

The Danish Gambling Authority's guide on sales promotion

Table of contents

Version history	2
Version 4.1 of 14 March 2022.....	2
Version 4.2 of 7 March 2024.....	2
Version 5.0 of 15 July 2025.....	2
 1. Introduction.....	 3
 2. Definition of sales promotion	 5
2.1 Cashback and similar loyalty programmes	6
2.2 Extra chances of winning.....	7
2.3 Game challenges.....	7
2.4 Tournaments/ranking lists.....	8
2.5 Draws and similar.....	8
2.6 Jackpots.....	8
2.7 Boosted odds.....	8
 3. Guidelines for marketing sales promotion	 10
3.1 The value of the sales promotion	11
3.1.1 Market value.....	11
3.1.2 When is it one or more sales promotions?	11
3.1.3 The value of the sales promotion in connection with draws and similar	11
3.2 Playthrough requirements	12
3.2.1 Commission-based games.....	13
3.3 Who are offered the sales promotion?.....	13
3.4 Clear and visible information about the offer	14
3.4.1 Terms and conditions of the sales promotion	14
3.4.2 Types of media.....	16
3.5 A minimum of 60 days to meet terms and conditions for a sales promotion	20
 4. Additional provisions on marketing of gambling services.....	 21
4.1 The Danish Act on Gambling section 36(1)	22
4.2 Statutory disclosure when marketing gambling activities	22
4.3 Marketing to self-excluded players	22
4.4 The Danish Marketing Practices Act.....	22

Version history

Version 4.1 of 14 March 2022

- Section 2.1: Elaborative description of cashback and similar loyalty programs
- Section 2.2: Addition of a new section defining and describing extra chances of winning.
- Section 2.3: Addition of a new section defining and describing tournaments and rankings.
- Section 2.4: Addition of a new section defining and describing draws and similar.
- Section 3.1.3: Change of the calculation of the sales promotion's value at draws.
- Section 3.4.2.1: Elaborative description of media with unlimited space
- Section 3.4.2.3: Addition of third-party websites under media with unlimited space and a clarification of banner ads on third-party websites being a media with limited space.

Version 4.2 of 7 March 2024

- Update of layout
- Update of the rules on land-based betting: Change in requirement for reference to ROFUS

Version 5.0 of 15 July 2025

- Section 2.1: Elaboration and definition of cashback and other loyalty programmes.
- Section 2.3: New paragraph added defining and describing game challenges.
- Section 2.7: Elaboration and definition of boosted odds.
- Section 3.3: Elaboration of when it is assessed that "inactivity" has been used as a section criterion.
- Section 3.4.1.1: The option to link to an example of a playthrough requirement has been removed. An example of how an example could look at the first presentation has been added.
- Section 3.4.2.2: Clarification of the requirements for marketing via media with limited space. Also for this type of media, all significant terms and conditions must appear, as a rule.

Introduction

1

This guide is aimed at gambling operators and other relevant stakeholders. The guide is a supplement to the gambling legislation's chapters on sales promotion.

If a gambling operator offers consumers a sales promotion, various requirements must be met in this connection. The rules on this are stated in chapter 9 of the Executive Order on online casino, chapter 10 of the Executive Order on land-based betting and chapter 8 of the Executive Order on online betting.

This guide expresses how the Danish Gambling Authority interpret the provisions on sales promotion and which practices are legal according to the Danish Gambling Authority's assessment. The Danish Gambling Authority will use the guide in monitoring gambling operators' compliance with the rules in the executive orders mentioned. The provisions on sales promotion are interpreted in accordance with the practice of the Danish Marketing Practices Act.

The examples mentioned in the guide serve as a practical guide. The examples are measures aimed at defining and illustrating how the rules are understood in practice. It is emphasised that these are merely examples of how sales promotions can be made. The guide expresses the Danish Gambling Authority's general recommendations in relation to typically occurring marketing situations for promotions. However, it will always depend on a specific assessment of whether sales promotion is made in accordance with the rules of the gambling legislation. It is the courts that ultimately decide whether the provisions have been violated.

The guide is not exhaustive and will be updated regularly by the Danish Gambling Authority. The update will mainly be based on the developments in the set of rules and in practices.

It should be noted that the rules on marketing of gambling activities apply to all parties that market gambling products and not only gambling operators. This means that the rules also apply to affiliates.

Definition of sales promotion

2

The concept of "sales promotion" is not defined in the gambling legislation's executive orders nor in the preparatory works to the Danish Act on Gambling.

The definition in this guide therefore only expresses how the Danish Gambling Authority interpret sales promotion, and which practice is applied by the Danish Gambling Authority in the future.

The Danish Gambling Authority assess that sales promotion include all those measures offered by a gambling operator to consumers with a commercial intention, regardless of whether separate payment is required.

Sales promotion will typically be measures used for a limited period under certain conditions and which usually are intended to promote the sale of goods by offering the consumer the impression of a financial advantage, for example by offering a welcome bonus.

Below are examples of sales promotion. The list is not exhaustive.

- Bonus offers
- Free promotional gifts
- Free bet/ Free spin
- Competitions
- Draws
- Today's/ this week's/ this month's offer, for example "World Cup offer"
- Price reduction e.g., 50% off spins
- Favourable odds to selected players

The Danish Gambling Authority are of the opinion that the term must be interpreted broadly, which is why other and new marketing methods are also taken into account and in principle covers any measures taken to attract new players and retain existing players.

2.1 Cashback and similar loyalty programmes

The Danish Gambling Authority assess that cashback and similar loyalty programmes in some cases are considered a part of the prize structure. If the prerequisites are not met, the scheme will not be considered sales promotion.

Cashback and similar loyalty programmes are systems where a share of the value is returned to the player based on the players activity. For example, a share of the players loss the previous week.

The reimbursement can either be money in the gambling account or game opportunities such as free spins, free bets, bonus money or similar. No further terms and conditions can be attached to the reimbursement, which means that play-through requirements can be attached. The reimbursement must take place as soon as the player is eligible for cashback.

If the system is a permanently integrated part of the gambling operator's provision of gambling and is offered to all players on equal terms and conditions regardless of how much money is spent and does not increase if the player spent more money, it speaks in favour of considering the system as a part of the prize structure. Especially if the customer cannot opt out of the system.

This means that, as a rule, a minimum stake cannot be required for the player to be eligible for cashback. The cashback can be reimbursed in amount intervals, but the intervals must be so small that the gambling operator expects that all players will earn the cashback. The system can be used as a competitive parameter to motivate players to gamble with the gambling operator in question, but the system cannot be constructed in a way where the gambling operator encourages the player to increase their spending.

The system can be constructed in a way where the cashback is limited to a selection of games or types of games. However, the cashback must not depend on the player playing several games (for example, various gaming machines or table games) or types of games (for example, both casino games and betting), since this is considered a means of motivating the player to increase their spending whereby the arrangement will be considered sales promotion.

It is also a determining factor that the value is set so that no players are overlooked or given preferential treatment compared to others. The values can be different; however, the increase must be attributed to a linear progression. In addition, it cannot depend on chance whether the reimbursement takes place. The reimbursement can be made in set time intervals, for example, once a week if the intervals appear from the terms and conditions.

For example, it would comply with the above interpretation to offer all current players 5 percent of their spending a given week returned. It is crucial that the offer applies to all players without further terms and conditions.

However, if the system

- Only applies for a limited time (not systematically recurring)
 - Rewards a particular group of players
 - Only applies if the player achieves a certain spending
 - Only applies if the player plays several selected games or types of games
 - Increases as the customer's spending increases, which cannot be ascribed to a linear progression
 - Where more terms and conditions are attached to the reimbursement
- the Danish Gambling Authority assess that the system is sales promotion.

It should be noted that all matters concerning the scheme/system depends on a assessment of the specific case.

2.2 Extra chances of winning

The Danish Gambling Authority assess that extra chances of winning in some cases can be sales promotion, while in other cases it will be considered a part of the prize structure.

If the system is an integrated part of the integrated part of the gambling operator's gambling offers, which is offered to all players on equal terms and conditions, where the players are not competing against each other, and which have set, well-defined terms and conditions for winning a prize, it indicates that the system is part of the prize structure. It especially speaks in favour of this if the customer cannot opt out of the system. It must be clear to the player when they have won, and the prize must be paid out as soon as the terms and conditions are met. Among other things, this means that the prize cannot depend on other players' performances.

If the system rewards a special group of players or a system which is not recurrent, it indicates that the system is sales promotion. Systems where the extra chance of winning is a competition against other players are considered sales promotion and are defined by the Danish Gambling Authority as a tournament/ranking list (see item 2.3).

2.3 Game challenges

Game challenges are fixed, defined challenges where the player must complete tasks, for example, to gamble on one or more of certain gaming machines or certain types of betting,

Game challenges cannot be constructed in a way where the gambling operator creates an incentive for the player to increase their gambling spend. The Danish Gambling Authority

assess this to be the case if the player must gamble a large number of games to achieve the reward or if the player must gamble on several different types of games.

If game challenges include an element of chance, this is considered an extra chance of winning (see 2.2). For example, it could be if the player must get to the bonus game on a gaming machine or win on a certain number on the roulette to complete the challenge.

2.4 Tournaments/ranking lists

Tournaments/ranking lists are systems where the player via his stake in a game also participates in a separate competition against other players. The separate competition applies during a fixed period and is not an integrated part of the game where the stake is placed. The game in which the player participates with a stake, for example on a gaming machine, is not affected by other players, but in the separate tournament/ranking list players compete against each other. This means that the individual player's ranking in the tournament/on the ranking list depends on the performance of other players.

The Danish Gambling Authority assess that separate tournaments/ranking lists in connection with games are considered sales promotion and are subject to the rules on this. In this connection, we especially emphasize the rule that requirements for stakes/deposits to achieve a sales promotion must 100 percent equal the value of the sales promotion.

Games that are traditionally pools games (poker tournaments, online bingo, manager games etc.) are not considered separate tournaments/ranking lists since the player's position in these cases is an integrated part of the prize structure of the game.

2.5 Draws and similar

A sales promotion may be a draw for a prize where the consumer is offered a ticket to participate in such a draw. It may also be a guessing competition in which the consumer must correctly answer a number of questions to participate in the competition to win a prize which is drawn among those who answer correctly.

At this type of sales promotion, the gambling operator must pay extra attention to the value of the ticket, which cannot exceed DKK 1000 and ensure that the value of the ticket complies with the 1:1 rule. You can read more about the calculation of the value of the ticket under item 3.1.3.

2.6 Jackpots

The Danish Gambling Authority assess that jackpots offered in connection with provision of casino are considered a permanent part of the game and prize structure, and thus, it is not sales promotion, unless the jackpot is reserved for particular players.

2.7 Boosted odds

The Danish Gambling Authority assesses that "boosted odds" in some cases can be considered sales promotion, while in other situations, it is considered a fixed part of the gambling operator's price determination.

The Danish Gambling Authority assesses that boosted odds always should be considered sales promotion of the theoretical reimbursement rate of the total bet is more than 100, after which the provisions of the executive order apply.

It will not always be possible to calculate the theoretical reimbursement rate of all outcomes are not available. It is, for example, the case at spot bets such as goal scorer or yellow cards. If the theoretical reimbursement rate cannot be calculated, the boosted odds can still be considered a sales promotion after a concrete assessment if it can reasonably be assumed that the reimbursement rate is over 100.

In case of boosted odds with an assessed reimbursement rate of less than 100, the Danish Gambling Authority assesses that boosted odds cannot be considered sales promotion if the following conditions are met:

1. The boosted odds are offered to everyone. This means that the odds must be publicly accessible to all customers
2. It must not be possible to place the same total bet at different odds with the gambling operator, without making the player aware of the fact that the same bet is available at higher odds.
3. The boosted odds must not be offered at special terms and conditions, for example, a playthrough requirement. General minimum and maximum stakes are not considered special terms and conditions.

If the requirements are not met, the boosted odds can be considered sales promotion based on an assessment of the specific offer. If the boosted odds are considered sales promotion, the provisions of the executive order will enter into force.

In relation to item 2 above, it is noted that it is the Danish Gambling Authority's assessment that the same bet may be presented with different odds if the odds are presented in a context intended for combination bets, such as build-bet function. It is the Danish Gambling Authority's assessment that licence holder may increase a single bet but could not offer the same odds in connection with combination bets, whereby the odds are offered lower in this context. The player therefore does not need to be explicitly informed if they play the odds in a build-bet function.

Please note that the fact that a combination bet has higher odds than the product of the separate parts is not an indication of sales promotion if the theoretical reimbursement rate does not exceed 100. For example, if the outcome of the individual parts correlate or if the gambling operator increases the total odds depending on the number of bets in a combination bet.

On 8 November 2024, the court in Odense imposed a fine of DKK 700,000 on a gambling operator in connection with marketing of boosted odds, since the offer was exclusive to new players. The offer was thereby sales promotion which was not in accordance with the 1:1 rule.

Guidelines for marketing sales promotion

3

3.1 The value of the sales promotion

The value or average value of a sales promotion must not exceed DKK 1,000.

The value of the sales promotion is calculated at the time when the promotion is offered, for example, if a welcome bonus of DKK 500 for an online casino is offered, the value of the promotion is DKK 500 and not the future winnings. For other winnings than cash, the value must be calculated based on the market value, see more in section 3.1.1.

If the sales promotion comes with a requirement of a deposit on an account or a stake in a game to take advantage of the sales promotion, the requirement for the deposit on the account or stake in the game must equal 100 per cent of the value of the promotion offered.

In practice, this means that if a sales promotion of DKK 500 is offered, the requirement for a deposit on the account or stake in the game, if it is required, must be DKK 500. The sales promotion must always have the same value as the requirement for deposits on the account or stakes in the game. Accordingly, this means that 25 free spins cannot be offered in connection with the above example as the value of the sales promotion in this case would exceed the requirement of a stake.

See section 3.4.2.5 below on cases where there is no requirement for deposits on an account or stakes in a game to obtain a sales promotion.

3.1.1 Market value

The market value is the value for which a consumer can usually sell or buy the product concerned.

It is the gambling operator's responsibility to prove that the sales promotion has the stated market value.

The market value may be difficult to determine in case of a product that is normally not sold or bought on the market. In this case, it is imperative that the gambling operator considers what it is expected that people will pay for such an experience. These considerations must be documented for later supervision by the Danish Gambling Authority.

3.1.2 When is it one or more sales promotions?

It depends on a specific assessment of the case when deciding whether there are one or more sales promotions offered independently of each other.

If the sales promotion is offered over several days and the player is required to participate all days, the Danish Gambling Authority assess that it is a single promotion. If it is possible to participate on any day independently of each other, it is considered several sales promotions.

If several sales promotions are marketed collectively, it will be considered one sales promotion.

3.1.3 The value of the sales promotion in connection with draws and similar

It can be difficult to determine the value of the ticket or the participation in a guessing competition that must not exceed DKK 1,000. The gambling operator is responsible for accounting for the value of the ticket or the participation. The value of the ticket depends on the total

value of the prize pool. If 200 consumers are offered to participate in the draw for a car worth DKK 100,000, the Danish Gambling Authority assess the value of the ticket to be DKK 500 (DKK 100,000 divided by 200 consumers). What matters is how many consumers the gambling operator assesses will participate in the draw. This means that it is not crucial how many the ticket is offered to or how many consumers accept the offer.

Gambling operators must take special care if participation in a draw or a competition requires a deposit to the account or stake in a game. The stake/deposit must equal the exact value of the ticket for the individual player. This means that it will not be possible to vary the value of the ticket from player to player if the prize is fixed. The value of the ticket cannot be calculated based on an average value.

In case of a situation where all who place DKK 100 on a given football match participate in a draw for a car, the ticket must have an exact value of DKK 100 equalling the stake in the game.

If a specified group of players, for example all who have placed DKK 100 on a given football match and are subsequently offered to participate in a draw for a car, and where the draw was not known to the customer at the time of the purchase, the draw is considered free and therefore, the value must not exceed DKK 1,000.

It should be noted that direct payment for participation in draws and similar are not allowed, since this is considered a lottery which requires a licence.

3.2 Playthrough requirements

If a playthrough requirement is attached to the sales promotion, it must not be more than 10 times the value of the deposit on the account or stake in the game plus the amount awarded. See section 3.2.1 for special rules on playthrough requirements applicable to commission-based games.

A sales promotion of DKK 100, which is offered in connection with a deposit of DKK 100 to an account, for example, can involve a playthrough requirement of 10 times, which both applies to the sales promotion of DKK 100 and for the deposit on the account of DKK 100. In this case, where a playthrough requirement is attached to the requirement for a deposit on the account, the promotion cannot be marketed as free of charge, see section 3.4.2.5.

If a playthrough requirement is attached to the sales promotion, an example must be provided, which shows the amount to be gambled before any winnings from the game can be transferred to the player's own bank account. The example must be provided in a clear and visible manner directly alongside the offer and must be stated in the currency in which the game is played.

The games that can be played to meet the playthrough requirement attached to the sales promotion must contribute 100 per cent to meeting the playthrough requirement. Thus, some games cannot contribute 50 per cent regardless of whether this is clearly stated.

The player must have a minimum of 60 days to meet any terms and conditions that are connected to the payout of the sales promotion, for example the playthrough requirement.

No playthrough requirements must be attached to the winnings gained through sales promotions. This is regardless of whether the prizes are won in a competition, or the prizes are won in a game that requires a licence.

If the prize of the sales promotion for example is free spins, a playthrough requirement must not be attached to these. If the sales promotion is a "deposit DKK 100 to your account and

receive DKK 100" offer, a playthrough requirement can be attached to the deposit of DKK 100 and the sales promotion of DKK 100.

3.2.1 Commission-based games

Commission-based games are e.g., poker and betting exchanges.

If a playthrough requirement is attached to the sales promotion offered at commission-based games, there is a special requirement that it must not exceed half of the promotion awarded to the player.

This is played through via the commission.

In fulfilling the playthrough requirement, only the commission with which the player has directly contributed is included.

If a player is, for example, awarded DKK 100 as a sales promotion, the playthrough requirement must not exceed DKK 50. The DKK 50 is solely the player's share of the commission. In case of a pool of DKK 100, where two players have contributed with DKK 50 each, and where the commission is 4 per cent, the commission will only amount to DKK 2 per player, equivalent to the player's share of the commission. The player will additionally have to play through DKK 48.

The rules on playthrough requirements mentioned above, except for the rule on a playthrough requirement of 10 times, does also apply to sales promotions made at commission-based games.

3.3 Who are offered the sales promotion?

Sales promotions must not be offered to individual players on terms and conditions that differ from offers given to other players. On the contrary, sales promotions must be offered to all players who gamble within the same set range or who meet another criterion.

A set range may for example be DKK 100 – DKK 200.

Another criterion may for example be players who have previously bet on ice hockey matches, or players residing in Copenhagen.

What matters is that the range or another criterion is set so that the sales promotion is offered to at least 100 Danish consumers. It is sufficient that the offer is made available to at least 100 Danish consumers. Thus, it does not matter whether all 100 consumers accept the offer, but all 100 must have a fair chance to do so.

In principle, all consumers who are offered the promotion must receive the offer at the same time. There may be exceptions to this, for example if all existing players are offered a birthday offer received on the individual player's birthday. This requires that the gambling operator has at least 100 players upon the start of the offer and that the offer applies for a year.

A player's inactivity with a gambling operator shall not constitute a selection criterion when awarding promotional offers.

This means that a licence holder is not allowed to target players with promotions simply because they have been inactive for a period of time.

It does not matter how long the player has been inactive. For example, if the offer is given to players who have not been active for one day, the Danish Gambling Authority considers this to be a violation. This is because it is the inactive parameter that determines the allocation.

It is allowed to offer a promotion to players regardless of whether they have not yet logged in or made a deposit. Crucially, the player's inactivity must not be a condition for receiving the offer. For example, you can send a promotional offer to all players - even if some of them are inactive. So, it is not problematic that an inactive player receives an offer as long as the selection is not based on inactivity. For example, you can target offers to players with a birthday in a certain month, address in a certain part of the country or born in a certain year, although this may include inactive players as long as the inactivity is not the basis for selection.

It is the Danish Gambling Authority's assessment that a selection criterion based on the player's lack of payment during a period may be compatible with the rules if the gambling operator adds an active selection criterion, e.g. that the player has played during the period, but has simply not made payments. The active selection criterion must be actually used in the selection and based on an actual, measurable activity, such as the player having played a certain type of game.

For example, it is compliant to send promotional offers with the following selection criterion: "Players who have not deposited in the last 30 days but have played poker during the period" or "Players who have not deposited in 14 days but have made spins". However, it is not allowed to target offers to "Players who have not been active for two days."

The gambling operator is responsible for proving to the Danish Gambling Authority the range or criterion selected when offering sales promotions. The gambling operator is also responsible for proving to the Danish Gambling Authority that at least 100 consumers have been offered the sales promotion.

The Danish Gambling Authority consider a sales promotion offered when it has been offered in person, sent via letter, e-mail or SMS. The offer may also be made on the gambling operator's own website, via banner advertisements, via TV commercials, via social media or similar, if it is estimated that the offer will reach more than 100 consumers.

For example, in the gambling operator's assessment of whether the offer is given to at least 100 consumers, it should be included how many has visited the website on which the offer is made, or how many follows the social media account, if the offer is made on this platform.

3.4 Clear and visible information about the offer

When marketing sales promotions, all terms and conditions must be provided in a clear and visible manner directly alongside the offer of the promotion. This means that a sales promotion must be presented and described in a loyal and balanced way in terms of advantages and disadvantages.

By clear is meant that the terms and conditions must appear and be formulated correctly and in such a way that they are understandable and easily legible. This means that the terms and conditions must not give rise to misunderstandings and ambiguities or misinterpretations, and that they should not include unnecessary information that may contribute to confusion and doubt.

By visible is meant that the sales promotion and its terms and conditions should appear loyal. In assessing this, it must be emphasised that the terms and conditions are written in a way that makes it immediately readable and understandable in relation to font size, font colour and design in general.

3.4.1 Terms and conditions of the sales promotion

When a gambling operator offers a consumer a sales promotion, the Danish Gambling Authority assess that the terms and conditions of the offer must be listed directly alongside the offer.

The listing of terms and conditions must be done in a way to appear clear and visible to the consumer to ensure that the consumer is well aware of what he is accepting upon receiving the sales promotion.

In the list of terms and conditions, conditions and restrictions should be listed in a prioritised order according to their significance.

In the list of terms and conditions, general terms and conditions for gambling with the operator should not appear, for example how to make a complaint. Nor should terms and conditions that do not apply to the specific sales promotion appear from the list.

Thereby, it is only the terms and conditions relevant to the promotion offered, that should appear from the list of terms and conditions, which appears directly alongside the offer. The purpose of this is to make it as clear as possible to the consumer.

The Danish Gambling Authority assess that the general terms and conditions should be included in an independent section at the end of the list of terms and conditions. It is sufficient to refer directly to general terms and conditions at the end of the list of terms and conditions.

Gambling operators should pay particular attention to the number of terms and conditions attached to a single sales promotion. The Danish Gambling Authority assess that the sales promotion may appear unclear if too many terms and conditions apply.

3.4.1.1 Significant terms and conditions

All significant terms and conditions applicable to the sales promotion must be disclosed at the first presentation of the offer. "First presentation" is defined as the first time, the player is presented with the specific offer.

It is always up to the gambling operator to determine whether a term or condition is significant or not. In assessing this, it must be considered whether the term or condition is likely to affect the consumer's decision about accepting the sales promotion.

Below are examples of terms and conditions that are always considered significant according to the Danish Gambling Authority's assessment:

- That a sales promotion only applies to a limited group of consumers, e.g., new customers.
- That a deposit requirement applies.
- That there is a playthrough requirement, including an example (for example, 10x1,000 deposit + 10x1,000 bonus = 20,000 eller 10x playthrough requirement, for example DKK 20,000).
- That a minimum stake must be gambled to contribute to the fulfilment of the playthrough requirement.
- That not all games contribute to the playthrough requirement.
- That there is a time limit to fulfil the conditions attached to the sales promotion, for example that a playthrough requirement must be fulfilled within a period of 60 days.
- That a maximum of X can be won for funds from the sales promotion.
- That there is a maximum stake in the game, for example a stake limit of DKK 50 or 10 per cent of a bonus per stake in the game. If winnings can be confiscated when the limit is exceeded, this is also considered a significant condition.

It should be noted that this is not an exhaustive list, and it will always depend on a specific assessment of whether a condition is significant.

In addition, it will not be sufficient merely to state which terms apply, as the term itself must be specified. It will not be sufficient to state that a playthrough requirement applies, it must be specified what the requirement is, for example a playthrough requirement of 10.

On 14 October 2020, the court in Odense passed verdict in three cases on presentation of bonus offers, which the Danish Gambling Authority has reported to the police. The verdicts were about the previous Executive Orders, but the provision has the same wording as in the new Executive Orders.

The court ruled that the Danish Gambling Authority, in the three cases, had correctly assessed how terms and conditions of a bonus offer is presented clearly and visibly, directly alongside the offer.

The cases involved the following terms and conditions:

- Limitation to the games that contribute to meeting the playthrough requirement.
- Players qualified to receive the offer.
- Deposit requirements.
- Time limitations.
- Playthrough requirements.
- Limitations to winnings.
- Stake limit per stake
- Deposits split in two.

The court found that the terms and conditions listed are considered significant, and that they must be presented at the first presentation of the offer, when the offer is given on the gambling operator's own website.

The court also found that the additional terms and conditions of the offer cannot be more than one click away.

In the specific cases, the gambling operators were acquitted, as the court found that the gambling operators had displayed simple negligence.

Depending on the type of medium, there may be cases, where it is not possible to disclose all significant terms and conditions at the first presentation of the offer. In such case, it may be sufficient that they can be found one click away. In relation to media type, a distinction is made between whether it is a media with limited or unlimited space. These are reviewed below.

3.4.2 Types of media

The gambling operator should always consider whether a chosen media type is appropriate to loyally present the sales promotion.

The guidelines for media with unlimited and limited space are reviewed below.

3.4.2.1 Media with unlimited space

When marketing on its own platforms and media, the gambling operator disposes of the space, which is why the Danish Gambling Authority assess that there is unlimited space to specify terms and conditions of the sales promotion.

All terms and conditions should this be presented directly alongside the offer, which is, in principle, simultaneously with the presentation of the sales promotion.

However, the Danish Gambling Authority assess that it is sufficient only to disclose the significant terms and conditions at the first presentation of the sales promotion if, at the first presentation, direct links for the additional terms and conditions are provided, thereby no more than one click away.

The above applies to all cases where the media provides sufficient space to inform players of all or some significant terms and conditions in the add – regardless of whether it is the gambling operator's own platform or media.

Please note that the present interpretation of media with unlimited space is exclusively related to sales promotion.

It is noted that the present interpretation of media with unlimited space only is related to sales promotion.

3.4.2.2 One click away

By one click away is meant that all terms and conditions must be available only one click away from the first presentation of the sales promotion. This applies regardless of whether the consumer clicks on the presentation of the sales promotion.

This means that regardless of where the consumer clicks on a presentation of sales promotion, the consumer must be directed to all terms and conditions for the sales promotion.

When the consumer has clicked on the offer and is directed to the full presentation of terms and conditions, it may be necessary that the consumer scrolls to see all terms and conditions. This is considered compliant with the rule on one click away if it is clear to the consumer that it is necessary to scroll.

3.4.2.3 Media with limited space

In media with limited space, all significant terms and conditions must appear from the first presentation of the sales promotion as a rule. However, this is not always possible. Therefore, in some cases, it is accepted only to state that terms and conditions apply to the sales promotion.

It always depends on a specific assessment of whether the media provides space for reproducing significant terms and conditions regardless of whether it is a limited space media.

There may be cases, where it is only possible to reproduce some of the significant terms and conditions.

Please note that the present interpretation of media with limited space is exclusively related to sales promotion.

3.4.2.4 Examples of media

In the table below, various media are reviewed as well as the terms and conditions that must be provided upon the first presentation of the sales promotion according to the Danish Gambling Authority's assessment.

This is only in relation to whether the offer is presented clearly and visibly.

Media	Notes
Media with unlimited space	
Own platform, e.g., website or app	When marketing a sales promotion on one's own platform, all significant terms and conditions must appear from the first presentation of the sales promotion. Additional terms and conditions cannot be more than one click away from the first presentation of the sales promotion.
E-mail	When marketing a sales promotion via e-mail, all significant terms and conditions must appear from the first presentation of the sales promotion. Additional terms and conditions cannot be more than one click away from the first presentation of the sales promotion.

Media	Notes
Marketing on a third-party website	<p>When marketing a sales promotion on a third party's website, for example affiliate marketing, significant terms and conditions must in principle appear from the first presentation of the sales promotion. The additional terms and conditions must not be more than one click away.</p> <p>In smaller ads, where all significant terms and conditions cannot appear clearly it can instead be mentioned that terms and conditions apply as well as some of the significant terms and conditions. It depends on an assessment of the specific case and the gambling operator should always consider whether the chosen type of media is appropriate to present the promotional offer loyally.</p>
Media with limited space	
Radio and podcast	When marketing a sales promotion via radio or podcast, it will suffice to mention that terms and conditions apply. If a deposit is required, this must also be mentioned.
TV and cinema commercials	<p>When marketing a sales promotion via TV or cinema commercials, it must be communicated via speak and/or text that terms and conditions apply. Significant terms and conditions must be disclosed to the greatest extent possible.</p> <p>The text must always appear readable to the consumer, which is why it must appear on the screen long enough for the consumer to read and understand the text.</p>
SMS	When marketing a sales promotion via SMS, it must be stated that terms and conditions apply to the sales promotion. In addition, there must be a link that directs the consumer directly to the offer in full, where significant terms and conditions must appear. The additional terms and conditions must not be more than one click away.
Marketing on a third-party website – banner ad	<p>When marketing a sales promotion on a third party's website via banner advertisements or similar, it is usually sufficient to mention that terms and conditions apply. In the marketing must be provided a direct link to the offer in full, where significant terms and conditions must appear.</p> <p>In case of larger advertisements, it is assessed that there is sufficient space to state all or some of the significant terms and conditions in the advertisement.</p>
Google Ads	When marketing a sales promotion via Google Ads, it is sufficient to mention that terms and conditions apply. In the advertisement must be provided a direct link to the offer in full, where significant terms and conditions must appear. The additional terms and conditions must not be more than one click away.
Printed media	<p>When marketing a sales promotion in printed media e.g., in magazines and newspapers, it is sufficient to state that terms and conditions apply to the sales promotion. In the advertisement, it must be stated where the terms and conditions are available.</p> <p>In case of larger advertisements, it is assessed that there is sufficient space to state all or some of the significant terms and conditions in the advertisement.</p>

It should be noted that the gambling operator is responsible for ensuring that the information is disclosed to the consumer whereby, the requirements do not differ depending on the technical platform. Thereby, the requirements are identical regardless of whether the offer of the sales promotion is presented on a mobile phone, tablet, or computer and regardless of the browser used by the player.

3.4.2.5 Social media

When marketing on social media, a distinction must be made between marketing on one's own page or profile and marketing via banners and similar advertising.

When marketing on one's own pages or profiles on social media, it is considered a media with unlimited space, see section 3.4.2.1 for the requirements for this. What matters is that the gambling operator has full control of the media. If the social media in question is limited as to how many characters or words are possible to write, the Danish Gambling Authority will of course not consider it a media with unlimited space.

The Danish Gambling Authority assesses that posts that include both text and a photo will be considered a single unit, which is why both the text and photo is considered the first presentation of a sales promotion. This means that significant terms and conditions must appear

from the photo and/or the text attached to the photo when the gambling operator offers sales promotions on social media.

If it is only the significant terms and conditions that appear from the first presentation of the offer, the additional terms and conditions must be available no more than one click away.

When marketing via banners and similar advertisements, such as banners on Facebook, paid stories and posts on Instagram, it is considered a media with limited space, see section 3.4.2.2 for the requirements for this. If possible, there must be a direct link to the presentation of the sales promotion, including terms and conditions.

Marketing on YouTube via commercials between video viewing is equated with TV commercials, read more about the requirements in section 3.4.2.3. In addition to this, it is required that there is a direct link to the presentation of the offer of the sales promotion, including terms and conditions.

Gambling operators are responsible for ensuring that all domains registered with the Danish Gambling Authority and its profiles on social media comply with the current regulations.

This means that the Danish Gambling Authority assesses that profiles on social media referring to or linking to approved domains must comply with the duty of disclosure and the rules on sales promotion. This also applies to ".com" domains.

3.4.2.6 Special rules regarding the use of "free"

If a sales promotion is offered free of charge, the gambling operator must be aware that the rules on sales promotions still apply. What is offered free of charge must not have a value of more than DKK 1000, among other things.

The Danish Gambling Authority assess that a gambling operator cannot offer a consumer anything free of charge without it being a sales promotion, as it is presumed that it will always have a commercial purpose.

When a sales promotion is offered free of charge, gambling operators must pay special attention to how the offer is presented to the consumer to ensure that the offer is clear and visible.

If the sales promotion is subject to special restrictions, such as requirements for the creation of an account, playthrough requirements or similar, it must be clearly stated.

It is the Danish Gambling Authority's assessment that the use of the word "free" in the marketing of an offer on bonus is misleading if offer comes with a turnover requirement. The same applies to similar wordings such as "free spins" and "free bet".

The use of these words can make the consumer expect that the offer is free without any limits, and it will be against the law if it not in fact the case.

A legal use of "free" "free spins" and "free bets" and similar wordings requires that the chance of winning a prize is not reduced and that a turnover requirement is not attached to the offer, so the bonus offer is not in fact free.

If sales promotions are offered free of charge in connection with a requirement of a deposit to the account or stake in a game, the gambling operator must be particularly careful with the presentation of the offer. If an offer includes that the consumer receives 100 free spins (of a value of DKK 100) upon depositing DKK 100 to the account, the Danish Gambling Authority assess that it is in violation of the law to present the offer as "get 100 free spins". If it is presented as "deposit DKK 100 on your account and get 100 free spins", the Danish Gambling Authority find that the offer is presented clearly and transparently. This is compliant with the

rules of the Danish Marketing Practices Act, where “buy 2 and pay for 1” offers can be offered and marketed legally.

When a sales promotion is offered free of charge in connection with a requirement for a deposit on an account or a stake in a game, it still applies that the requirement for the deposit on the account or stake in the game must equal 100 per cent of the value of the sales promotion. It should also be noted that the product paid for must not be reduced to cover the cost of the promotion offered free of charge. For example, it is not legal to attach a playthrough requirement to the deposit on the account.

See the Consumer Ombudsman's statement on this of 29 February 2016.

3.5 A minimum of 60 days to meet terms and conditions for a sales promotion

If payouts of sales promotions come with terms and conditions, the player must have a minimum of 60 days to meet the terms and conditions. This follows from section 29(9) of the Executive Order on online casino, section 22(9) of the Executive Order on land-based betting, and section 22(9) of the Executive Order on online betting.

The Danish Gambling Authority assess that the provisions apply to terms and conditions that must be met to receive any payouts from the sales promotion. The Danish Gambling Authority assess that the provisions do not cover the sales promotion itself. Thus, a limited period of validity can apply for the player to make use of a bonus received as a sales promotion without it being a breach of the provisions. However, it is crucial that the sales promotion is free for the player to use without any further conditions.

The Danish Gambling Authority does not assess that the provisions affect the period in which the sales promotion is offered to players.

Additional provisions on marketing of gambling services

4

When marketing gambling activities in Denmark, there are various additional rules that gambling operators must be aware of. The rules are briefly reviewed below and are only included in the guide to provide an overview of the rules in force in Denmark.

4.1 The Danish Act on Gambling section 36(1)

It appears from section 36(1) of the Gambling Act that marketing of gambling:

- Shall present the chance of winning in a correct and balanced manner that does not create an impression that the chance of winning is greater than it actually is,
- Shall focus on gambling as a form of entertainment,
- Shall neither in form of communication or choice of media, target children and young people under the age of 18,
- Shall not by using well-known personalities, contrary to the truth, imply that participation in gambling has contributed to their success, and
- Shall not have a content that conveys the impression that participation in gambling activities promote a solution to financial problems or the player's social acceptance.

4.2 Statutory disclosure when marketing gambling activities

It follows from chapter 8 of the Executive Order on online casino chapter 9 of the Executive Order on land-based betting, and chapter 7 of the Executive Order on online betting that there are a number of statutory requirements for disclosure when marketing gambling activities.

Gambling operators must in their marketing inform about:

- The minimum age for gambling
- The Danish Gambling Authority's helpline about responsible gambling, and
- The opportunity to self-exclude with the register of self-excluded players (ROFUS)

In addition, gambling operators must use the Danish Gambling Authority's labelling scheme in their marketing. The label must be easily visible.

4.3 Marketing to self-excluded players

The gambling operator must take measures to prevent sending marketing materials to players who have, temporarily or permanently, self-excluded from gambling.

This is ensured by consulting ROFUS, which is why it is not possible for affiliates to send direct marketing to consumers as they do not have the option of consulting ROFUS because this requires the consumer's civil registration number.

4.4 The Danish Marketing Practices Act

When gambling activities are marketed in Denmark, the rules of the Danish Marketing Practices Act also apply. The Danish Marketing Practices Act is under the supervision of the Consumer Ombudsman.

If the Danish Gambling Authority, in its supervision of the market, finds violation of the Danish Marketing Practices Act, the case is forwarded to the Consumer Ombudsman for the purpose of any further processing of the case.

