[NL] New Online Gambling Advertising Code comes into effect

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On 15 December 2021, the new Online Gambling Advertising Code 2021 (*Reclamecode voor Online Kansspelen*) was published by the Dutch Advertising Code Foundation (*Stichting Reclame Code*) (SCC), which is the self-regulatory body for advertising, including broadcast advertising, in the Netherlands. The Code builds upon the new rules contained in the recently-enacted Online Gambling Act 2021, which introduced new provisions on online gambling advertising, and included amendments to the Dutch Media Act (*Mediawet*) (see IRIS 2021-1/24). Importantly, the new Code has a number of notable provisions applicable to broadcasters under the Media Act.

The Code begins with general provisions on rules for online gambling advertising, including rules on unfair gambling advertising; rules on gambling advertising not encouraging risky gambling behaviour; and rules prohibiting the targeting of vulnerable groups of persons (which are defined as minors, young adults, persons with intellectual disabilities, gambling addicts and persons displaying characteristics of risky gambling behaviour).

Notably, Article 8(1) of the Code contains specific rules for broadcasters on advertising limits, and states that broadcasters must ensure that a maximum of three advertisements, of a maximum of 30 seconds each, for online gambling are broadcast together. Furthermore, the use of “tag-ons” for online gambling advertising, which are very short reminder advertisements broadcast before or after the main advertising spot, are prohibited during an advertising break. Notably, the Code states that in case of violations of Article 8, “in principle”, both advertisers and broadcasters will be in violation.

Furthermore, Article 9 of the Code contains additional rules on the broadcasting of online gambling advertising. First, Article 9(1) states that online gambling advertisements via broadcasting services are prohibited between 6 a.m. and 09 p.m. Second, under Article 9(3), online gambling advertising is prohibited on television channels of which, according to annual averages for the period between 9 p.m. and 6 a.m., more than 25% of the total viewing audience consists of minors and young adults combined. Furthermore, it is also prohibited to broadcast online gambling advertising immediately before or immediately following programmes that, according to generally accepted viewing figures, are viewed by

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more than 25% minors and young adults combined, based on an average period. Third, under Article 9(7), online gambling advertising targeting “vulnerable groups of persons” is also prohibited through all media (including non-linear television services, print media, websites and social media).

Finally, in terms of the content of online gambling advertising, Article 6 prohibits use of (a) brands, logos, or products which are specifically aimed at minors and young adults; (b) persons under the age of 25 age or who appear to be under the age of 25; (c) fictional characters which are primarily appealing to minors or young adults; and (d) “role models” with a “substantial reach among minors and/or young adults”. There is “substantial reach” among minors and/or young adults if more than 25% of the audience of a role model consists of minors and young adults.

The Code came into effect on 15 December 2021; and it will be evaluated by October 2022, with the media and consumer organisation involved in the evaluation.

Stichting Reclame Code, Nieuwe Reclamecode Online Kansspelen, 15 december 2021

https://www.reclamecode.nl/news/nieuwe-reclamecode-online-kansspelen/

Dutch Advertising Code Foundation, New Online Gambling Advertising Code, 15 December 2021

Stichting Reclame Code, Reclamecode Online Kansspelen (ROK) 2021

https://www.reclamecode.nl/nrc/reclamecode-online-kansspelen-rok-2021/

Dutch Advertising Code Foundation, Online Gambling Advertising Code 2021

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