[DE] Separation of Games of Chance and Confectionery

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Lottery tickets and sweets do not have to be kept separate after all.

Reports had stated that lottery tickets and sweets had to be kept separate from one another in future according to a decision by the Berlin *Landgericht* (Regional Court – LG) in connection with an application for an injunction against the lottery organiser *Deutsche Klassenlotterie Berlin* (DKLB). However, this decision was set aside in its entirety following the latter's appeal lodged on 7 October 2008.

The original decision of 7 August 2008 (Case 103 O 134/08) stated that the lottery ticket counter should not be together with, or had to be kept separate from, the sales of sweets. The applicant was the Dutch gaming company Lotto-Team, which evidently claimed that competition had been distorted.

The decision was probably based on assessments of the *Glücksspielstaatsvertrag* (Inter-State Gambling Agreement – GlüStV), which came into force in January 2008 and prohibits the advertising of public games of chance that directly calls on or encourages people to take part in such games. Advertising may also not be directed at minors or similarly endangered target groups (section 5 GlüStV). The particular aim of the Inter-State Agreement is to work against the development of compulsive gambling and betting (section 1(1) GlüStV) and ensure the protection of young people (section 1(3) GlüStV), and the organisation and procurement of games of chance must not run counter to this (sections 4(2) and (3) GlüStV).

In its appeal against the injunction, an argument put forward by the DKLB was the lack of a causal link between the offer of confectionery and compulsive gambling, and the Berlin Regional Court ultimately concurred with this view. The reasons for the decision have not yet been published.

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