has engaged in discussions with and received comments from the industry. This guidance is a result of that process, and the Division welcomes ongoing dialogue in this area.

The purpose of this document is to define areas of focus. Thus, the Division is providing minimum baselines as guidance in the following areas regarding all forms of advertising including print, broadcast, and digital.

- Responsible Gaming Specific Advertisements:
 - Advertisements are required by statute to contain responsible gaming language. Operators should seek to incorporate advertisements where the entire advertisement is devoted to the importance of responsible gaming, and also to the frequency of how often the responsible gaming only advertisements shall be presented to the public. Examples to consider include a percentage of the advertising budget being attributed to advertising that may be solely devoted to responsible gaming or incorporating a responsible gaming only advertisement for a predefined number of advertisements. Since the publication of "responsible gaming only" advertisements is not currently mandated by state law or regulations, the Division encourages its licensees to engage in discussions with advertising partners and responsible gambling professionals to determine the appropriate frequency of this form of dedicated responsible gaming advertising.
 - For regional advertising, ensuring the use of microscopic font or listing of responsible gaming helplines too small to read is prohibited. Advertisements presented on the radio, broadcasted media, or digital format shall ensure that responsible gaming disclaimers are concise and clear.
 - Television advertisements that are broadcast into New Jersey and also target New Jersey residents must comply with the Division's advertising requirements. As an example, displaying another state's responsible gaming hotline in all capital letters while the 1-800-GAMBLER hotline is displayed in microscopic font is not acceptable. Further, a New Jersey broadcast that displays the 1-800-GAMBLER hotline, and only attributes that hotline for another state is also unacceptable.

- Advertising Content:

- Advertisements shall not be misleading in any way, such as using slogans portraying “guaranteed wins” or “risk free” bets, particularly when patrons are required to deposit their own funds into a wagering account and are unable to be fully compensated for any loss of patron funds.
- Terms and Conditions for all promotions shall be clear and include any conditions imposed on the patron by opting into the promotion including wagering and withdrawal requirements.
- Unrealistic promotional wagering requirements shall not be offered. For example, a patron receiving a \$1,000.00 bonus should not have to be expected to wager \$150,000.00 in order to satisfy the promotional wagering requirements. In addition, when in doubt, the Division should be contacted in advance of the promotion offer being implemented.
- Advertisements can not present misconceptions about online games. For example, stating higher odds guarantee wins or that a game can have winnings streaks.
- Provide an effective method for the patron to opt out of all direct advertising materials. This includes vendors contracted by the operator for direct advertising. This can be achieved for new customers by including an option on the operator’s registration page for the patron to opt out of all advertising materials. For current customers that have already registered an account with the operator, this can be achieved by having the option presented on the responsible gambling page to opt out of all advertising materials.
- Ensure information on self-exclusion and all responsible gaming features are presented to the patron in a clear and unambiguous manner.
- Filing with the Division prior to use, all advertisements, and promotions pursuant to N.J.A.C 13:69O-1.8(g). This includes advertisements or promotions conducted by affiliates. This does not require preapproval for implementation. Instead, the Division will engage in audits of advertisements and promotions implemented.

- Advertising Placement:

- Advertisements shall not be presented in mediums where the primary demographic is underage. An example of this would be social media platforms or events where the primary demographic is youth oriented such as the Little League World Series or the broadcast of high school sports.
- Advertisements shall not include images, likeness, or themes that target the underage demographic.
- Advertisements shall not be presented to potentially at-risk patrons. This can be accomplished by utilizing automated triggers that can identify potentially at risk patrons such as a patron accessing the self-exclusion page numerous times but never completing the process.
- Advertising and marketing shall not be placed on any responsible gaming pages on the operator’s website or applications.

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- Advertising Training:
 - The implementation of education and training programs designed for employees involved with advertising or marketing including marketing advertising executives to ensure all of the aforementioned initiatives are adhered to.
 - The continuation of the education and training of teams, leagues, media, marketing, and broadcasting partners, as well as the general public regarding the differences between a legal, regulated operator and offshore, illegal operator. This may include the benefits and advantages of wagering with licensed, regulated operators.