

SUBSIDIARY LEGISLATION 350.25

REQUIREMENTS AS TO ADVERTISEMENTS, METHODS OF ADVERTISING AND DIRECTIONS APPLICABLE TO GAMBLING ADVERTISEMENTS

22nd March, 2007

GOVERNMENT NOTICE 407 of 2007.

The title of these requirements is the Requirements as to Advertisements, Methods of Advertising and Directions applicable to Gambling Advertisements. Citation.

1. Introduction

1.1 These Requirements as to Advertisements, Methods of Advertising and Directions have been made by the Broadcasting Authority in virtue of article 19(3) and (5) of the Broadcasting Act, Chapter 350 of the Laws of Malta.

2. Objectives

2.1 The main objective of these Directions is to ensure to ensure that gambling advertisements in the local broadcasting media are socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited by advertising that features or promotes gambling. The Directions also seek to promote appropriate ethical standards in the content of this category of advertising.

2.2 These Directions do not cover the advertising of a casino since any such advertising is prohibited in terms of article 49 of the Gaming Act (Chapter 400 of the Laws of Malta).

3. Applicable Legal Provisions

3.1 The applicable legal provisions are article 19(3) and (5) of the Broadcasting Act (Chapter 350) of the Laws of Malta.

4. Definitions

4.1 For the purpose of these Directions, "gambling" means gaming or remote gaming or betting or playing an authorised game under the Lotteries and Other Games Act, the Gaming Act and, without prejudice to the generality of the foregoing, includes the national lottery, commercial bingo halls, Internet gaming, betting and other forms of licensed gaming; but does not include gaming carried out for a philanthropic or charitable or other social purpose which the Authority may from time to time approve, as well as such gaming which is carried out in conformity with and is regulated by the Broadcasting Authority's directive on Conduct of Competitions and the Award of Prizes on the Broadcasting Media or any other provision in the Lotteries and other Games Act or any subsidiary legislation made thereunder regulating broadcasting media games.

5. Directions

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5.1 Television stations shall not broadcast any gambling advertisements between 6:00am and 7:00pm. When gambling advertisements are broadcast between 7:00pm and 6:00am, they shall not be broadcast during, or immediately prior to or after, children's programmes or those programmes directed at or likely to be of particular appeal to children.

5.2 Radio stations shall not broadcast any gambling advertisements between 6:00am and 9:00am and between 2:00pm and 7:00pm. When gambling advertisements are broadcast between 9:00am and 2:00pm and between 7:00pm and 6:00am they shall not be broadcast during, or immediately prior to or after, children's programmes or those programmes directed at or likely to be of particular appeal to children.

5.3 When gambling advertising is not allowed in terms of paragraphs 1 and 2 above, the sponsorship by any gambling licensee of any programme or advert aired on any radio or television station is prohibited.

5.4 When gambling advertising is allowed in terms of paragraphs 1 and 2 above, broadcasters shall not air any advert that:

- i. encourages any person to contravene a gaming law; or
- ii. shows persons under eighteen years or other vulnerable persons gambling; or
- iii. encourages or targets persons under eighteen years or other vulnerable persons to gamble; or
- iv. is likely to be of particular appeal to persons under eighteen years or other vulnerable persons, especially by reflecting or being associated with youth culture; or
- v. exploits the susceptibilities, aspirations, credibility, inexperience or lack of knowledge of persons under eighteen year or other vulnerable persons; or
- vi. is false or untruthful, particularly about the chances of winning or the expected return to a gambler; or
- vii. suggests that gambling is a form of financial investment; or
- viii. portrays, condones or encourages gambling behavior that is socially irresponsible or could lead to financial, social or emotional harm; or
- ix. suggests that skill can influence games that are purely games of chance; or
- x. promotes smoking or the abuse of the consumption of alcohol while gambling; or
- xi. implies that gambling promotes or is required for social acceptance, personal or financial success or the resolution of any economic, social or personal problems; or
- xii. contains endorsements by well-known personalities or celebrities that suggest gambling contributes to their

success; or

- xiii. exceeds the limits of decency; or
- xiv. suggests that gambling can provide an escape from personal, professional or educational problems such as loneliness or depression; or
- xv. portrays gambling as indispensable or as taking priority in life, for example over family, friends or professional or educational commitments; or
- xvi. suggests that gambling can enhance personal qualities, for example that it can improve self-image or self-esteem, or is a way to gain control, superiority, recognition or admiration; or
- xvii. links gambling to seduction, sexual success or enhanced attractiveness.

6. These Directions apply also to teletext services on television and to the radio data system (RDS) on radio services.

7. These directions do not prohibit the announcement of gambling results during any time of the day.
