

Responsible Marketing Code for Sports Wagering

Summary of Complaint and Subsequent Action

Final Draft: April 5, 2021

On February 22, 2021, Keith Whyte of the National Council on Problem Gambling (“complainant”) submitted a complaint to the American Gaming Association (AGA) under the AGA’s [Responsible Marketing Code for Sports Wagering](#) (“the Code”). The complainant’s submissions concerned an online marketing activity by Barstool Sportsbook on January 15, 2021: the “Can’t Lose Parlay.” The complaint alleged that by promoting a sports bet as “can’t lose,” Barstool Sportsbook “directly violates” the language of the Code which states, “[n]o message should suggest that social, financial or personal success is guaranteed by engaging in sports wagering.”

As required by the Code, the AGA immediately forwarded the complaint to Barstool’s parent company, Penn National Gaming, Inc. (“reported company” or “company”). The reported company provided an initial response to the AGA on February 25, 2021, and then supplemented its response on March 8, 2021.

In its responses, the company noted that it is “not currently offering the Can’t Lose Parlay,” stated it “disagree[d] with the complainant’s assertion that the wager violates the Code,” and that the company believes both “[o]n the merits and in its proper context, the ‘Can’t Lose Parlay’ does not guarantee any financial success.”

The company wrote “[t]he bet has often been a longshot parlay and it loses far more often than it wins. The odds offered are not hidden, there is no promotion guaranteeing a win, and it is clearly housed in the sportsbook where it is patently obvious that it is a wager, not an opportunity for someone to win guaranteed money.” Particularly when viewed in that context, Penn National Gaming Inc’s response continued, “the Can’t Lose Parlay does not carry any guaranteed social, financial, or personal success and there is no violation of the Code.” The company also stated it believes the “Can’t Lose Parlay” is an “obviously satirical wager” and that an earlier marketing promotion for the parlay, on October 2, 2020, included responsible gaming messaging.

Further, the company noted that Barstool Sports’ Responsible Gaming account had stated in March 2021, “When playing on the @BSSportsbook know your odds, know your limits and play responsibly. Rumor has it even the Can’t Lose Parlay can lose.” For these reasons, the reported company believes that the “Can’t Lose Parlay” was “not a ‘guarantee’ of financial success” and thus “does not violate the Code.” The company also noted its commitment to responsible gaming, including on the Barstool Sportsbook Responsible Gaming social media platform (@BarstoolRG).

The responses from the reported company were forwarded to the complainant. No further action was requested, and the complaint process was closed on March 26, 2021.