

Marketing Guidelines of the Swedish Gaming Industry

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Developed by the trade associations:
Spelbranschens Riksorganisation
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BACKGROUND

Marketing is an important part of a well-functioning market and enables different options to be communicated to consumers. That marketing is done in a responsible manner is particularly important in the gaming industry, since all gaming carries an inherent risk of problem gambling.

The Swedish gaming industry's marketing guidelines (the Guidelines) complement and interpret existing marketing legislation, for example the Marketing Act, including good marketing practices, the Gambling Act, accompanying government regulations, as well as conditions in the respective gaming company's license.

The Guidelines have been unanimously adopted by The Swedish Trade Association for Online Gambling (BOS) and The Swedish Gambling Association (SPER). The Guidelines are designed to constitute a minimum level of good marketing practice for the gaming industry.

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1. MARKETING SHALL BE RELIABLE AND NOT MISLEADING

Marketing shall be designed in such a way as not to compromise consumer confidence in gaming as a form of entertainment. Marketing claims shall be factually correct.

This shall be achieved by ensuring:

1. that marketing is not designed in a way that misleads the consumers;
2. that marketing is never designed to suggest or indicate that gaming is risk-free, or that there are products that cannot lead to problem gambling;
3. that marketing does not contain false information about the size of winnings;
4. that marketing of previous winners or winnings is not incorrect or false;
5. that marketing does not exaggerate the chances of winning or suggest that a player is *guaranteed* to win;
6. that marketing does not contain claims or suggestions that the outcome of a draw in a game of luck is dependent on or can be affected by anything other than chance;
7. that marketing does not portray the game to be a quick/faster path to winning;
8. that any conditions for participating in a marketing activity or for accessing offers (including supplementary benefits) are clear and accessible to the consumer in a manner appropriate to the distribution and marketing channel, allowing the consumer to make an informed decision about his/her gaming;
9. that information on each type of gaming product and game is provided in terms of win frequency and/or prize plan, if applicable to the product, and the share of bets that is paid to players in the form of winnings (RTP share);
10. that the sender is clearly identifiable in all marketing. This also means that clear marketing labeling must be part of collaborations with influencers and bloggers and when purchasing editorial content, unless otherwise stated in applicable legislation, such as the Radio and TV Act; and
11. that it is not suggested by the marketing that it is possible to gamble anonymously or without registration for games that require registration under the Gambling Act.
12. that the marketing cannot be confused with advertising for gaming companies/brands that do not have a gaming license.

2. MODERATION SHALL BE OBSERVED WHEN MARKETING

Moderation shall be observed when marketing gaming to consumers. This means, among other things, that marketing shall not encourage excessive gambling among consumers. Gaming companies shall take this protective interest into account and take a responsible approach when designing and implementing marketing activities.

This shall be achieved by ensuring:

1. that marketing does not include claims that gaming can provide a solution to financial concerns, an alternative to employment, a way to earn a livelihood or financial security;
2. that marketing does not contain claims that gaming can provide a solution to social, personal or professional issues;
3. that marketing does not portray gaming as necessary, or as a priority in life, e.g. ahead of family, friends, education or professional commitments;

4. that marketing does not portray gaming as a path to social success, for example by using well-known individuals with suggestions that gaming has contributed to their success;
5. that gaming marketing does not claim that the player's attractiveness increases in a way that leads to sexual success;
6. that marketing does not contain claims that gaming itself entails – or can enhance – positive personal qualities, e.g. that gaming can improve consumers' self-esteem, self-respect or result in recognition or admiration;
7. that marketing does not represent gaming in a context that links gaming with strength or irresponsibility;
8. that marketing does not contain claims that gaming affects the player's individual strength and ability to take responsibility;
9. that marketing does not convey degrading views of moderate gaming;
10. that marketing does not promote gaming behaviors where consumers lie about their gaming;
11. that marketing does not promote gaming behaviors where consumers borrow money to gamble;
12. that marketing does not promote gaming behaviors where a consumer thinks more about gaming than the consumer really wants;
13. that marketing does not promote gaming behaviors where a consumer dedicates more time and money to gaming than the consumer really wants;
14. that marketing does not advocate for or encourage consumers to chase past financial losses;
15. that marketing does not encourage gaming with money that the consumer cannot spare;
16. that marketing does not promote or encourage criminal or asocial behavior;
17. that marketing does not imply that gaming is risk-free or that there are products that cannot lead to problem gambling;
18. that marketing does not claim that the chance of winning is affected by factors that constitute superstition;
19. that marketing does not contain pressuring messages such as "you must", "you have nothing to lose" or "come now";
20. that marketing does not play on stereotypical notions of male and female;
21. that alcohol does not appear in gaming marketing; and
22. that marketing has a design and a visual language that is not perceived in any other way than moderate and responsible.

3. MARKETING WITH SUPPLEMENTARY BENEFITS

Supplementary benefits and financial incentives, such as bonuses, discounts, payback, cashback and free spins are often used in gaming marketing to make the product or service more attractive. Common for supplementary benefits is that they create incentives to start and/or continue gaming. Special care must be taken when designing marketing that consists wholly or partly of an offer of supplementary benefits.

This shall be achieved by ensuring:

1. that an offer of supplementary benefit is combined with clear information detailing all conditions for obtaining the supplementary benefit and that this information is provided in connection with the offer in a manner suitable for the distribution and marketing channel; and
2. that the procedure for obtaining the supplementary benefit is stated in the terms and conditions.

Rules on bonuses can be found in Chapter 14, Section 9 of the Gambling Act (2018:1138) and Chapter 11, Section 6 of the Gambling Regulation (2018:1475).

4. GAMING MARKETING SHALL NOT BE ADDRESSED TO – OR DESIGNED TO APPEAL SPECIFICALLY TO – PERSONS UNDER THE AGE OF 18

Gaming marketing shall not be addressed specifically at minors. Gaming companies shall take all reasonable steps necessary to prevent minors from participating in gaming. However, this does not imply a ban on minors selling gaming products.

This shall be achieved by ensuring:

1. that the overall impression of marketing, through the choice of, for example, music, backgrounds, characters, as well as the choice of channels and media, is not specifically addressed to or appealing to minors;
2. that information on age limits is clearly stated in the marketing channel and sales distribution channel;
3. that marketing is not designed to exploit inexperience or ignorance of minors;
4. that marketing does not contain any notions or claims that gaming marks the transition from adolescence to adulthood;
5. that marketing does not take place in close proximity to schools and schoolyards;
6. that individuals or groups of minors do not play a central role in gaming advertisements, other than in contexts describing public goods to which gaming companies contribute, provided that gaming products are not directly advertised;
7. that special caution is observed in cases where minors, without having a central role (for example as a peripheral element in the background, as part of a family or equivalent), nevertheless appear in gaming marketing so that the marketing cannot indirectly be considered addressed to or particularly appealing to minors; and
8. that marketing of gaming companies, its products or its logos, are not reproduced on clothing, equipment or products intended for use by minors.

5. SPONSORING SHALL BE DONE IN A SPIRIT OF RESPONSIBLE GAMING

Marketing by gaming companies in the form of sponsorships shall be done in a transparent manner so that the consumer can clearly identify a gaming company as a sponsor. Notwithstanding the ban on marketing addressed to minors, it is permissible to sponsor public goods for minors. In exchange for such sponsorships, gaming companies often receive the right of brand exposure. However, such exposure is not permitted on clothing, equipment or products intended for use by minors.

This shall be achieved by ensuring:

1. that a gaming company establishes a regulatory framework for its sponsorships, which state that all sponsorships are documented and followed up;
2. that the sponsorship does not adversely affect minors;
3. that no sponsorships are allowed of events organized for – or primarily addressed to – minors, such as youth cups and tournaments; and
4. that the sponsor's marketing materials are not used in marketing designed for – or primarily addressed to – minors.

6. INFORMATION ON GAMING-RELATED PROBLEMS

Reference to where a consumer or relative can seek help for gaming-related problems shall be easily accessible wherever gaming is offered.

This shall be achieved by ensuring:

1. that gaming companies provide information about the national helpline for gamblers and relatives (Stödlinjen) on relevant gaming products and marketing units, including gaming companies' websites;
2. that gaming companies provide – or link to – fact-based information on problem gambling and its health impacts and that this takes place in a manner appropriate for the game's distribution channel; and
3. that information on responsible gaming is clearly stated in marketing, having sufficient space, being readable and clearly perceivable.

7. MARKETING SHALL NOT BE DESIGNED SO THAT IT IS PERCEIVED AS INTRUSIVE

Consumer privacy is to be respected and protected. Marketing shall therefore be designed so that it is not perceived as intrusive for the consumer. Good practice for direct marketing shall be observed for all forms of direct marketing. Gaming companies shall, among other things stay updated on accepted guidelines, such as SWEDMA's (Swedish Direct Marketing Association) ethical rules for direct mail, ICC's (International Chamber of Commerce) rules for advertising and marketing communication, and IAB's (Interactive Advertising Bureau) guidelines.

This shall be achieved by ensuring:

1. that marketing via e-mail and SMS is not sent to a consumer without his/her's prior consent. However, this shall not apply in the event that the consumer is a customer of the gaming company and the marketing concerns the gaming company's own similar products or services, provided that the consumer has provided his/her e-mail address and/or telephone number to the gaming company when he/she subscribed as a customer of the gaming company and that the consumer in connection with this did not oppose such marketing;
2. that the self-exclusion features Spelpaus.se and the NIX-register are respected;
3. that e-mails and SMS include a plainly visible and clear way to unsubscribe to marketing via the current channel;
4. that no marketing mailings via direct channels such as e-mail, SMS, postal direct mail and/or telemarketing are addressed to a consumer who has self-excluded from gaming with the gaming company; and
5. that extra caution is taken in case of suspected gambling problems.

8. MARKETING VIA SOCIAL MEDIA AND PARTNERS

Gaming companies' marketing purchases often go via media agencies and affiliates. Affiliate marketing is a special form of marketing that is common in the gaming industry. The business involves commissioning affiliates to reach out with a service or product and pay for the result. What the result consists of can vary but is based solely on driving traffic and income to the gaming company.

Similar conditions apply when gaming companies use influencers, streamers, external podcasts, and other social media. It is also crucial in those cases that the marketing does not violate the same rules that the gaming company complies with when the company is itself the creator and sender of advertising, including through its own channels.

Gaming company logotypes and advertisements may not appear on sites that are illegal, such as illegal movie streaming sites, or on sites that otherwise contribute to an image of the gaming industry that we do not want to be associated with, such as pornography. Each gaming company must take measures to minimize the risk of them being associated with such websites.

This shall be achieved by ensuring:

1. that the agreement between the gaming company and the vendor states that no marketing can violate applicable law, nor can it otherwise be said to be in clear violation of good practice;
2. that special care is taken in cases of so-called bulk sales. Special requirements must then be made to ensure that the above item can be observed; and
3. that if a gaming company's advertisements are nevertheless detected on sites that are illegal or inappropriate for other reasons, this shall be communicated to the person responsible for the site with a demand for its removal. If the person responsible is missing, the service provider shall be contacted and notified of a trademark violation.

9. COMPLIANCE WITH THE GUIDELINES

These guidelines shall be observed by all gaming companies that are members of BOS or SPER or otherwise have obtained a license for operating gaming under the Swedish Gambling Act. Gaming companies are responsible for their marketing regardless of whether the marketing message is produced or conveyed by, or with, third parties. Gaming companies shall ensure that third parties that are contracted to produce or convey their marketing (for example but not exclusively, marketing and communications agencies) are informed of the Guidelines.

BOS and SPER make decisions concerning these Guidelines. Perceived violations of the Guidelines can be reported to the Swedish Advertising Ombudsman (Reklamombudsmannen), which is the business sector's body for self-regulation. Violations can also be reported to relevant Swedish government agencies, i.e. the Consumer Agency (Konsumentverket) and the Gambling Authority (Spelinpektionen).