



NSW Lotteries



NSW LOTTERIES CORPORATION

ADVERTISING CODE OF PRACTICE





INTRODUCTION

NSW Lotteries was founded in 1931 to ease the burden on the hospital system during the Great Depression. It now raises more than \$300 million each year to help pay for important community projects, such as schools, hospitals and roads.

The mission of NSW Lotteries is:

"We contribute to the community of NSW by maximising the return to Government through providing quality lottery products and services".

This role requires NSW Lotteries to adopt a high level of social responsibility as a gaming provider, and to be sensitive to community interests and concerns.

All NSW Lotteries advertising must comply with the strict regulatory environment covering the sale of lottery products in NSW and the ACT, and must meet and exceed the standards of the Australian Lotteries Industry Code of Practice.

In addition, NSW Lotteries has developed its own high standards to ensure that the Corporation's long history of integrity and public confidence in its operations is maintained.

This Advertising Code of Practice is a key component of the Corporation's approach to the responsible provision of gaming.

It is designed to ensure that the sale, promotion and advertising of NSW Lotteries games is conducted in a socially responsible way.

The Code takes particular care to avoid promoting lottery products to under 18 year-olds and those susceptible to problem gambling behaviour.

1. SCOPE OF THE CODE

This Code of Practice governs the advertising and promotion of NSW Lotteries and its games in all media, including:

- ✦ Television commercials;
- ✦ Press advertisements;
- ✦ Cinema commercials;
- ✦ Radio commercials;
- ✦ Outdoor advertising;
- ✦ The Internet;
- ✦ Sales promotions and trade incentive programs;
- ✦ Promotional materials (such as leaflets used for direct mail purposes, included in publications as inserts, or distributed or exhibited at point of sale);
- ✦ Sponsorship arrangements;
- ✦ Public relations activities;
- ✦ Materials and merchandise produced or services provided in the course of running and marketing NSW Lotteries (e.g. lottery tickets, promotional prizes, consumer and agent merchandise).

Throughout the remainder of this Code, the term 'Advertising' will include all of the items listed above. Some sections of this code relate only to NSW, only to the ACT, or both jurisdictions.

1.1 OTHER CONTROLS

This Code will be applied in conjunction with appropriate laws and industry regulations and the Australian Association of National Advertisers Code of Ethics and the Australian Lotteries Industry Code of Practice.

If there is any doubt concerning the interpretation of this Code, the matter should be referred to the Director, Marketing and Sales for resolution before any further action is taken.

2. BASIC PRINCIPLES

2.1 AIM OF CODE

- ✦ This code seeks to provide an ethical and responsible basis for all advertising conducted by NSW Lotteries in order to maintain our corporate reputation and the broad support of the NSW community.

2.2 GENERAL PROVISIONS CONCERNING STYLE AND CONTENT

- ✦ All forms of NSW Lotteries advertising should be legal, honest and meet community standards of decency;
- ✦ Advertising should not suggest that winning any NSW Lotteries game is anything other than a matter of chance;
- ✦ Advertising should not exaggerate or otherwise misrepresent the chance of winning in any NSW Lotteries game;
- ✦ Advertising should not encourage excessive or reckless playing;
- ✦ Advertising should not be discriminatory nor appear patronising to any particular group;
- ✦ No advertising should portray actions that may be seen as socially irresponsible.

3. UNDER 18s

- ✦ No advertising (whether in terms of style, tone, content, medium, location or any other factors) should be directed at or likely to appeal primarily to under 18 year-olds;
- ✦ No suggestion should be made in any advertising that anyone under the age of 18 can participate in NSW Lotteries games;

- ✳ Appropriate point-of-sale material which stresses that players must be 18 years or over will be distributed to, and displayed by, retail outlets.

- ✳ No person who is under the age of 18 or appears to be under the age of 18 shall appear in any advertising. *(NB Advertising in the ACT must not show people under 25 years old gambling – see page 8)*

4. ADVERTISING OR PROMOTIONS BY OR WITH THIRD PARTIES

The provisions of this paragraph apply to: any third party with whom the Corporation has entered into an agreement for advertising, co-promotion, sponsorship, joint merchandising, etc.; NSW Lotteries agents; suppliers and contractors to the Corporation.

- ✳ No advertising or promotion referring to NSW Lotteries developed by third parties may be published or broadcast without the approval of the Corporation;

- ✳ Where such advertising, co-promotion, sponsorship, joint merchandising, etc., is undertaken by or in conjunction with any third party or involves any non-lottery types of products or services, this Code must be complied with and particular care will be taken to ensure:

- ✳ *That the products, services or third party company or organisation do not detract from the quality image of NSW Lotteries or its sales network;*

- ✳ *Except in the clear case of a joint activity with a third party, NSW Lotteries must not endorse, or be perceived to be endorsing, other products, services or companies. Where these do appear, they must be incidental to the focus of the advertising.*

5. PUBLIC RELATIONS

5.1 WINNERS

- ✳ The names, addresses and other details of winners and their families must be kept strictly confidential and must not be made available by the Corporation or its contractors, suppliers or agents to any third party without the consent of the relevant winner;

- ✳ No advertising or public relations should feature or make any reference whatsoever to actual named individual winners of NSW Lotteries without first obtaining the consent of that winner;

- ✳ When requesting consent it should be made clear to the winner what will be involved in the advertising or public relations activity;

- ✳ In the event that a winner subsequently decides that he/she does not wish to be featured in advertising or public relations, this request must be honoured as far as is reasonably possible, notwithstanding that approval had originally been given by the player.

6. MANDATORY ELEMENTS FOR INCLUSION IN ADVERTISING

All advertising material must feature:

- ✳ NSW Lotteries Logo– unless specifically agreed;
- ✳ Product Logo and Tagline;
- ✳ Web site details;
- ✳ Other campaign specific mandatories (e.g. Prize level, date(s) of offer, etc.).

- ✳ Entry forms and how to play brochures must feature the responsible gaming message required in each jurisdiction by Government regulation.

In NSW this is the G-Line message:

Is gambling a problem for you? CALL G-line (NSW) counselling service 1800 633 635

7. ADVERTISING AGENCIES AND OTHER SUPPLIERS

All advertising agencies working on NSW Lotteries accounts, as well as suppliers of related services, are required to abide by the guidelines of the NSW Lotteries Advertising Code of Practice and maintain an awareness of the relevant rules and regulations.

Any breach of the Code would be viewed seriously and could lead to termination of contracts.

Each time a new contract or other formal relationship is established with an agency or supplier which involves the promotion or advertising of lottery products, the key personnel involved in the business must be supplied with a copy of this Code in print or electronic format by the relevant NSW Lotteries manager responsible for managing the business relationship, and must be fully briefed on all aspects of responsible gaming obligations. Where appropriate, formal training may be provided by NSW Lotteries.

When new key personnel are allocated to the NSW Lotteries account, NSW Lotteries must be advised in writing, and the personnel must be provided with a copy of the Code within five working days by the relevant agency.

8. THE NSW LOTTERIES RETAIL NETWORK

NSW Lotteries agents also have responsibilities under the regulations governing the sale of lottery products in NSW, and may be directly liable for breaches.

Important responsible gaming provisions which affect agents include:

- ✳ Must display the A3 Responsible Gaming poster at each selling point,
- ✳ Must include the ‘G-Line’ message on any printed advertising (newspaper, posters, etc.) prepared by agents.
- ✳ Must display the “Playsmart” gambling information brochure.
- ✳ Must maintain a current copy of all game rules on the premises and make it available on request.
- ✳ Alcohol prohibited as a gambling inducement - no alcohol can be used in any form of promotion where lottery products are involved, for example, a bottle of wine in a raffle prize hamper

ACT agents operate under different legislative requirements which apply only in the ACT, and have been provided with all the information and material required to meet the requirements of the Regulation.

One of the special requirements in the ACT is that you **must** complete responsible gaming training, and you **must also** ensure each staff member selling lottery products has completed the approved internal training program.

9. RESPONSIBLE GAMING REGULATORY

9.1 REQUIREMENTS IN NSW AND ACT

In addition to the corporate guidelines developed by NSW Lotteries, there are a number of Government regulations which govern the promotion and sale of lottery products.

The regulatory clauses below outline the **minimum** legal requirements which **must** be met in NSW and the ACT in advertising lottery products.

(NB: the clause numbers relate to the Regulations – not the item numbering of this Code – and are only part of the laws relating to the sale and promotion of lottery products in NSW and the ACT. These may change from the time of publication – it is the responsibility of advertisers to make themselves aware of all the current regulatory requirements.)

9.2 NSW RESPONSIBLE GAMING REGULATION

Public Lotteries Regulation 2002

Part 3 Responsible gambling practices

7 Approval of English and other community language player information brochures

(1) In this clause, **player information** means the following:

- (a) *information concerning the chances of winning a major prize in a public lottery,*
- (b) *the G-line (NSW) helpline phone number operated under contractual arrangements made by the Department of Gaming and Racing.*

(2) The Minister may approve one or more pamphlets or brochures containing player information in the English language (a **player information brochure**).

(3) The Minister may approve one or more pamphlets or brochures containing advice in the Arabic, Croatian, Chinese, Greek, Italian, Korean, Macedonian, Maltese, Serbian, Spanish, Turkish and Vietnamese languages that:

- (a) *indicates the substance of the player information contained in a player information brochure, and*
- (b) *advises that the information will be supplied by the licensee or an agent of the licensee in the relevant language on request.*

(4) A pamphlet or brochure approved under subclause (3) may be combined with the player information brochure to which it relates.

(5) The Minister may approve one or more pamphlets or brochures (a community language player information brochure) containing player information in the Arabic, Croatian, Chinese, Greek, Italian, Korean, Macedonian, Maltese, Serbian, Spanish, Turkish and Vietnamese languages.

(6) The Minister may vary or withdraw any approval given under this clause.

8 Provision of player information brochures

(1) A licensee must:

- (a) *as soon as practicable after the requirements of subclause (2) first apply in relation to an agent of the licensee, provide to the agent sufficient copies of the player information brochures approved by the Minister under clause 7 (2) to enable the agent to comply with those requirements, and*
- (b) *provide further copies of the brochures to an agent of the licensee in accordance with a request by the agent.*

Maximum penalty: 50 penalty units.

(2) An agent of a licensee must ensure that:

- (a) *copies of at least one type of player information brochure approved by the Minister under clause 7 (2) are made available at each point of sale (under the control of the agent) for tickets or entries in, or subscriptions to, each public lottery conducted by the licensee, and*
- (b) *those copies are displayed in such a manner and in such a place that it would be reasonable to expect that a person purchasing a ticket or entry in, or subscribing to, such a lottery at that point of sale would be alerted to their presence.*

Maximum penalty: 50 penalty units.

9 Provision of player information brochures in community languages

(1) A person may request a licensee or agent of a licensee to supply a community language player information brochure approved under clause 7 (5) in one of the languages specified in that subclause.

(2) A licensee or agent of a licensee must supply a brochure in accordance with a request made under subclause (1) as soon as practicable after being requested to do so.

Maximum penalty: 50 penalty units.

10 Gambling information and warnings

(1) A licensee must ensure that each printed entry form (however described) and ticket in a public lottery conducted by the licensee contains the following: Is gambling a problem for you? CALL G-line (NSW) counselling service 1800 633 635
Maximum penalty: 50 penalty units.

(2) Subclause (1) does not apply to instant lottery tickets (commonly known as “scratchies”).

(3) A licensee must ensure that any written material provided by the licensee to explain to the public how to enter a public lottery contains:

- (a) *an explanation of the chances of winning a major prize in the public lottery or, if there are different prize divisions in the public lottery, an explanation in relation to each of those divisions of the chances of winning a prize in that division, and*
- (b) *the following: Is gambling a problem for you? CALL G-line (NSW) counselling service 1800 633 635*

Maximum penalty: 50 penalty units.

(4) Subclauses (1) and (3) do not apply to any printed entry form, ticket or written material supplied to the licensee concerned under a contract or arrangement entered into before 9 November 2001.

(5) A licensee or agent of a licensee must not extend the duration of any contract or arrangement entered into before 9 November 2001 for the supply of entry forms or tickets that do not contain the matter required by subclause (1).

Maximum penalty: 50 penalty units.

(6) A licensee or agent of a licensee must not extend the duration of any contract or arrangement entered into before 9 November 2001 for the supply of written material referred to in subclause (3) that does not contain the matter required by that subclause.

Maximum penalty: 50 penalty units.

(7) A licensee must include the following information on any website used by the licensee to promote or provide information about a public lottery conducted by the licensee:

- (a) the information contained in a player information brochure approved by the Minister under clause 7 (2),
- (b) an explanation of the chances of winning a major prize in the public lottery or, if there are different prize divisions in the public lottery, an explanation in relation to each of those divisions of the chances of winning a prize in that division.

Maximum penalty: 50 penalty units.

11 Counselling signage—notice to be displayed

(1) A licensee must:

- (a) as soon as practicable after the requirements of subclause (2) first apply in relation to an agent of the licensee, provide to the agent sufficient copies of a notice that complies with this clause to enable the agent to comply with those requirements, and
- (b) provide further copies of the notice in accordance with a request by an agent of the licensee.

Maximum penalty: 50 penalty units.

(2) An agent of a licensee must:

- (a) display a notice that complies with this clause at each point of sale (under the control of the agent) for tickets or entries in, or subscriptions to, each public lottery conducted by the licensee, or in the vicinity of each such point of sale, and
- (b) display each such notice in such a manner that it would be reasonable to expect that a person in the vicinity of the point of sale in relation to which the notice is displayed would be alerted to its contents.

Maximum penalty: 50 penalty units.

(3) The notice must contain the following: Is gambling a problem for you? CALL G-line (NSW) counselling service 1800 633 635

- (4) Subclause (3) does not prevent a notice under this clause containing other information.
- (5) The notice must be at least 42 centimetres by 29.5 centimetres in size, and the matter contained in the notice must be in letters and figures of not less than 0.6 centimetres in height.

12 Advertising of public lotteries

(1) The requirements of subclauses (2) and (3) are prescribed as requirements for the purposes of section 39 (1) (b) of the Act.

Note. Section 39 of the Act makes it an offence for a licensee or other person to publish, or cause to be published, any public lottery advertising that is false, misleading or deceptive or is in contravention of a requirement of the regulations. The maximum penalty for the offence is 50 penalty units.

(2) A licensee or agent of a licensee must not publish, or cause to be published, any public lottery advertising that:

- (a) encourages a breach of the law, or
- (b) depicts children, or
- (c) suggests that winning will be a definite outcome of participating in a public lottery, or
- (d) suggests that entering a public lottery will definitely improve a person's financial prospects, or
- (e) is not conducted in accordance with decency, dignity and good taste and in accordance with the Commercial Television Industry Code of Practice as in force at the time the public lottery advertising is published.

(3) A licensee or agent of a licensee must ensure that any public lottery advertising in writing published or caused to be published, by the licensee or agent in a newspaper, magazine, poster or other

printed document contains the following: Is gambling a problem for you? CALL G-line (NSW) counselling service 1800 633 635

- (4) Subclauses (2) and (3) do not apply to the publication of any public lottery advertising under a contract or arrangement entered into before 9 November 2001.
- (5) A licensee or agent of a licensee must not enter into or extend the duration of any contract or arrangement for the publication of public lottery advertising that does any of the things referred to in subclause (2) (a)–(e).

Maximum penalty: 50 penalty units.

(6) In this clause:

public lottery advertising means advertising that is directly related to the conduct of a public lottery.

publish includes disseminate in any way, whether by oral, visual, written or other means (for example, dissemination by means of cinema, video, radio or television).

13 Payment of prize money by cheque or electronic funds transfer

(1) If in a game of keno the prize money payable to a person at the end of a customer session exceeds \$1,000, the licensee or agent of the licensee responsible for paying the prize money:

- (a) if the person so requests, must pay the total prize money by means of:
 - (i) a crossed cheque payable to the person, or
 - (ii) an electronic funds transfer to an account nominated by the person (if those means are available), and

(b) must pay so much of the total prize money as exceeds \$1,000 by means of:

- (i) a crossed cheque payable to the person, or
- (ii) if the person so requests and those means are available, by means of electronic funds transfer to an account nominated by the person.

Maximum penalty: 50 penalty units.

(2) If in a public lottery (other than a game of keno) the total prize money payable to a person exceeds \$1,000, the licensee responsible for paying the prize money must pay the total prize money by means of:

- (a) a crossed cheque payable to the person, or
- (b) if the person so requests, by means of electronic funds transfer to an account nominated by the person.

Maximum penalty: 50 penalty units.

(3) In this clause:

customer session means the period of time starting when a subscriber:

- (a) makes an entry in a game of Keno, or
- (b) checks a receipt ticket in a game of Keno, or
- (c) cancels an entry into a game of Keno, and ending when the End Customer terminal key is activated.

crossed cheque means a cheque crossed as referred to in section 53 of the Cheques Act 1986 of the Commonwealth as in force on 1 March 2002.

total prize money means the total amount of money payable to a person as a result of the person winning money in respect of a single entry in a public lottery (whether or not that entry relates to one, or more than one, game in the public lottery).

14 Gambling inducements

- (1) A licensee or agent of a licensee, or an employee of a licensee or agent of a licensee, must not offer or supply any free or discounted liquor as an inducement to participate, or to participate frequently, in any public lottery conducted by the licensee.

Maximum penalty: 50 penalty units.

- (2) In subclause (1), **liquor** has the same meaning as in the Liquor Act 1982.

9.3 ACT RESPONSIBLE GAMING REGULATION

Gambling and Racing Control (Code of Practice) Regulation 2002

Part 1.4 Advertising, promotions and inducements

1.29 Advertising

- (1) The licensee of a gambling facility must not publish advertising that -
- (a) *encourages anyone to contravene a gaming law; or*
 - (b) *shows people under 25 years old gambling; or*
 - (c) *encourages people under 18 years old to gamble, or targets them; or*
 - (d) *is false or misleading, particularly about the chances of winning or the expected return to a gambler; or*
 - (e) *suggests that gambling is a form of financial investment; or*
 - (f) *suggests that skill can influence games that are games of chance; or*
 - (g) *shows or promotes the consumption of alcohol while gambling.*

10. COMMENTS

If you have any comments or would like further information on the NSW Lotteries Advertising Code of Practice please contact the Director Marketing and Sales, NSW Lotteries on (02) 9752 5735.

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This Code is available for download as a Portable Document Format (PDF) document on the website.

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NSW Lotteries

