

# Responsible Marketing Code for Sports Wagering Overview

Legal sports betting offers fans the opportunity to engage with their favorite teams and sports in new and exciting ways. Sports wagering is an entertainment activity that should be consumed only by responsible adults and marketed accordingly to that audience.

The advertising and marketing of sports betting informs consumers about the types of wagering options and the terms on which they are available. In doing so, they support competition, multiply consumer choice, and can encourage consumer loyalty. Because legalized wagering on sporting contests is a relatively new activity in most states, the American Gaming Association (AGA) is extending its compliance commitments to answer fresh concerns that might arise with it. The Responsible Marketing Code for Sports Wagering sets an industry standard for the marketing and advertising of sports wagering services.

Specifically, the code includes self-imposed restrictions on target audiences, outlets, and materials branding, while mandating the inclusion of responsible gaming in marketing activities. The tenets of the code apply to traditional and digital media marketing activities for both AGA members and non-members.

## Code Compliance

The code outlines the enforcement and compliance process, which provides the opportunity for any member of the public to submit a complaint.

This self-regulated, industry-wide program is overseen by the Code Compliance Review Board (CCRB), consisting of two independent co-chairs and five AGA member representatives who each serve three-year terms.

## Co-Chairs

Joe Bertolone, Executive Director, UNLV International Center for Gaming Regulation  
Becky Harris, Distinguished Fellow in Gaming, UNLV International Gaming Institute

## Member Representatives

Stephen Martino, Senior Vice President & Chief Compliance Officer, MGM Resorts International  
Laura McAllister Cox, Vice President of Regulatory Compliance & Legal Counsel, Rush Street Gaming  
Paul Pellizzari, Vice President, Global Social Responsibility, Hard Rock  
Chris Soriano, Vice President & Chief Compliance Officer, PENN Entertainment  
Andrew Sneyd, Senior Vice President, Brand Marketing, FanDuel

# Responsible Marketing Code for Sports Wagering

The American Gaming Association (AGA) represents the U.S. casino industry, including commercial and tribal casino operators, suppliers, and other affiliated entities. For decades, the casino industry has operated as a constructive and caring member of the communities in the 43 states where we operate. Because legalized wagering on sporting contests is a relatively new activity in most states, the AGA is extending its compliance commitments to answer fresh concerns that might arise with it.<sup>1</sup> Accordingly, the AGA members pledge in this code to adhere to certain practices in the marketing and advertising of sports wagering services—practices relating to respect for our communities and the law, taste and sound individual decisionmaking by consumers of those services.

Advertising and marketing of sports wagering services informs consumers about the nature of those services and the terms on which they are available. In so doing, they support competition, multiply consumer choice, and can encourage consumer loyalty. Sports wagering is an entertainment activity that should be consumed only by responsible adults and marketed accordingly to that audience.

Members of the AGA developed this code to set the industry standard for traditional and digital marketing and advertising of sports wagering. To ensure consumer protections are holistically applied, marketing and advertising of real-money sports wagering services—conducted by both AGA and non-AGA members—shall adhere to the following standards:

## Respecting the Legal Age for Sports Wagering

- No sports betting message should be designed to appeal primarily to those below the legal age for sports wagering by depicting cartoon characters or by featuring entertainers or music that appeal primarily to audiences below the legal age within the jurisdiction.<sup>2</sup> Nor should any message suggest or imply that underage persons engage in sports wagering.
- Sports wagering advertising and marketing should be placed in broadcast, cable, radio, print or digital communications only where at least 73.6 percent, aligned with 2020 census data, of the audience is reasonably expected to be of legal gambling age (determined by using reliable, up-to-date audience composition data).
- No sports wagering messages—including logos, trademarks, or brand names—should be used or licensed for use on clothing, toys, games, or game equipment intended primarily for persons below the legal age for sports wagering. To the extent that promotional products carry sports wagering messages or brand information, AGA members and their employees will use commercially reasonable efforts to distribute them only to those who have reached the legal age for sports wagering.
- Sports wagering should not be promoted or advertised in college or university-owned news assets (e.g., school newspapers, radio, or television broadcasts, etc.) or advertised on college or university campuses.

## Supporting Responsible Gaming

- Messages will not promote irresponsible or excessive participation in sports wagering.
- Each message will contain a responsible gaming message, along with a toll-free help line number where practical.
- No message should suggest that social, financial or personal success is guaranteed by engaging in sports wagering. Nor should any message imply or suggest any illegal activity of any kind.
- Messages should adhere to contemporary standards of good taste that apply to all commercial messaging, as suits the medium or context of the message.

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<sup>1</sup> In addition to this code, AGA members also have adopted an overall Code of Conduct and a statement of Best Practices for Anti-Money Laundering Compliance.

<sup>2</sup> Sports wagering advertising and marketing should be placed in broadcast, cable, radio, print, or digital communications only where at least 71.6 percent of the audience is reasonably expected to be of legal gambling age (determined by using reliable, up-to-date audience composition data).

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## Controlling Digital Media and Website

- Messages placed in digital media—including third party internet and mobile sites, commercial marketing emails or text messages, social media sites, and downloadable content—shall comply with all applicable provisions of this Code concerning the content of such messages.
- Each website that includes advertising or marketing materials should include a responsible gaming message and a link to a site that provides information about responsible gaming and responsible gaming services.
- Owned websites or profiles that include sports betting content, including social media pages and sites, shall include a reminder of the legal age for sports wagering. Age affirmation mechanisms, utilizing month, day, and year of birth, will apply before a user can gain access to any page where individuals can engage in gambling.
- The AGA will provide to managers of parent control software the names and website addresses of all member-company websites that enable consumers to wager on sports.
- Owned websites will include geolocation mechanisms on those pages where individuals can engage in gambling, in order to screen any individuals who reside in jurisdictions that have not legalized sports wagering.
- User-generated content on an owned site or web page will be monitored and moderated on a regular basis for compliance with the provisions of this code.
- Digital marketing communications will respect user privacy and comply with all applicable legal privacy requirements including those governing consent. All such messages targeting an individual recipient will be clearly identified as originating from the sports betting operator or otherwise attributable to the operator. In addition, each such message sent via email or text message will provide the option therein of opting out or unsubscribing.
- Owned websites shall disclose to users—in their terms of use or other policy statements—any practices of the website that involve sharing user information with third parties unrelated to the operator sponsoring the site.

## Monitoring Code Compliance

- The AGA will offer biannual training opportunities for members and employees of members involved in the advertising or marketing of sports wagering services.
- AGA members will provide training on the provisions of this code, including periodic refreshers and updates, to all individuals involved in the advertising or marketing of sports wagering services.
- AGA members will deliver a copy of this code to advertising agencies, media buyers, and other third parties involved in the member's advertising or marketing.
- AGA members shall adopt an internal review process to evaluate whether promotional and marketing messages comply with this code, and will conduct periodic reviews of promotional and marketing messages to evaluate compliance with this code.
- The commitments in this code apply to persons or entities operating in partnership with or as agents of AGA members in conducting advertising and marketing activity related to sports betting.

# Responsible Marketing Code for Sports Wagering

## Responsible Marketing Code for Sports Wagering Compliance Process

Each member of the AGA is committed to the philosophy of and compliance with the code. All AGA members are required to review and comply with this code. Anyone engaged in U.S. sports wagering advertising and marketing is expected to adhere to the code along with adherence to applicable laws, rules, and regulations.

The following complaint process enables any person or entity, including consumers, (Complainants) to flag potential violations of the code by sports betting advertisers and marketers (the Reported Company) and allow the Reported Company to respond and take corrective measures as warranted. A Reported Company does not need to be an AGA member. An AGA staff representative (AGA CCRB Liaison) will support this process.

The following outlines the compliance review process, including the establishment and role of the Code Compliance Review Board (CCRB). This process will be reviewed periodically and may be updated as needed by the AGA.

## Monitoring Code Compliance

- The AGA will provide an online mechanism for receiving from any Complainant a written complaint that a sports betting advertising or marketing message transmitted or published by a Reported Company does not comply with the code.
- The Complainant provides a copy of the sports betting message that is the subject of the complaint, selects the provision(s) of the code in question, and describes its claimed inconsistency with or violations of the provisions of the code. The Complainant also must provide a contact name and contact information.
- The AGA CCRB Liaison is available to answer questions about the complaint submission process. The AGA CCRB Liaison will refer complete and relevant complaints to the Reported Company.
- The Reported Company will provide an initial response to the complainant and the AGA CCRB Liaison within three business days which:
  - Outlines actions taken to address the raised concern;
  - Details the Company's assessment of claim merits; and/or
  - Requests an extension of the process, which may be granted by the AGA CCRB Liaison.
- If warranted, a comprehensive response, including any additional assessments of the claim, response, and/or planned corrective measures must be shared with the complainant and the AGA CCRB Liaison within seven additional business days.
- If the marketing activity in question is digital in nature, the Reported Company shall endeavor to make adjustments and/or pause the activity immediately pending internal review.
- If the Reported Company does not respond to the initial complaint, the Complainant may request further review by the CCRB as noted below.
- If the Complainant does not request further review by the CCRB, the complaint and any response will be summarized in a publicly available forum on the AGA website. The Complainant is provided the option to remain anonymous in such public reports; in such cases, only the substance of the complaint will be made public.
- If the Complainant still believes the Reported Company is non-compliant after the Reported Company responds, the Complainant can request further review by the CCRB via the AGA CCRB Liaison. The Complainant can offer any other material relevant to the complaint within seven days of receiving the Reported Company response. The Reported Company will also be provided the opportunity to submit any additional documentation for consideration by the CCRB. The AGA CCRB Liaison will provide all submitted materials to the CCRB via the process outlined below.

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## CCRB Review Process

- Upon request for further review by the Complainant, the AGA CCRB Liaison will send all materials to the CCRB members for their review.
- The CCRB will meet, in person or virtually, to evaluate if the sports betting marketing or advertising activity at issue is in violation of the code.
- The CCRB will endeavor to provide written notice of its decision to the Complainant and the Reported-Company within seven business days of receiving the appeal of the complaint. In order to find that a Reporting Company is in violation of the code, there must be an affirmative vote from at least one Chair and a majority of the Member Delegates at the meeting.
- At least one of the Chairs and three Member Delegates must be present for the CCRB to meet and decide on violations of the code. Chairs or Member Delegates shall recuse themselves from the discussion and decision if there is a conflict of interest, such as if a Member Delegate's company is the subject of a complaint or is the Complainant.
- The CCRB's written decision will include if a code violation has occurred and if so, the Reported Company is expected to promptly withdraw or revise the advertising and promotional material and/or placement at issue.
- The CCRB decision, and initial complaint, will be summarized in a publicly available forum on the AGA website. The Complainant is provided the option to remain anonymous in such public reports; in such cases, only the substance of the complaint will be made public.

## Code Compliance Review Board (CCRB)

The CCRB shall be comprised of two independent, non-gaming industry chairs (Chairs) and five member representatives (Member Delegates). The Chairs shall have a relevant marketing, responsible gaming, or regulatory background. Member Delegates shall be selected from the AGA membership. All CCRB members shall serve three-year terms. Member Delegates must maintain employment at a current AGA member in good standing. Two member alternates will also be selected in the case an appointed Member Delegate resigns or cannot fulfill their obligation. The CCRB will be engaged only after (1) a Complaint has been logged against a Reported Company; (2) the Reported Company has had the required three business days to respond or acknowledge; and (3) the Complainant requests, pursuant to the process laid out above, that the CCRB conduct a review.

## Reporting

The AGA will regularly post summaries of the findings of complaints logged, Reported Company responses/actions, and CCRB decisions (as necessary) to a dedicated section of the AGA website. The Complainant is provided the option to remain anonymous in such public reports; in such cases, only the substance of the complaint will be made public. A comprehensive listing of all complete and relevant complaints and actions will be permanently available on the AGA website.

## Filing a Complaint

To file a complaint about a particular sports betting advertisement or marketing material subject to this code, please visit [AmericanGaming.org](http://AmericanGaming.org). Questions about the code or the compliance process can be directed to the AGA CCRB Liaison at [AGACCRB@americangaming.org](mailto:AGACCRB@americangaming.org).