

The Danish Gambling Authority's guide on duty of disclosure regarding marketing of gambling

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Version history

Version 2.1 of 15 March 2022

- Section 3.5: Addition of a new section describing the obligation to inform for land-based gambling.
- Section 3.5.1: Addition of a new section describing the presentation of the chance of winning in the gaming machine sector.

Version 2.2 of 7 March 2024

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

Version 3.0 of 15 July 2025

- Structural amendments
- Section 2.0: Clarification of the definition of marketing
- Section 5.2: Introduction of enhanced requirements for duty of disclosure in SMS's
- Section 5.2: Introduction of clarification of requirements for duty of disclosure on banner ads
- Section 5.2: Introduction of requirement for duty of disclosure in radio and podcasts
- Section 5.4: Introduction of criteria for assessment of own social media

Introduction

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This guide is aimed at gambling operators and other relevant stakeholders. The guide is a supplement to the gambling legislation's chapters on marketing and the interpretation of the rules happens within the framework of the legislation.

When a gambling operator markets gambling, it is required that specific information must appear from the marketing. The rules appear from:

- chapter 8 of the Executive Order on online casino
- chapter 7 of the Executive Order on online betting
- chapter 7 of the Executive Order on land-based casinos
- chapter 9 of the Executive Order on land-based betting
- chapter 7 of the Executive Order on gaming machines.

This guide reflects the Danish Gambling Authority's understanding of the requirements on the duty of disclosure regarding marketing of gambling, and which practice the Danish Gambling Authority consider legal. The Danish Gambling Authority will use the guide in connection with the supervision of gambling operators' compliance with the rules in the executive orders listed.

The guide reflects the Danish Gambling Authority's general recommendations. It will always be based on a specific assessment of a gambling advertisement, about whether the marketing complies with the rules in the gambling legislation. It is the courts that finally decide whether the requirements have been infringed.

It should be noted that the guide does not relate to any obligations to inform players in connection with gambling offers. These obligations are reviewed in the Danish Gambling Authority's guide on responsible gambling. We recommend that gambling operators also consider the guide on responsible gambling in the planning and designing of compulsory information in connection with gambling offers.

The guide is not exhaustive and will be updated regularly by the Danish Gambling Authority. The updates will mainly be based on the development of the set of rules and in practice.

Definition of marketing

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The rules on gambling operators' duty of disclosure, which will be reviewed in the following sections, apply to marketing of gambling. The Gambling Act's general provisions on duty of disclosure, including section 33 of the Gambling Act will not be described in more detail in this guide, but applies in parallel with the present guide regarding marketing of gambling.

The concept of marketing in the gambling legislation executive orders is interpreted in accordance with the Directive on Unfair Trading Practices. It states that a business-to-consumer commercial practice is an act, omission, conduct or representation, commercial communication, including advertising and marketing, by a business owner directly related to the promotion, sale or offer of a product. In the same wording, marketing is defined in section 2(1)(4) of the Marketing Practices Act.

The gambling legislation's provisions on marketing of gambling are supplemented by and interpreted in accordance with the Marketing Practices Act. The definition of marketing must therefore also be seen in light of the Consumer Ombudsman's practice, according to which it is a broad definition that, as a starting point, also includes branding of the company, even if the branding is not related to a specific product.

Based on this, the Danish Gambling Authority assesses that marketing includes all the measures that a gambling operator offers a consumer with a commercial intention, including general branding of games and the gambling operator. It also includes promoting where a game can be purchased, as well as any publicity that is intended to have a positive impact on the reputation of the company itself but is not directly related to the company's products. This could be the implementation of CSR initiatives or campaigns to raise awareness about responsible actions.

Exposure of the company logo is generally also considered branding, depending on the context and intent. The assessment emphasizes both the purpose of the information and how it is likely to be perceived by the recipient.

In the assessment, emphasis is placed on whether the purpose is deemed to be to promote the company and/or its products and thus whether there is a commercial intent or whether it is merely a question of identifying the company, e.g. individual communications to players of a non-commercial nature, including care emails and purchase confirmations.

Examples of specific marketing measures can be found in sections 5.1 and 5.2.

Duty of disclosure

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All gambling operators with a licence to offer gambling services in Denmark are subject to various duties of disclosure which are reviewed in the following. It appears from section 4 which of the duties that apply to each gambling sector.

If a gambling operator markets a sales promotion via a platform, which belongs to someone other than the gambling operator themselves, the gambling operator must be aware that the duty of disclosure still applies to the gambling operator. The gambling operator is also responsible for ensuring that the information is correct.

3.1 Age limit of the game

When marketing gambling, the age limit for participation in the game must appear. For most games, the age limit is 18+, however, there are some games where the age limit is 16+.

It is deemed sufficient to use the phrases "18+"/"16+".

3.2 The Danish Gambling Authority's helpline about responsible gambling, StopSpillet

When marketing gambling, the gambling operator must inform the consumer of the Danish Gambling Authority's helpline about responsible gambling, StopSpillet.

The Danish Gambling Authority assesses that this may be done in different ways that comply with the requirements of the executive orders, for example by applying the logo of StopSpillet or describe in writing StopSpillet.

It may be compliant with the requirements of the executive orders to inform consumers of the telephone number of StopSpillet. It must be done by either simultaneously in writing informing of StopSpillet or applying the logo of StopSpillet.

The Danish Gambling Authority assesses that it is not sufficient to refer to the telephone number of StopSpillet as it does not in itself inform the player sufficiently about the helpline.

It may be sufficient to inform consumers of the Danish Gambling Authority's helpline, StopSpillet, via a written reference. The written description must state that the StopSpillet is the Danish Gambling Authority's helpline about responsible gambling, for example, "The Danish Gambling Authority's helpline on compulsive gambling, StopSpillet" or "Helpline: StopSpillet".

If a gambling operator uses the StopSpillet logo, the following guidelines must be complied with:

- The logo's design or proportions may under no circumstances be changed.
- The logo may only be depicted in the designated colours and must therefore not be used in for example black/white.
- The most recently released version of the logo must be used.
- The logo must appear sufficiently visible in size so that it is readable to the player.
- The logo may not be used in a manner implying that the Danish Gambling Authority is a sponsor, co-organiser or business partner of anyone using the logo.
- The gambling operator who uses the logo, regardless of the intention behind the use, is responsible for using the logo correctly.
- The logo may not be used in a way implying that StopSpillet is a service provided by the sender.

If you are not a gambling operator, you can still use the brands/logos and/or refer to StopSpillet.

As a rule, affiliates can therefore refer to StopSpillet on their website, even if it is not in connection with a specific gambling operator.

The Danish Gambling Authority's guidelines for using the logo and brand of StopSpillet in ways that are beyond the statutory uses are available on the Danish Gambling Authority's website.

Please note that the Danish Gambling Authority must be notified in writing before you use StopSpillet's logo or refer to StopSpillet in a way that is not within the statutory uses.

3.3 Self-exclusion with ROFUS

When marketing online betting, land-based betting, online casino and land-based casinos, the gambling operator must inform the consumer of the option to self-exclude with the register of self-excluded players, ROFUS.

The Danish Gambling Authority assesses that this can be done in different ways that that comply with the requirements of the executive orders.

For example, the following written descriptions of the option to self-exclude via ROFUS can be applied:

- "Selvudelukkelse: ROFUS" (Self-exclusion: ROFUS)
- "Udeluk dig via ROFUS" (Self-exclude via ROFUS).

The Danish Gambling Authority assesses that it must appear clearly that ROFUS is a self-exclusion option, which is why the text "ROFUS" is not sufficient in itself.

In addition, it means that the use of the ROFUS logo is not sufficient in itself. However, the logo can be used in combination with a descriptive text. Please notice that a new logo package for ROFUS is available from November 2020. The new package includes logos with descriptive texts.

The Danish Gambling Authority assesses that it is not sufficient to inform consumers of ROFUS's telephone number in itself. Gambling operators may refer to the telephone number for ROFUS in connection with marketing if the reference is made in connection with other information about the option to self-exclude from gambling via the register.

If a gambling operator uses the ROFUS logo, the following guidelines must be complied with:

- The logo's design or proportions may under no circumstances be changed. The logo cannot be used without the texts "ROFUS" and "Spillemyndigheden" as it is a part of the logo's design.
- The logo may only be depicted in the designated colours and must therefore not be used in for example black/white.
- The most recently released version of the logo must be used.
- The logo must appear sufficiently visible in size so that it is readable to the player.
- The logo may not be used in a manner implying that the Danish Gambling Authority is a sponsor, co-organiser or business partner of anyone using the logo.
- The gambling operator who uses the logo, regardless of the intention behind the use, is responsible for using the logo correctly.
- The logo may not be used in a way implying that ROFUS is a service provided by the sender.

If you are not a gambling operator, you can still use the brands/logos and/or refer to ROFUS.

As a rule, affiliates can therefore refer to ROFUS on their website, even if it is not in connection with a specific gambling operator.

The Danish Gambling Authority's guidelines for using the logo and brand of ROFUS in ways that are beyond the statutory uses are available on the Danish Gambling Authority's website.

Please note that the Danish Gambling Authority must be notified in writing before you use ROFUS's logo or refer to ROFUS in a way that is not within the statutory uses.

3.4 The Danish Gambling Authority's labelling scheme

When marketing gambling, the gambling operator must apply the Danish Gambling Authority's label. Pursuant to the executive order, the label must be clearly visible.

The labelling scheme is the players guarantee that the gambling operator is licenced to provide gambling in Denmark, and that the Danish Gambling Authority supervise the gambling operator. The objective of the labelling scheme is to create a safe gambling market and help players to understand which gambling operators are licenced to provide gambling in the Danish market.

The following guidelines apply when using the Danish Gambling Authority's label:

- The label can only be used with a valid licence from the Danish Gambling Authority
- The label's design or proportions may under no circumstances be changed.
- The label may only be depicted in the designated colours and must therefore not be used in for example black/white.
- The most recently released version of the label must be used.
- The label must appear sufficiently visible in size so that it is readable to the player.
- The label may not be used in a manner implying that the Danish Gambling Authority is a sponsor, co-organisier or business partner of anyone using the label.
- The gambling operator who uses the label, regardless of the intention behind the use, is responsible for using the label correctly.

The Danish Gambling Authority assesses that the label is readable if the label is used in a size which makes the text "Licensed by the Danish Gambling Authority" readable so that players who do not know the label can see that the gambling operator is licensed by the Danish Gambling Authority.

It will always be based on an assessment of the specific case, whether the criterion for readability is complied with considering the limits of the media.

The Danish Gambling Authority's most recently released label can be downloaded from the Danish Gambling Authority's logo package on the website "The Danish Gambling Authority's labelling scheme".

Only licence holders can use the Danish Gambling Authority's label.

If a gambling operator uses a third-party platform for marketing, the gambling operator must use the label and the additional compulsory information via the third-party platform.

When using the label, the gambling operator must ensure that it is clear to the player who is licensed by the Danish Gambling Authority and uses the label.

It is not in accordance with the rules if an affiliate uses the Danish Gambling Authority's label on their website, because it can appear to the player as if the affiliate is licensed by the Danish Gambling Authority and not the gambling operator.

The Danish Gambling Authority considers it in accordance with the rules if the gambling operator uses the label on a third-party platform on the individual banner, for example, in connection with marketing of a sales promotion or other branding.

Duty of disclosure for the gambling sectors

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In connection with marketing, gambling operators must pay attention to the obligations to inform players which apply to the individual gambling sectors.

4.1 Online casino and online betting

It appears from chapter 8 of the Executive Order on online casino and chapter 7 of the Executive Order on online betting that a gambling operator must inform the consumer of the following when marketing gambling:

- Age limit of the game,
- The Danish Gambling Authority's helpline about responsible gambling (StopSpillet), and
- The option to self-exclude with the register of self-excluded players (ROFUS).

In addition, the Danish Gambling Authority's label must also be used.

4.2 Land-based betting

In connection with the offer of land-based gambling activities, there are certain matters that differ from gambling offered online. Often, marketing for the individual licence holder appears several places at the point of sale – at the front of the shop and outside side the shop. Also, marketing of several licence holders may often appear at the same point of sale.

It appears from chapter 7 of the Executive Order on gaming machines in gambling arcades and restaurants, cafes, and bars and chapter 9 of the Executive Order on land-based betting that the licence holder must inform the player of the following in their marketing:

- Age limit for the game, and
- The Danish Gambling Authority's helpline on responsible gambling, StopSpillet (Stop-Gambling).
- For land-based betting alone: the option of self-exclusion via register of self-excluded players (FOFUS).

In addition to this, the Danish Gambling Authority's label must be used in the marketing material.

The licence holder is responsible for ensuring that the information appears in connection with their marketing.

The crucial matter is that consumers are informed of the compulsory information when they are exposed to marketing. We do not assess that it is required that the compulsory information must be an integrated part of the marketing material. However, the compulsory information must appear near the marketing material. This means that, for example, if a flag used for marketing is placed at the road, the compulsory information must appear on or near the flag.

The compulsory information must have an appropriate size and be easily visible.

The Danish Gambling Authority assesses that marketing covers all incentives that a gambling operator offers a consumer with a commercial intent as well as general branding of gambling and the gambling operator. It also covers promotion of where a game/gambling service can be purchased, for example, when the gambling operator's logo is exposed on shop facades, content bills and other signboards. .

It should be noted that concurrently with the obligation to provide information in marketing the obligation about information to the player at the point of sale applies. In some cases, both obligations can be met in same place, but the licence holder should always assess if there is a need for a further statement of the compulsory information, since information in connection with the marketing material may be placed in a manner that does not meet the obligations on

information at the point of sale. It should also be noted that the two obligations cover different information.

4.3 Gaming machines in gambling arcades and restaurants, cafes and bars

In connection with the offer of land-based gambling activities, there are certain matters that differ from gambling offered online. Often, marketing for the individual licence holder appears several places at the point of sale – at the front of the shop and outside side the shop. Also, marketing of several licence holders may often appear at the same point of sale.

It appears from chapter 7 of the Executive Order on gaming machines that a gambling operator must inform the consumer of the following when marketing gambling:

- Age limit of the game, and
- The Danish Gambling Authority's helpline about responsible gambling (StopSpillet).

In addition, the Danish Gambling Authority's label must also be used.

It appears from Executive Order no. 1289 of 20 November 2019 on gaming machines in gambling arcades and restaurants that the prize in a game cannot exceed DKK 600.

The Danish Gambling Authority assesses that it is a breach of section 36(1)(1) of the Gambling Act if a marketing incentive promotes the chance of winning more than DKK 600 without making it clear that the prize can only be won through several games/clicks.

4.4 Land-based casinos

It appears from section 7 of the Executive Order on land-based casinos that gambling operators must inform of the following in connection with marketing:

- Age limit of access to the casino
- The Danish Gambling Authority's helpline on responsible gambling, StopSpillet
- The option to self-exclude from gambling with Register of self-excluded players (ROFUS)

In addition, the Danish Gambling Authority's label must also be used.

The Danish Gambling Authority assesses that marketing present within the physical boundaries of the casino are not subject to the duty of disclosure, since the visitors at the casino (the players) have been presented with the information at the entrance to the casino. An example of this could be marketing of roulette or card games on a permanently installed screen.

If the marketing is present outside the casino or players can take it with them (for example a brochure or similar), the compulsory information must appear. The same applies if the marketing is about other types of games than traditional casino games, for example, betting.

Where must the information appear?

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As a rule, the information must always appear, but the Danish Gambling Authority assesses that there may be cases where some or all information cannot be applied when marketing gambling. For example, if media with limited space are used, nevertheless, it will always be based on a specific assessment whether the information must be applied or not.

The Danish Gambling Authority assesses that it is crucial whether the specific marketing material can contain all information.

In sections 5.1 and 5.2, media with unlimited space and media with limited space are reviewed.

5.1 Media with unlimited space

When a gambling operator markets its products on its own platforms and own media, the space is at the gambling operator's disposal. Thus, the Danish Gambling Authority assesses that there is unlimited space to state all the statutory information in a clear and transparent manner. The same applies if the gambling operator buys sufficient space at a media, which is not at their disposal.

All information must be presented directly alongside the sales promotion and marketing in general. The information must appear clearly, transparently and comply with the guidelines stated above.

The Danish Gambling Authority assesses that, as a minimum, the information can always appear from the marketing via the following media:

- The gambling operator's own website
- The gambling operator's own app
- E-mails sent from the gambling operator
- The gambling operator's own social media
- TV and cinema
- Window facades
- Large sponsorships
- Large banners, advertisements etc.

The above interpretation of media with unlimited space is exclusively related to the duty of disclosure.

5.2 Media with limited space

At media with limited space, it can be difficult to have all information appear sufficiently clear and readable in connection with the sales promotion and marketing in general.

As a rule, all information must always appear. However, if the Danish Gambling Authority assesses that there may be cases where some or all information can be omitted if the marketing material in fact does not leave space for stating the information. It is always based on an assessment of the specific case.

If it is assessed that the media does not leave space for all information, the gambling operator should consider whether one or more terms and conditions may appear, for example, "18+".

The Danish Gambling Authority assesses that some or all information cannot, in some cases, appear from the following media:

- SMS
- Radio and podcast
- Notifications, push messages
- Google Ads

- Merchandise, e.g., pens, candy etc.
- Minor sponsorships
- Minor banners, advertisements etc.

It is always based on a specific assessment, and the gambling operator should always consider, whether some or all information can appear, e.g., +18.

The above interpretation of media with unlimited space is exclusively related to the duty of disclosure.

5.2.1 Marketing via SMS

The Danish Gambling Authority assesses that an SMS leaves space for all information on age limit, StopSpillet and ROFUS, since the gambling operator can prioritise and buy the necessary space in the SMS. On the other hand, the Danish Gambling Authority assesses that it is not possible to use the Danish Gambling Authority label in an SMS, because it is not possible to present the label in a sufficiently clear and visible version.

The Danish Gambling Authority recommends that the licence holder makes the recipient aware that the gambling operator has a licence from the Danish Gambling Authority in the SMS. However, this is not a requirement

5.2.2 Marketing via banners

The Danish Gambling Authority assesses that banner advertisements in connection with sports events, for example football matches, must include all information, as a rule. However, it will always be up to an assessment of the specific case, whether the banner can include all information, but it is expected that the age limit of the game always appears as a minimum. It applies both to digital banners and "analogue" banners (signs, backdrops etc.)

5.2.3 Radio advertisements

It is the Danish Gambling Authority's assessment that when using radio spots, the statutory age limit for the game must be mentioned as a minimum.

The Danish Gambling Authority recommends that the licence holder also informs the recipient that the gambling operator has a licence from the Danish Gambling Authority. However, this is not a requirement.

5.2.4 Podcast advertisements

It is the Danish Gambling Authority's assessment that marketing in podcasts must mention the statutory age limit for the game, reference to StopSpillet and reference to ROFUS. In addition, the Danish Gambling Authority recommends that the licence holder makes the recipient aware that the gambling operator has a licence from the Danish Gambling Authority. However, this is not a requirement.

5.3 The gambling operator's own website

It appears from the Executive Order on online casino, the Executive Order on online betting, the Executive Order on land-based betting and the Executive Order on land-based casino that information about age limits for games, the Danish Gambling Authority's helpline on

responsible gambling (StopSpillet), the option to self-exclude with Register of self-excluded players (ROFUS) and use of the Danish Gambling Authority's label must appear from the gambling operator's websites, which the marketing refers to.

The Danish Gambling Authority assesses that gambling operators are not obligated to state the above information directly on the banner advertising the sales promotions if the sales promotion is marketed via the gambling operator's own website.

The information must, however, be available on the website and appear in a prominent place. It is, for example, sufficient if the information appears from the top or bottom of the gambling operator's website.

A gambling operator that markets a sales promotion via another media than its own website must be aware of the obligation to both state the above information on the marketing material and on the gambling operator's own website directly alongside the sales promotion.

5.4 Licence holder's own social media profiles

The duty of disclosure always applies in connection with marketing of gambling services and consequently also to social media.

The Danish Gambling Authority assesses the licence holder's profiles and posts individually. This means that the Danish Gambling Authority assesses that the duty of disclosure must be complied with both on profiles as well as on all posts that include sales promotion or branding. In this context, branding means all posts in which the licence holder's name and/or logo appear no matter the content of the post.

The Danish Gambling Authority assesses that it is not sufficient that the duty of disclosure appears from the comments, since the reader will not necessarily see it in connection with the post.

To the Danish Gambling Authority, a profile on a social media consists of a bio, cover image and profile picture. It is sufficient that the duty of disclosure is met in one of these places. It is assessed that the information must be clear to the reader on the front page of the profile. It is not sufficient if the reader must click on the profile picture to read the information.

The Danish Gambling Authority considers the licence holder's own social media profiles media with unlimited space. Social media with limits, for instance, character limits, are excepted from this. It depends on an assessment of the specific case whether the media allows for all or some significant terms and conditions to appear on for example a photo, regardless of whether the media only allows a limited amount of space.

Licence holders are responsible for ensuring that all domains registered with the Danish Gambling Authority and its social media profiles fully comply with the current regulations. This means that all social media profiles that refer to or link to approved domains, must comply with the duty of disclosure and the rules on sales promotion. This also applies to ".com" domains.

