OHIO CASINO CONTROL COMMISSION

Mike DeWine Governor



June E. Taylor *Chair*

December 30, 2022

To all Sports Gaming Proprietors and Services Providers Sent via dropbox

RE: Compliance with Ohio Advertising Regulations

Sports Gaming Proprietors and Services Providers,

The Commission is disappointed with the industry's repeated violations of Ohio advertising law. In particular, there have been multiple advertisements, from multiple sportsbooks, that either completely lack responsible gambling messaging or have that information so small or obscured that consumers would not be able to access, or more importantly, use that information. Although there has been improvement since the Commission's message on December 23rd, non-compliant advertising has continued—and that is unacceptable. The Commission should not have to contact each operator every time a violative advertisement is discovered and ask that it be resolved. By that time the damage is done; the violation has occurred; the operator has shown its disregard for Ohio law.

Further, these advertising violations have not been limited to responsible gambling messaging, but also other requirements of Ohio law. To be as clear as possible, licensees or applicants who fail to immediately comply with the advertising requirements in Ohio law will be sanctioned.

The Commission hopes that responsible advertising truly is a value the industry holds. We ask that each of you demonstrate a commitment to that value by adhering to Ohio's advertising regulations. Actions speak louder than words, and to this point, the industry's actions have not evidenced that commitment.

As further proof of the Commission's commitment to helping Ohioans while not seeking to pursue administrative action, the Commission has developed an advertising guide to demonstrate these consistent responsible gambling messaging violations. This guidebook is attached and will be maintained in this dropbox.

Again, the Commission does not take administrative action lightly, but it will take swift and immediate action to correct violations of Ohio law—especially any violation targeting underage individuals or other vulnerable populations.

The bottom line: all operators must immediately ensure that their advertising is compliant.

Sincerely,

Matthew T. Schuler

Executive Director



Conspicuous RG Message Guide

As more fully discussed herein, the Commission has developed this guide to ensure operators comply with Ohio's clear requirement for conspicuous responsible gambling messages in advertisements. Additionally, all operators should refer to R.C. Chapter 3775 and Ohio Adm.Code Agency 3775, as well as the Commission's Sports Gaming FAQs, for further information and guidance on conspicuous RG messaging in advertisements.

Providing a guide is not something the Commission should have to do, but as you will see, the industry at large has been noncompliant. Therefore, we are doing so none the less. We expect total and immediate compliance with this guide and all advertising standards in Ohio law. If not, administrative sanctions will ensue, and this guide will serve as exhibit 1 in any subsequent hearing. To be clear, any advertisement lacking a responsible gambling message will result in swift and severe sanctions.

Released December 30, 2022

Version 1.1

Introduction

The Casino Control Commission ("Commission") is publishing this advertising guide on conspicuous responsible gambling messaging, so that all sports gaming operators have firm examples of issues the Commission has seen. As stated in the Commission's December 23, 2022, letter, we have been deeply disappointed with the industry's responsible gambling messaging thus far.

While we have seen improvement since that message, we expect complete and immediate compliance with Ohio law. To help ensure this occurs, we are providing this guide. All operators must comply with Ohio law or face administrative action.

While operators have fixed some of the examples in this guide, a business should not need to be alerted about clear and obvious violations of Ohio law for compliance to be prioritized. Compliance and responsible gambling are part of marketing and should be treated as such—all operators should ensure their marketing is appropriately vetted for these issues.

Please note, unless otherwise stated, these advertisements have not been resized and are presented exactly as captured on devices. This results in some formatting issues in the document, but shows the severe issues related to conspicuous RG messaging.

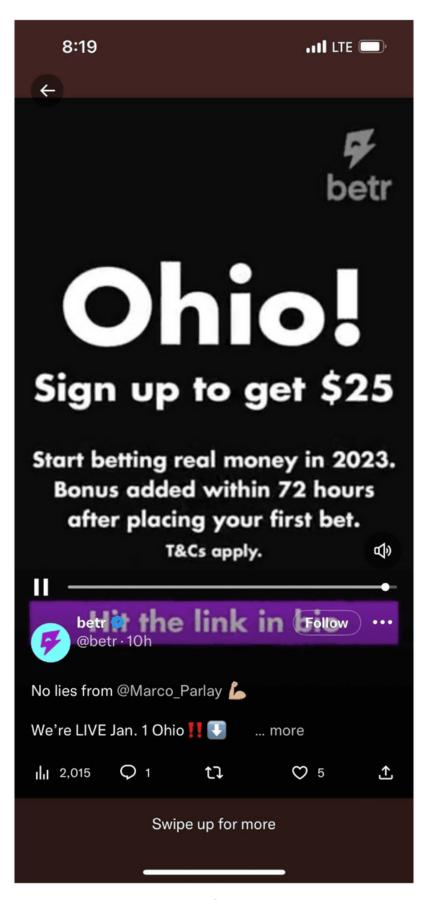
Section 1: Advertisements Are Advertisements

The Commission recently has heard an operator claim that they did not believe that speaking a promotion, including offering free play to gambling offerings was an advertisement. Please note the definition of advertisement in Ohio Adm.Code 3775-1-01(B)(1), and the fact that it applies to any broadcast, publication, or other means of dissemination. As such, an advertisement is an advertisement, whether spoken verbally, in print, on video, or conveyed via others means of distribution. As such, all advertisements must have a responsible gambling message. R.C. 3775.02(B)(10)(d) and Ohio Adm.Code 3775-16-08(A)(3). This includes speaking to gathered crowds, as was the case for this operator.

This includes social media filters.



This includes videos posted to social media.



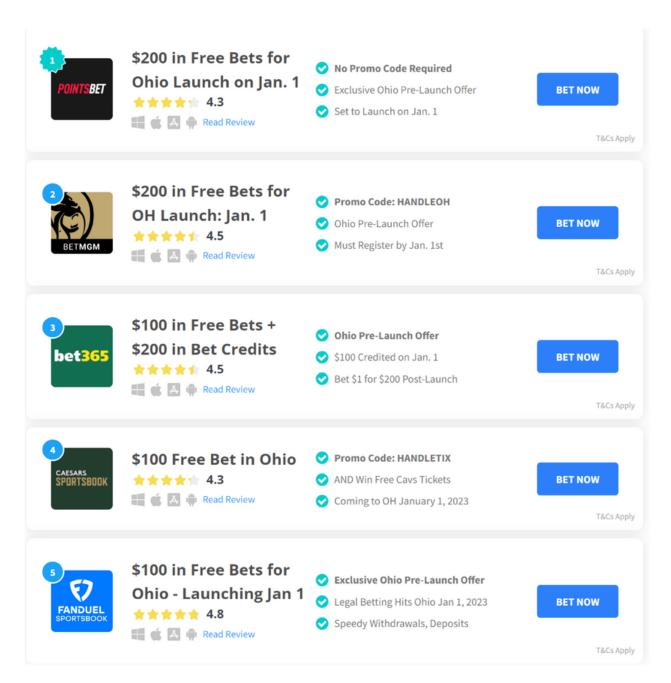
And this also includes radio, television, and all other means of dissemination. Below, the Commission tried to provide examples of various types of advertisements while recognizing that video and audio advertisements are more difficult to give examples of in writing. But, to reiterate our December 23 message, video and audio advertisements should not have the responsible gambling message in the fastest voice or lowest audio. No advertisement, regardless of medium, should need to be zoomed in on, slowed down, or have the volume turned up for an individual to see or hear a helpline number. Advertisements where this is the case are clear violations of Ohio law and call into question the industry's commitment to responsible gambling.

Section 2: Third-Party Advertisements and Affiliate Marketers

Advertising through a third party is also advertising. As such, regardless if an advertisement comes directly from the proprietor or services provider or is given to a third party to advertise, it needs to comply with Ohio law. Ohio Adm. Code 3775-16-08(I). The most concerning issue on this point is advertisements that lack a helpline number or any responsible gaming message at all, which the Commission has seen at an alarming rate. For instance:



This is a pop up that staff was greeted to when visiting an affiliate marketer website.



This is several sports gaming "coupon"-like advertisements on an affiliate marketing site. These all should have a responsible gambling message as they are separate and distinct advertisements. Further, this site does not indicate that Ohio has a Responsible Gambling number anywhere on this page and to find other states' numbers a user would have to scroll roughly 47 printed pages. Other affiliate marketing news sites also have similar problems. An example of a compliant "coupon" advertisement would be the first operator shown below on another site—this should show the minimal "intrusion" a simple helpline number would cause in these advertisements. The Commission expects all operators to work with affiliate marketers to make sure responsible gambling information is available and readily accessible.



\$200 IN BET CREDITS

Ohio Early Sign Up Offer

Pointsbet Sportsbook Review

- √ Ohio Early Sign Up Offer:
- ✓ \$200 Sportsbook Bets
 ✓ PLUS Up to \$500 In Bet Credits On Launch
- √ To Claim: Click Sign Up Now
- ✓ Gambling Problem? Call or text 1-800-GAMBLER.



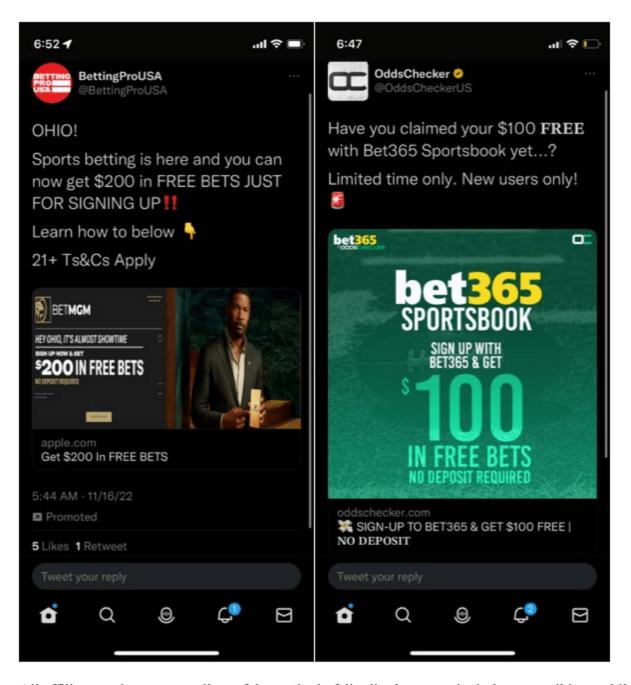




- √ Ohio Early Sign Up Offer:
- √ S20 Bonus Bet on Launch Day
- ✓ PLUS Up to \$1,111 In Fred Bets On Launch
- √ To Claim: Click Sign Up Now

SIGN UP NOW

Social media has also been an area where the Commission has seen many violative advertisements from affiliate marketers, including the below examples:



All affiliate marketers, regardless of the method of distribution, must include responsible gambling messaging in their advertising.

Section 3: Distribution Method Issues

Another problem has been making sure an advertisement is well suited to all methods of distribution it is used in, as unfortunately, an advertisement in one medium or distribution method can be non-compliant in another. For instance, this advertisement, which was used by one operator in more general contexts not only contains a responsible gaming message, but also that message is conspicuous.

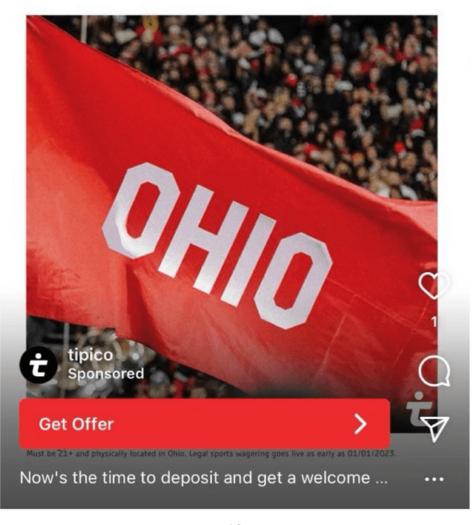


Gambling problem? Call 1-800-Gambler. Must be 21+ and physically located in Ohio. Legal sports wagering goes live as early as 01/01/2023.

However, when this advertisement was reformatted for another distribution means, the advertisement was moved around, the responsible gambling message shrunk, and the user experience further diminished by a button that is standard for these advertisements on the platform as seen on the next page:

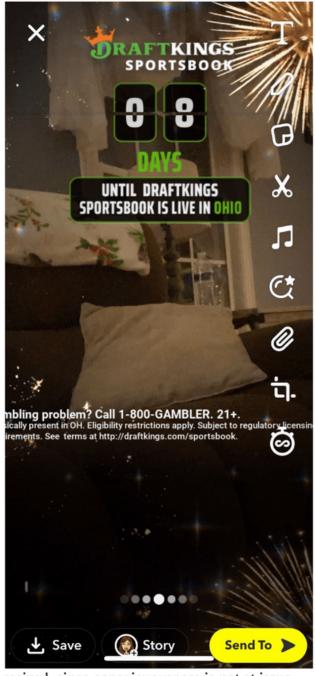
OHIO! BET ON THE HOME TEAM, AT HOME!

Get \$150 in Free Bets Now at **Tipico.com/Ohio**



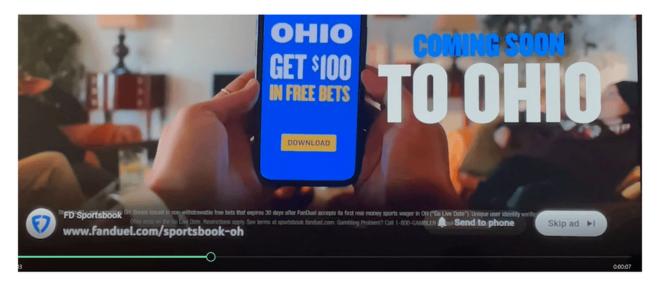
Again, the result of this distribution channel switch is that the compliant advertisement now appears to contain no responsible gambling whatsoever because it is much smaller and obscured by the "Get Offer" button.

Here a filter for a social media platform results in an image being cropped. While the resulting advertisement still has a conspicuous responsible gaming message, the message is slightly cut off. As such, this filter may be fine, but this still shows the need to consider these formatting issues when an advertisement is used in different formats.



This snapchat filter was resized, since conspicuousness is not at issue.

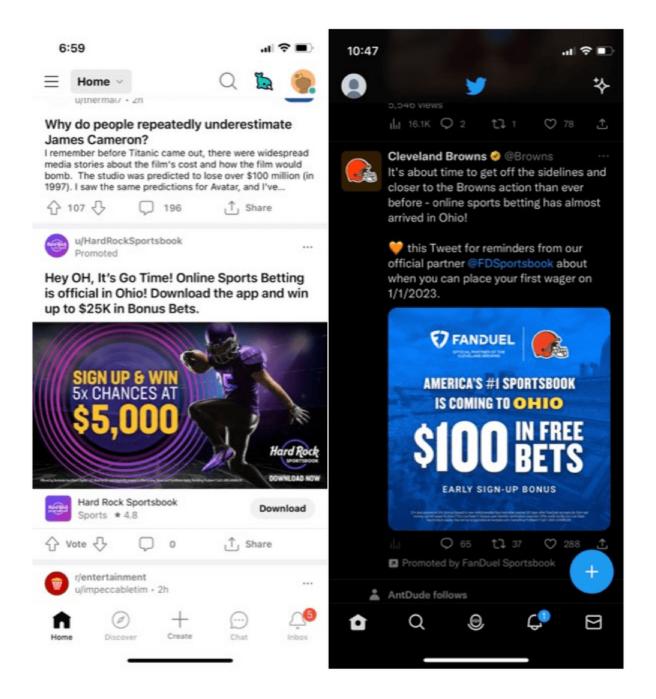
On the video side, the Commission notes a similar issue that often occurs on television stations that have scrollers (often sports related television) and video streaming sites like YouTube. Below is an advertisement that already fails to have the responsible gaming message conspicuously displayed. Instead, it is in the smallest text in the advertised buried at the end of terms and conditions. This issue is then compounded by the standard "skip ad" and "send to phone" buttons on the platform. While in this instance, the inconspicuous number is still visible, if the terms and conditions were just one letter longer, the number would not be fully shown. If a "scoller" was used at the bottom, it could obscure the message entirely.



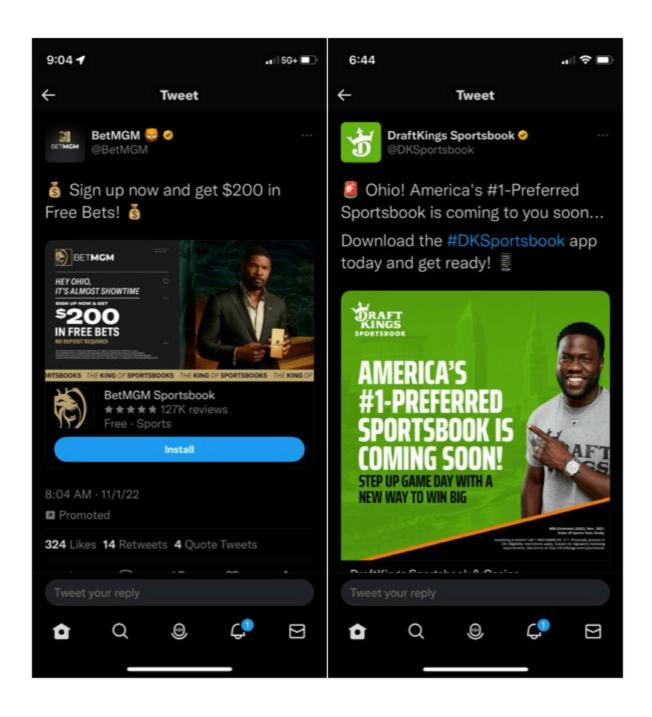
In short, all advertisements, regardless of distribution method, must have a conspicuous responsible gambling message.

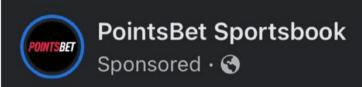
Section 4: Conspicuous Generally

In addition to the above messages (some which also fall into this category), some further advertisements the Commission has seen are unlikely to be conspicuous in any medium. Again, we do not seek or want to set exact type face, volume, or speed requirements on advertising. However, the Commission must ensure that the responsible gambling information, especially the helpline number, is conspicuous. Below are some examples that seem to fall into the inconspicuous category, regardless of how they may have been advertised. In fact, many of these examples are not just inconspicuous but borderline illegible—illegible responsible gambling messages will also be met with swift and severe administrative action.

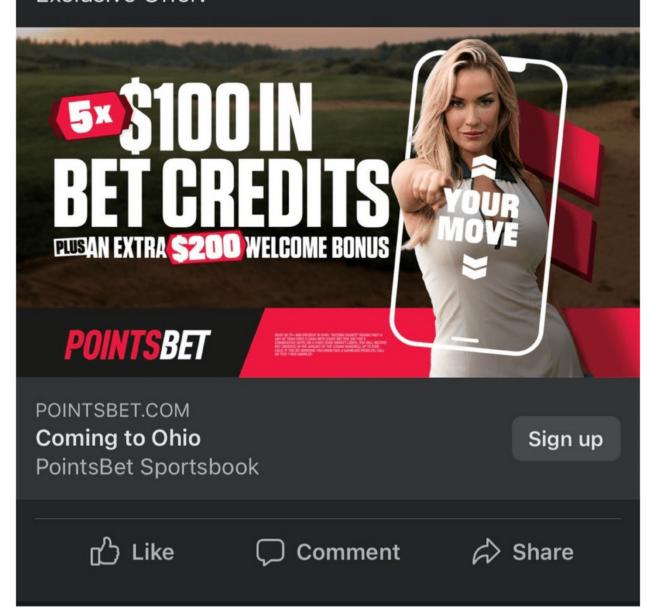






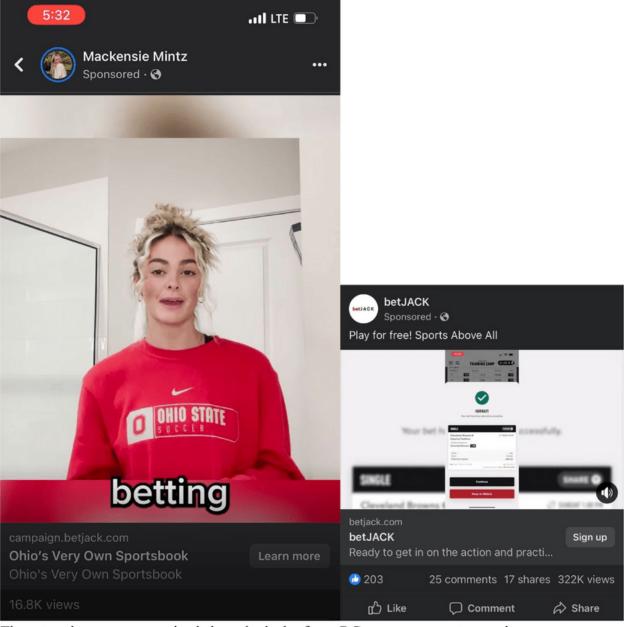


Are you ready, Ohio? Pre-Register Now and Get an Exclusive Offer!



Section 5: Social Gaming

Social gaming (i.e. free-to-play) platforms may be used to promote licensed online sports pools or sports gaming facilities. When this is the case, social gaming advertisements are considered sports gaming advertisements and must include a conspicuous responsible gambling message. The Commission has been made aware of several posts and videos on social media by operators or affiliates that promote sports gaming and do not include a responsible gambling message. An example, including screenshots of video, is included below:



These two images were resized since the lack of any RG message meant conspicuousness was not at issue.

All operators and affiliates must ensure that social gaming advertisements include a responsible gambling message in accordance with Ohio Adm.Code 3775-16-08. As such, the Commission has now also updated its advertising FAQs to include specifics on social gaming advertisements used to promote sports gaming operations. Please review those FAQs immediately.

Conclusion

The Commission is deeply disappointed with the very rocky start operators have had in this state regarding advertising—in particular, ensuring advertisements conspicuously display a responsible gambling message. We hope this guidebook and our December 23 message helps to bring the industry get into compliance. We reiterate that we do not seek to bring administrative actions, but rather, we seek compliance and seek to ensure Ohioans are given the tools to gamble responsibly. We hope all the FAQs, letters, and this guidebook shows our commitment to that stance. But, at this point, the Commission has done all it can. Further infractions will not be tolerated.

If after reviewing this guide, you have any questions, please reach out. Questions are preferred to violations.