



Guideline regarding compulsory disclosure of conditions when marketing a bonus offer

Specific rules apply when a gambling operator offers players a bonus for participating in a game. Among other things all conditions must be disclosed in a clear and lucid manner within the immediate context of the offer. The guideline concerns this issue.

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1. Preface

If a gambling operator offers consumers a bonus for participating in a game, all conditions must be disclosed in a clear and lucid manner within the immediate context of the bonus offer. This follows the rules in Executive Order on Online Casino section 21(1), Executive Order on Land-based Betting section 6(1) and Executive Order on the Provision of Online Betting section 19(1). The provisions are identical in all 3 executive orders.

The guideline expresses how the Danish Gambling Authority interprets the bonus provisions and thus what kind of practice the Danish Gambling Authority will find to be lawful. The guideline will be taken into account, when the Danish Gambling Authority supervises the gambling operators' regulatory compliance with the above mentioned executive orders. It should be noted that the Danish Gambling Authority has chosen to a great extent to interpret the bonus provisions in accordance with the practice of section 9 in the Danish Marketing Practices Act regarding sales promotions, which is on the supervision of the Consumer Ombudsman.

In addition to the guideline, the gambling operators will have the opportunity to ask the Danish Consumer Ombudsman for an advance indication regarding his view of the lawfulness of a contemplated marketing agreement. Gambling operators, who wish to make use of this, should contact the Consumer Ombudsman.

The examples in paragraph 3 below serve as a practical guide. The examples are an initiative to clarify and illustrate how the essential conditions can be described in media of various kinds. It must be emphasized that the examples only concerns, how marketing of bonus *may* be expressed in various media.

The guideline may be considered as a general recommendation from the Danish Gambling Authority in relation to typically occurring marketing situations when offering a bonus. Though, it will always depend on a specific assessment as to whether a bonus offer is consistent with the bonus provisions. It will ultimately be up to the courts to decide, whether the provisions are in compliance or not.

The guideline is not exhaustive. The guideline will be updated regularly by the Danish Gambling Authority. This update will mainly be based on the development of the rules and practice.

2. Guidelines for the marketing of bonus offers

As a starting point, all conditions must be disclosed in a clear and lucid manner within the immediate context of the bonus offer. This means that all conditions, including benefits or restrictions, must be presented at the first presentation of the offer and in the same medium as the marketing of the bonus. The requirement of clarity means that the bonus conditions must be correct, formulated correctly and relevant. Therefore, the individual conditions must not give rise to misunderstandings, ambiguity or misinterpretation. Conditions should not contain unnecessary information. Any terms and conditions to a bonus offer, including restrictions, must be marketed in a way, so that they appear as clear as the bonus offer itself.

Due to the media type it will not always be possible to repeat all conditions at the first presentation of the bonus, and it will therefore be necessary to refer to another medium for additional information in regards to the offer. In such situations, it is essential that the bonus offer is described in a clear, loyal and balanced manner with regard to the conditions, including benefits and restrictions. If essential conditions are connected with the bonus offer it will not be sufficient to refer to another medium, since the offer cannot be considered to be described in a clear, loyal and balanced manner in regards to benefits and restrictions in such situations.

The following examples of conditions are to be considered essential:

- The bonus only applies to a limited group, such as a bonus which only applies to new customers.
- Deposit requirements apply to receive the bonus.
- Play-through requirements applies to receive the bonus, including information of games, which might not count in the play-through statement, or that the player must play at minimum odds for it to count in the play-through.
- Time limits in order to receive the bonus, such as the expiry of the bonus, or requirements of play-through within a specified period.

If one or more of the above mentioned conditions is a requirement in order to receive a bonus, those conditions should appear in the bonus offer at the first presentation/ mentioning hereof and in the same medium as the marketing of the bonus takes place. This also applies to other conditions than the above mentioned, if the conditions must be considered as essential.

3. Particularly on specific media types

This paragraph specifies the detailed rules for certain types of media.

Media with limited space

As regards the media types (i) AddWords, (ii) banner ads and (iii) radio advertising, certain technical challenges makes it difficult to mention all conditions at the first presentation of the bonus offer. Therefore, some exceptions are made from the above mentioned standard for such media with limited space. Please, see the examples of formulations in paragraph 3 below.

When it comes to AddWords and banner ads on the internet, the Danish Gambling Authority has, in cooperation with the Danish Consumer Ombudsman, taken the following position:

It is sufficient that it is mentioned in a clear and lucid manner in the advertisement that conditions apply to the bonus offer and that a link leads directly to the relevant conditions and the bonus offer in its entirety. In this context it will not be sufficient for a gambling operator to simply link to the general homepage.

The Danish Gambling Authority has, in cooperation with the Consumer Ombudsman, taken the following position, when it comes to radio advertisements:

It is sufficient that deposit and play-through requirements, if such specific requirements apply, are mentioned in the advertisement. In addition, it must be mentioned in the advertisement that other

terms and conditions apply to the bonus offer with reference to, where these conditions as well as the bonus offer in its entirety can be found.

Media with unlimited space

It is the point of view of the Danish Gambling Authority that a bonus offer on the gambling operators own website must be compliant with the rules for marketing a bonus on a website, see below.

The reason for this is that a gambling operator's own website is not to be considered as a medium with limited space as is the case with for example banner ads. See the paragraph above "media with limited space".

All conditions must therefore appear in the immediate context with the bonus offer as such, when the bonus offer is presented for the first time on the gambling operators own website.

However, it is accepted that only the essential conditions are mentioned in the bonus offer itself, but only if a link leads directly to all the conditions in their entirety in the same medium, i.e. all conditions connected with a bonus offer must be only one click away. See above for examples of essential conditions.

It is not sufficient merely to mention which essential conditions apply as the exact scope of these essential conditions must be specified in the bonus offer. For example it is not sufficient to mention that a play-through requirement apply, as the exact scope, i.e. the number of times etc., also needs to be mentioned.

4. Examples of how essential conditions can be highlighted in a bonus offer

This paragraph provides examples of how the text in bonus offers can be formulated more or less detailed in certain media and in compliance with the requirements of a clear, loyal and balanced description of the bonus offer. The examples are based on bonus offers for games, which contain the following essential conditions:

- The bonus only applies to a restricted group of customers.
- A deposit requirement to receive the bonus.
- A play-through requirement to receive the bonus.
- Time restrictions in order to receive the bonus.

It will always be up to the gambling operator, who wishes to market a bonus offer to assess whether the specific bonus offer includes essential conditions. The guideline does not attempt to provide a framework for the responsibility between the people taking part in the marketing of the bonus, including e.g. the gambling operator wishing to market its product, and the medium in which the marketing of the bonus takes place.

The gambling operator must also consider, to what extent the bonus offer with restrictions can be described in the medium chosen to market the bonus. Thus, there may be situations, where it is not possible to mention all the conditions in detail at the first presentation of the bonus offer,

regardless it may be possible, when only looking at the character of the medium, e.g. very small advertisements in printed media such as newspapers. In such cases, the gambling operator, wishing to market an offer, remain responsible for ensuring that the benefits and restrictions attached to the bonus offer are marketed as prominently as the bonus offer itself in relation to the consumers.

This may imply that gambling operators, choosing to offer a bonus in a medium with limited space, have to refine the description of the bonus offer, in order to make room for a description of the applicable conditions.

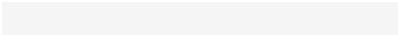
This guideline does not prejudice the general legality for the specific use of text messages or e-mails in the marketing to consumers, including the prohibition on spam in section 6 of the Danish Marketing Practices Act and section 9 of the E-Commerce Act regarding commercial communication, which the Danish Consumer Ombudsman supervises compliance with.

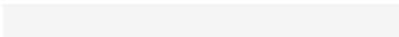
Media	Remarks	Examples of wording
<p>TV/ Cinema advertisement</p>	<p>Text should be presented in such way that the consumer realistically can read it, and the focus must remain on the essential conditions.</p> <p>Text in cinema advertisements can assumable take up more space, due to the size of the screen.</p> <p>It is the gambling operator, who determines, whether the bonus offer should be communicated through a speaker and/or text. The gambling operator must always ensure that the bonus offer with terms and conditions, are formulated in a clear, loyal and balanced manner.</p>	<p>SPEAKER and/or TEXT:</p> <p>”(...) The bonus offer is reserved for new customers. Pay DKK 100 or more, and receive a 100 % bonus up to max. DKK 1000. Valid only for certain games. Play-through requirements, time restrictions and other conditions apply. For more information [www.]”</p>
(Media)	(Remarks)	(Examples of wording)
<p>Radio</p>	<p>In cooperation with the Danish Consumer Ombudsman the Danish Gambling Authority has decided on the following practices:</p> <p>It is sufficient that requirements regarding deposit and play-through, if such specific requirements apply, are mentioned in the advertisement.</p>	<p>SPEAKER:</p> <p>”(...) Receive DKK 200 welcome bonus, when you make a deposit. Play-through requirements and other conditions apply. Visit [www.] today and read more about the offer and conditions.”</p>

	<p>In addition, it must be mentioned in the advertisement that other terms and conditions apply to the bonus offer with reference to where these conditions and the bonus offer in its entirety can be read.</p>	
Text messages	<p>When using active links in text messages, it must be clear in the message that the link leads directly to the conditions on the gambling operator's website.</p> <p>Calls must either be free of charge or a case when the consumer only pay regular text message rate. The consumer must not be subjected to unreasonable long waiting time.</p> <p>The conditions should not have a larger extent than they can be perceived by the consumer by one phone call, and the conditions must be disclosed in a clear and lucid manner.</p> <p>The obligation to disclose all conditions in their entirety can also be fulfilled, if the consumer in the first text message is offered to receive the conditions by phone, letter or e-mail.</p>	<p>TEXT:</p> <p>”(...) The offer is restricted to new customers by the first deposit, and only for [poker] games. Play-through requirements, time restrictions and other conditions apply. Send a text message to xxxx and receive all the terms and conditions. Normal text message rate apply. All terms and conditions are available at [WWW.]”</p>
(Media)	(Remarks)	(Examples of wording)
Banner ads	<p>The space will rarely be enough to describe all the terms and conditions, which may be connected with a bonus.</p> <p>In cooperation with the Danish Consumer Ombudsman</p>	<p>TEXT:</p> <p>”Now: Get DKK 200 in welcome bonus. Terms and conditions apply. Find them here [direct link].”</p>

	<p>the Danish Gambling Authority has decided on the following practices:</p> <p>It is sufficient for the advertisement to mention in a clear and lucid manner that conditions apply to the bonus offer, including a link directly, i.e. only one click away, to the relevant conditions and the bonus offer in its entirety in the advertisement.</p> <p>In this context it will not be sufficient for a gambling operator to simply link to the general homepage.</p>	
(Media)	(Remarks)	(Examples of wording)
AddWord	<p>There will rarely be enough space in Add-Words to describe all the terms and conditions which may be connected with a bonus.</p> <p>In cooperation with the Danish Consumer Ombudsman the Danish Gambling Authority has decided on the following practices:</p> <p>It is sufficient for the advertisement to mention in a clear and lucid manner that conditions apply to the bonus offer, including a link directly, i.e. only one click away, to the relevant conditions and the bonus offer in its entirety.</p> <p>In this context it will not be sufficient for a gambling operator to simply link to the general homepage.</p>	<p>TEXT:</p> <p>”Now: Get DKK 1000 in welcome bonus. Terms and conditions apply. Find them here [direct link].”</p>
(Media)	(Remarks)	(Examples of wording)
E-mail	<p>The bonus offer with restrictions can be described in its entirety. It is not a medium with limited space, and all</p>	<p>TEXT:</p> <p>”(...) As a new customer you can open an account and pay</p>

	<p>conditions connected with the offer must therefore be described in the e-mail.</p> <p>However, a link to the conditions in their entirety via the same medium is accepted.</p> <p>Regardless of whether the conditions are linked to using the same medium, it is essential that the bonus offer, by the first presentation (here the e-mail), is described in a clear, loyal and balanced manner as to the benefits and restrictions. This includes that all the essential conditions must be described in the e-mail itself.</p> <p>Active links must lead directly to the bonus conditions, i.e. only one click away. It will not be sufficient to link to the gambling operator's general homepage, or that the consumer has to go through several screens to find the conditions.</p> <p>When using active links, it must be stated that the link leads directly to the conditions in their entirety on the gambling operator's website.</p>	<p>DKK 100 or more, and receive a 100 % bonus on your deposit up to a maximum of DKK 1000. To be able to play your bonus, you have to play through the amount of your deposit [1] time on casino games. You have to play through your bonus and deposit [3] times, before making a withdrawal within 90 days of the first deposit. Other terms and conditions to the bonus offer apply. Read more here [direct link].”</p>
(Media)	(Remarks)	(Examples of wording)
Websites	<p>The bonus offer with restrictions can be described in its entirety. It is not a medium with limited space, and all conditions connected with the offer must therefore be described on the website.</p> <p>All conditions must be explained within the immediate context of the bonus offer. A link to the conditions in their entirety via the same medium is however accepted.</p>	<p>TEXT:</p> <p>”Receive a DKK 1000 welcome bonus! Deposit DKK 100 or more and receive a 100 % bonus up to a maximum of DKK 1000. Only valid for the following games: [...]. A [10] times play-through requirement to a minimum odds of [1,7] applies. Time restrictions of [60] apply, from when the bonus is received.</p>

	<p>Regardless of whether there is a link to the conditions in the same medium, it is essential that the bonus offer, by the first presentation (here the gambling operator’s own website), is described in a clear, loyal and balanced manner as to the benefits and restrictions. This includes that all the essential conditions must be described with the first presentation of the bonus offer on the website.</p> <p>The wording should be presented so that the consumer realistically can read it, and the focus must remain on the essential conditions.</p> <p>Active links must lead directly to the bonus conditions, i.e. only one click away. It will not be sufficient to link to the gambling operator’s general homepage, or that the consumer has to click through several screens to find the conditions.</p> <p>When using active links, it must be stated that the link leads directly to the conditions in their entirety on the gambling operator’s website.</p>	<p>Other terms and conditions apply. Read them here [direct link].”</p> 
(Media)	(Remarks)	(Examples of wording)
<p>Printed media, e.g. advertisements in newspapers and magazines</p>	<p>As regards advertisements etc., including full-page ads, the bonus offer with conditions can be described in its entirety. Such media are not considered a medium with limited space, and all conditions must therefore be specified in the advertisement itself.</p>	<p>TEXT:</p> <p>”100 % bonus! This offer is valid for new players. You must be 18 years old to play by us. The bonus campaign will run from [period]. The offer is only valid as to the first deposit, and will be matched with a 100 % bonus up to DKK 2000. The bonus will be credited to your gaming account</p>

	<p>As regards smaller ads, a smaller extent to the details is accepted. However, it is a condition that the message of the bonus offer is still described in a clear, loyal and balanced manner.</p>	<p>within 3 days from your first deposit. All bonus must be played through at least [3] times, to a minimum odds of [1,7] on sports betting, before payout or transfer to other products can be made. You have a period of [60] days from the day you receive the bonus, to meet all the necessary play-through requirements. You can read more about the bonus offer and the terms and conditions on our website [www.]”</p> 
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The Danish Gambling Authority is responsible for ensuring a fair, well-regulated and transparent gambling market in Denmark.

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