



**OPERATING STANDARDS  
MARKETING AND ADVERTISING  
EFFECTIVE DATE: NOVEMBER 1, 2022**

**OVERVIEW**

The Director may prohibit Video Lottery Sales Agents (VLSA) from engaging in certain advertising and promotions deemed inappropriate by the Director. VLSA agrees to be bound by the decision of the Director relating to advertising and promotions. The Director may initiate advertising and promotional programs relating to video lottery gaming and may provide promotional materials to the VLSA.

**REFERENCE DOCUMENTS**

Ohio Administrative Code [3770:2-6-05](#)

Ohio Revised Code [3770.21](#)

Video Lottery Sales Agent Terms and Conditions

North American Association of State and Provincial Lotteries (NASPL) Advertising Guidelines at <https://www.naspl.org/>

American Gaming Association (AGA) Responsible Gaming Code of Conduct at <https://www.americangaming.org/>

**ADVERTISING PROGRAMS**

The VLSA advertising program shall be created with adherence to the Lottery Advertising Guidelines. In general, programs must not target children; contain political, religious, or ideological content; contain material that disparages any person or group of people; contain material that would be offensive to an ordinary reasonable person; or contain controversial or inflammatory messages.

The VLSA shall present an annual advertising plan which shall describe at a high level the main components of the advertising program. The VLSA shall agree that its plan does not conflict with the detailed standards listed below. These standards apply to Racino gambling properties. They do not pertain to advertising and marketing that is primarily of hotels, restaurants, and entertainment that may be associated with or operated or promoted by Racinos. For the purposes of these standards, advertising and marketing includes, among other media: radio and television ads, print, direct mail, social media, billboards, digital, mobile app, and internet promotions.

**Content**

- The use of the word “Casino” is strictly prohibited in any marketing or advertising materials.
- Advertising should strictly comply with all state and federal standards to make no false or misleading claims or create a suggestion that the probabilities of winning or losing at the various games offered by the Racino, or by betting on sports contests, are different than those actually experienced.



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- Advertising should generally reflect accepted contemporary standards of good taste.
- Advertising should be consistent with principles of dignity, integrity, mission and values of the industry and more importantly, the State of Ohio.
  - Advertising should not portray product abuse, excessive play nor a preoccupation with gambling.
  - Advertising should not imply nor portray any illegal activity.
  - Advertising will not depart from contemporary standards of good taste that apply to all commercial messaging, as suits the context of the message or the medium utilized.
  - Advertising will not be placed with such intensity and frequency that they represent saturation of that medium or become excessive.
  - Advertising should state alternative cash and annuity values where reasonable and appropriate.
- Advertising should not degrade the image or status of persons of any ethnic, minority, religious group nor protected class.
- Advertising should appropriately recognize diversity in both audience and media, consistent with these standards.
- Advertising should not encourage people to play excessively nor beyond their means.
  - Advertising and marketing materials should include a responsible play message when appropriate.
  - Responsible play public service or purchased media messages are appropriate, especially during periods when large progressive jackpots and high value promotional prizes cause patrons to increase their incremental play.
  - Support for problem gambling programs, including publications, referrals and employee training is a necessary adjunct to lottery advertising.
  - Advertising should not present, directly nor indirectly, any gaming or promotional activities as potential means of relieving any person's financial or personal difficulties.
  - Advertising should not exhort play as a means of recovering past gambling nor other financial losses.
  - Advertising should not knowingly be placed in or adjacent to other media that dramatize or glamorize inappropriate use of the product.

**Tone**

- Gaming and promotional activities should not be promoted in derogation of nor as an alternative to employment, nor as a financial investment nor a way to achieve financial security.



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- Advertisements should not be designed to imply urgency, should not make false promises and should not present winning as the probable outcome.
- Advertising should not denigrate a person who does not participate in gaming or promotional activities, nor unduly praise a person who does the same.
- Advertising should emphasize the fun and entertainment aspect of playing and not imply a promise of winning.
- Advertising should not exhort the public to wager by directly or indirectly misrepresenting a person's chance of winning a prize.
- Advertising should not imply that VLT machines are games of skill.

**Minors**

- Persons depicted as players should not be, nor appear to be, under the legal gambling age or 21 years.
- Age restrictions should, at a minimum, be posted at entry points of areas where gaming activity occurs.
- Advertising should not appear in media directed primarily to those under the legal age.
- Gaming activities should not be advertised nor marketed at venues where the audience is reasonably and primarily expected to be below the legal gambling age of 21 years.
- Advertising should not contain symbols nor language that are primarily intended to appeal to minors or those under the legal purchase age.
  - The use of animation should be monitored to ensure that characters are not associated with animated characters on children's programs.
  - Celebrity or other testimonials should not be used which would primarily appeal to persons under the legal purchase age.

**RESPONSIBLE GAMING**

The Lottery pledges to prioritize responsible gaming as an integral part of our daily operations. This pledge includes provisions on employee assistance and training, alcohol service, the provision of Racino games including Type "C" sports wagering, and the advertising and marketing of Racino gambling. These guidelines also cover the commitment of our VLSA retailers and their affiliates to provide and maintain support for research initiatives and public awareness surrounding responsible gaming and underage gambling.

**To Promote Responsible Gaming**

A VLSA shall establish and maintain a Responsible Gambling Program and shall comply with the Ohio Voluntary Exclusion Program (Ohio VEP). In addition to the



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guidelines listed below, VLSA will be responsible for compliance with the Lottery's Responsible Gambling Program Policy.

- VLSA will make information available promoting responsible gaming and where to find assistance, including a toll-free helpline number. This information will be available and visible on Racino gaming floors and at cash access devices.
- VLSA will make available on their gaming-related websites information describing responsible gaming, their policies and practices related to responsible gaming, and where to find assistance.
- Each Racino will have a policy in effect for patrons to request in writing the revocation of their privileges for specific services such as:
  - Racino-issued markers
  - Player club/loyalty card privileges
  - On-site check-cashing
  - Credit card advances
  - Complimentaries
  - Gambling promotions
- In addition, each Racino shall make reasonable efforts on a facility-by-facility basis to honor a written request from any person, that it not knowingly grant that person access to gambling activities. For each person who makes such a request, the Racino will provide the person with a listing of resources in the area surrounding the Racino where assistance with gambling-related problems is available.
  - For example: <https://www.ohiolottery.com/About/Resources/Play-Responsibly/Treatment-Programs>
- Racinos may reserve the right to exclude a patron from gambling, without a request from the patron.

**To Prevent Underage Gambling and Unattended Minors in Racinos**

- Each Racino will make diligent efforts to prevent underage individuals from participating in any gambling at Racinos, loitering in the gaming areas of a Racino, or from gaining access to online, mobile, or in-room gambling opportunities.
- Each Racino will communicate the legal age to gamble through messaging, as appropriate, in their properties, on their Racinos' online platforms, and in gambling and sports betting promotions.
- Racino employees working in relevant areas will receive training in procedures for dealing with unattended children, underage gambling, and the purchase and consumption of alcohol and tobacco by minors.
- If a child appears to be unsupervised or in violation of local curfews and other laws, security or appropriate personnel will be contacted, and reasonable steps will be taken to locate the parent or responsible adult on property or by telephone.



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**To Serve Alcoholic Beverages Responsibly**

- Each Racino will observe a responsible beverage service policy including the following elements:
  - Racinos will not knowingly serve alcoholic beverages to a minor.
  - Racinos will not knowingly serve alcoholic beverages to a visibly intoxicated patron.
  - Racinos will make a diligent effort not to permit Racino gambling by a visibly intoxicated patron.
- Each Racino will ensure that appropriate Racino employees are trained in the company's responsible alcoholic beverage service policy and will provide periodic refresher training to those employees.

**PROMOTIONAL CREDIT PROGRAM**

The issuance of promotional credits (Free Play) is subject to approval of the Director. The VLSA shall present an annual promotional credit plan which shall propose the quantity of promotional credits to be awarded and shall describe the allocation of credits amongst programs (e.g., direct mail, player loyalty). The specific requirements are detailed in the Annual Plan Operating Standard.

Each promotional offering request shall be submitted and approved at least 30 days in advance. The request must include the following:

- A description of the promotion.
- Eligibility guidelines identifying the metrics as well as the audience size.
- Expected return on investment (ROI) and budget for the promotion.
- A set of customer-facing promotional rules.
- A breakdown of how monies are divided and awarded to the patrons for promotions that have a specific dollar value attached.
- Artwork for mailings for Regulation Manager review / identification of paid media. If artwork is not available at the time of submission, submit prior to production and/or public distribution.
- Any other specifics about the promotion.

In addition, Promotional credits cannot be offered as an alternate option for any prize. The Lottery shall be added to the mailing list for all customer facing physical and electronic mailing at the highest tier status. If telemarketing will be used to communicate promotional efforts, include mention of that method in rules submissions. All electronic mail should be sent to [vlt@lottery.ohio.gov](mailto:vlt@lottery.ohio.gov) and physical mail addressed to 615 W. Superior Avenue, Cleveland, OH 44113.



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Promotional rules that list prizes which are fulfilled by third parties (i.e., airlines, hotels, cruise lines, vacation rentals, car dealerships, etc.) must include all restrictions, disclaimers, blackout dates, terms and conditions that apply to the successful fulfillment and satisfactory acceptance of such a prize by the selected winner. In addition, if a cash alternative or other substitute prizes will not be offered in lieu of prizes listed for a promotion, statements advising participants of such must be included in the promotional rules and available for customer review. Promotional credits cannot be offered as an alternate option for any prize.

The Lottery may allow points garnered from credit card transactions to be converted to promotional credits by Ohio VLSAs. Promotional gaming credit offers and/or programs must be submitted to the Lottery and approved prior to any promotional gaming credit offers and/or programs being implemented. Additional requirements for submissions are included in the Annual Plan operating standard.

Any request to modify a promotional offering, already approved by Lottery, must be submitted with the original requested promotional offering, as well as the modified promotional offering, including highlighted changes.

All rules for promotional offerings that gives the VLSA final authority on determining interpretation, should also include Lottery approval within the rule.

### **REPORTING REQUIREMENTS**

The VLSA shall provide the following reports to the Lottery monthly:

- Monthly promotional spend forecast report (due 30 days in advance).
  - The forecast shall include the projected spend for each planned promotion and/or promotion category.
  - Include the projected issuance of discretionary promotional credits.
- Monthly promotional credit spend/redemption report (due the 15th of each month for the prior month).
  - The spend/redemption report shall include the issuance and/or redemption of promotional credits for each completed promotion and/or promotion category.
  - Include the issuance/redemption of discretionary promotional credits.

### **MONITORING GUIDELINE COMPLIANCE**

- VLSA will deliver a copy of these guidelines to advertising agencies, media buyers, and other third parties involved in the VLSA's advertising or marketing.
- VLSA shall adopt an internal review process to evaluate whether promotional and marketing messages comply with this code and will conduct periodic reviews of



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promotional and marketing messages to evaluate compliance with these guidelines.

- The commitments in this code apply to persons or entities operating in partnership with or as agents of each VLSA in conducting advertising and marketing activity related to all forms of gaming including sports betting.

**TO FILE A COMPLAINT**

To file a complaint about a particular advertisement or marketing material subject to these guidelines, written communications should be sent to [vlt@lottery.ohio.gov](mailto:vlt@lottery.ohio.gov) or the physical mail addressed to 615 W. Superior Avenue, Cleveland, OH 44113.

**CONTACT**

For further information contact: [VLT@lottery.ohio.gov](mailto:VLT@lottery.ohio.gov)