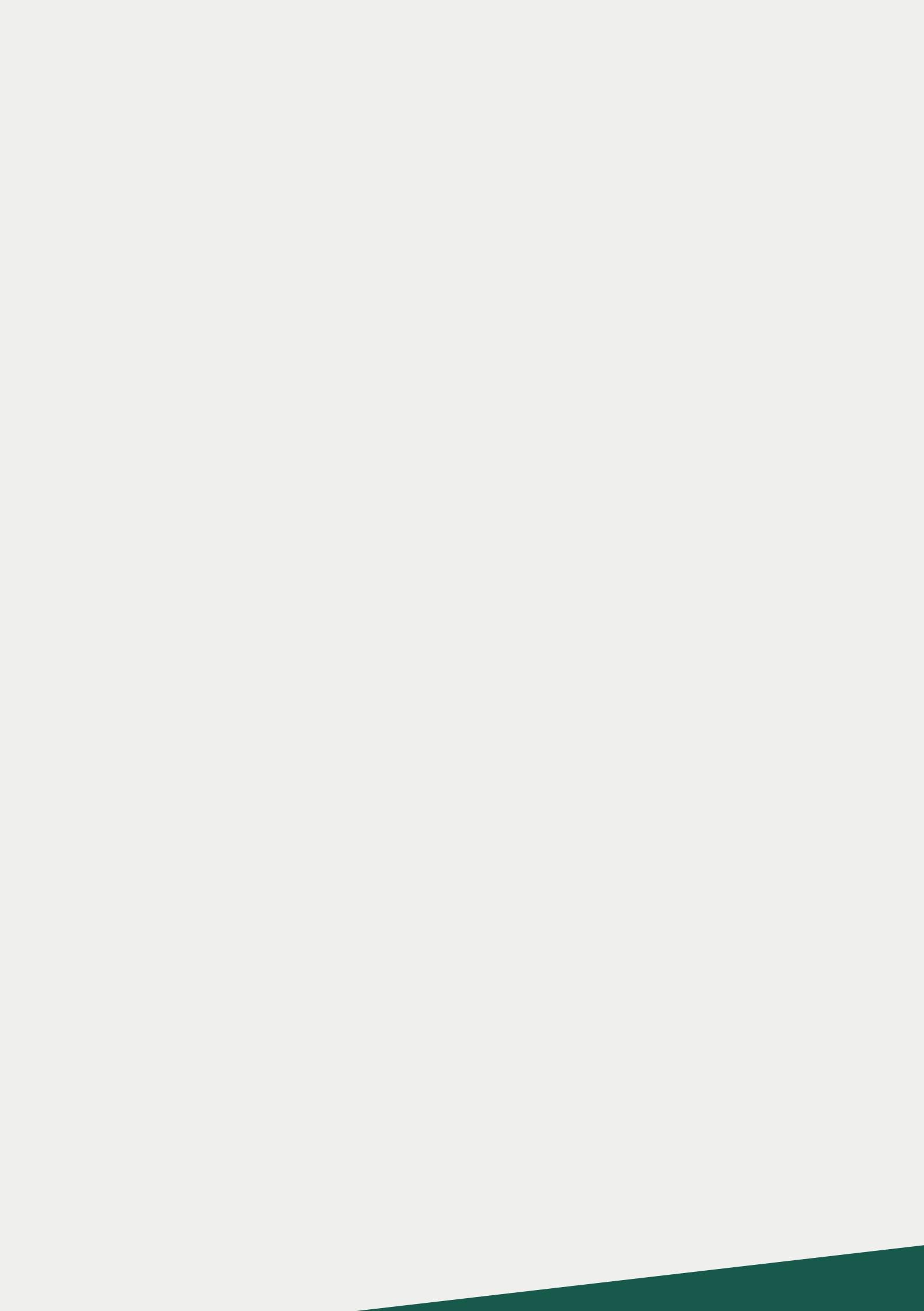


Údarás Rialála
Cearrbhachais
na hÉireann

Gambling
Regulatory
Authority
of Ireland

Advertising, Branded Clothing & Sponsorship



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Purpose of Guidance

This document provides practical guidance to licensees and the public on the application of the advertising restrictions and related obligations set out in the Gambling Regulation Act 2024 (the "Act").

Please note that we have referred to the names of several entities when including examples in this document. These references are for illustrative purposes only.

This document should be read with any other guidance published from time to time by the Gambling Regulatory Authority of Ireland (Grai).

The guidance set out in this document is not exhaustive. It will be subject to ongoing review by the Grai to take account of further developments and regulatory policy.

It does not contain legal advice. Licensees should seek their own legal advice on the interpretation and application of the restrictions and related obligations set out in the Act or in regulations. The guidance reflects the Grai's current understanding of the relevant provisions. It is not an authoritative or binding interpretation of the Act or any regulations. The guidance in this document (as may be amended) may in the future be contained in a Code of Practice made under section 31 of the Act.

This document is limited to advertising restrictions and related obligations set out in the Act. It does not address or impact advertising restrictions and related obligations arising outside of this Act.

Who do these restrictions and obligations apply to?

The obligations in the Act mainly relate to licensees (other than licensees for charitable and philanthropic purposes). However, there are some that apply to others, as explained in this document.

If a licensee engages a third party to advertise on their behalf, the licensee must ensure that such advertising complies with the obligations. Section 143 can be found [here](#).

Holders of a gambling licence for charitable and philanthropic purposes are exempt from these obligations unless the advertisement includes the name, part of the name, or a logo or brand of any business to consumer or business to business licensee.

When will these restrictions apply?

It is important to note that the legislative restrictions set out below shall apply from a date to be confirmed. Licensees will be notified in advance of these restrictions taking effect.

In addition, any further restrictions set out in regulations made by the Grai will apply in the future, on a date to be confirmed. The document will be updated to include practical guidance on any regulations setting out additional advertising obligations. There will be a public consultation in advance of any further regulations being made.

What is meant by advertising?

Within the Act the term "advertise" includes advertise by means of image, sound, or text.

Advertising should be understood as having a broad meaning within the context of the Act. This would include the practice of promoting brands and products or influencing the behaviour of consumers by using a marketing communication.

"Marketing" is defined in the Act as meaning any form of commercial communication that is intended to increase or has the effect of increasing, the recognition, appeal or consumption of a gambling product, gambling related service, or gambling activity.

Below are examples of advertising practices. The list is not exhaustive:

- ▶ Advertisements carried by broadcast media e.g. TV and Radio
- ▶ Social Media Marketing
- ▶ Direct marketing
- ▶ Sponsorship
- ▶ Google Ads
- ▶ Print Media
- ▶ Social Media Influencers
- ▶ Branded Clothing

Section 2 can be found [here](#).

What types of advertising do the restrictions and obligations apply to?

They apply where “relevant content” is being advertised. Section 143 can be found [here](#).

Relevant content is an advertisement of a betting activity, a game, or a lottery, or advertising the licensee itself. Section 141 can be found [here](#).

What are the possible consequences of a licensee breaching the advertising, branded clothing and sponsorship obligations?

If there is a breach by a licensee, there are different ways the GRAI can deal with this. Breaches of some obligations can amount to criminal offences, and licensees can be prosecuted. If there is a summary prosecution taken by the GRAI, the potential outcome is a fine of €5,000 or imprisonment for a period of up to 12 months, or both. If there is a conviction on indictment, the potential outcome is a fine or imprisonment for a period of up to 5 or 8 years (depending on the offence), or both a fine and imprisonment.

The GRAI can also take separate enforcement action (not criminal) under the Act for a breach of any obligation or condition. This could lead to outcomes such as:

- ▶ a notice of non-compliance issuing to a licensee requiring them to comply,
- ▶ the imposition of conditions on a licence,
- ▶ the suspension or revocation of a licence,
- ▶ a financial penalty of up to €20,000,000, or 10 per cent of the turnover of the licensee (whichever is greater).

What are the restrictions and obligations relating to advertising?

Section 145

Advertising by means of audiovisual on-demand media service or on-demand sound service

What is the restriction?

A licensee cannot advertise relevant content on an audiovisual on-demand media service or on-demand sound service unless the intended recipient has an account with the service, and the licensee complies with regulations to be made by the GRAI.

Examples of audiovisual on-demand media services or on-demand sound services include:

- ▶ Apple Music,
- ▶ RTÉ Player,
- ▶ Virgin Media Player,
- ▶ Eir TV,
- ▶ GAA+,
- ▶ Google TV,
- ▶ YouTube Movies and TV
- ▶ Microsoft TV
- ▶ Seinnteoir TG4
- ▶ Spotify

These services do not include traditional broadcasting on television or radio by RTÉ, TG4, Virgin Media etc. Please note that Comisíun na Meán have a register of on-demand services in Ireland which can be found [here](#).

If an intended recipient does not have an account with that service, there can be no advertising of relevant content. However, the licensee will not be in breach of their obligations if the advertising is incidental. Advertising could be described as "incidental" where a logo, trademark, marketing image or sponsorship information at a sport event relating to a licensee is visible or audible on an audiovisual on-demand media service or on-demand sound service.

Practical Examples

- ▶ Users can access content on some audio visual on-demand media services or on-demand sound services without having to create an account with that service.
- ▶ For example, a user can access and view programmes on RTÉ Player without having to create an account. Advertisements are shown at different intervals of the programme. These advertisements are available to users who view programmes without creating an account.
- ▶ A licensee cannot advertise on RTÉ Player to users of RTÉ Player who do not have an account.
- ▶ A licensee can advertise on RTÉ Player if the advertisement is only available to users who have created an account with RTÉ Player.
- ▶ If an advertisement is shown on RTÉ Player to non-account holders and it contains a clip of a sporting event where a licensee's logo is visible from the stadium or premises, this could be described as incidental advertising.

Section 145 can be found [here](#).

Section 146

Advertising on social media service and video-sharing platform service

What is the restriction?

A licensee cannot engage another person or entity to advertise relevant content on social media or a video-sharing platform on their behalf. This is unless:

- a. the intended recipient has an account with that other person or entity, and
- b. the intended recipient has subscribed to the licensee's account on that social media or video sharing platform, and
- c. the advertising is in accordance with regulations to be made by the GRAI.

Examples of social media services and video sharing platforms include:

- ▶ Facebook
- ▶ Instagram
- ▶ YouTube
- ▶ TikTok
- ▶ VSCO
- ▶ X (formerly known as Twitter)
- ▶ Pinterest

Practical Examples

- ▶ A person can access content on some social media services or video sharing platforms via a browser or via an app without having to log into an account.
- ▶ For example, a person can view content on YouTube without having to create an account. That same person can view videos uploaded by other YouTube users (like social media influencers) without having to subscribe to that social media influencer's YouTube account.
- ▶ A licensee cannot enter into an arrangement with a social media influencer or digital content creator on YouTube to advertise relevant content on their behalf unless the intended recipient has an account with that social media influencer on YouTube, and the person has subscribed to the licensee's YouTube account.
- ▶ Another example of the restriction in practice is that an Instagram social media influencer or digital content creator cannot advertise relevant content on behalf of a licensee unless the intended recipient has an account with Instagram and is "following" the social media influencer and licensee on Instagram.

Section 146 can be found [here](#).

Section 147

Advertising by electronic communication

What is the restriction?

A licensee cannot advertise by electronic communication, including by telephone, text message or e-mail, unless:

- a. the intended recipient has consented to receiving advertisements in this way, and
- b. there is an easily accessible "opt out" mechanism, and
- c. the licensee complies with regulations to be made by the GRAI.

This does not however apply to communication by audiovisual on-demand media service, an on-demand sound service, a social media service, a video-sharing platform service or a broadcasting service.

Practical Examples

- ▶ A licensee cannot send a person a text message advertising relevant content unless that recipient has consented to receiving advertisements by text message.
- ▶ The text message must display an 'opt-out' mechanism i.e. a link to an option where the recipient can unsubscribe from receiving advertisements through text.

Section 147 can be found [here](#).

Section 148

Prohibited material in advertisement

What is the restriction?

A licensee cannot advertise (or cause another person to advertise on its behalf) relevant content if it involves certain material. This is material that is likely to:

- ▶ portray gambling as attractive to children,
- ▶ condone participation in gambling by children,
- ▶ encourage or cause children to gamble,
- ▶ exploit the credulity, loyalty, vulnerability, or lack of experience children,
- ▶ cause, condone or encourage excessive or compulsive gambling, or
- ▶ mislead, deceive or confuse, whether directly or indirectly, members of the public about the potential social or financial advantages of gambling.

This is aimed at protecting children and the public.

Practical Examples

- ▶ Advertisements using cartoons, animation, signs, symbols, fictitious characters could be interpreted as portraying gambling as attractive to children or as encouraging or causing children to gamble.
- ▶ Advertisements where children are shown in any way either participating directly or indirectly in a gambling activity is likely to portray gambling as attractive to children.
- ▶ An advertisement where a recognisable celebrity who is generally associated with young people (e.g. a children's TV presenter or an actor associated with a children's TV programme, a young sportsperson, a social media influencer whose audience is generally children) endorsing a licensee or participating in a gambling activity could be interpreted as portraying gambling as attractive to children.
- ▶ An advertisement that suggests gambling may solve financial or personal problems or represent an alternative source of income or a substitute for paid employment.

Section 148 can be found [here](#).

Section 151

Prohibition on branded clothing and merchandise

What is the restriction?

A person cannot manufacture for sale in the State, import for sale in the State, sell, supply, or provide free of charge to a person in the State, an article of clothing or merchandise intended to be worn or used by a child that advertises a betting activity, lottery or game, or the name, logo, or trademark of a licensee.

A person cannot distribute clothing or merchandise that advertises a betting activity, lottery or game, or the name, logo, or trademark of a licensee at an event which may be attended by children.

This applies twelve months after the commencement of section 151 of the Act.

These restrictions apply to all people rather than just licensees. To breach them is a criminal offence.

Practical Examples

- ▶ A person cannot manufacture, import for sale in the Republic of Ireland, sell, supply or provide free of charge to a person in the Republic of Ireland, a jersey that contains a licensee's logo or licensee's name and that is intended to be worn by a child.
- ▶ A person cannot distribute branded clothing or merchandise at any event which may be attended by children. Branded merchandising includes for example, a scarf, hat, pen, notebook, flag, banner, or any other merchandise containing a licensee's name or logo free of charge at an event which may be attended by children. This could include for example, a school event, a soccer, rugby or GAA match, a concert or other sporting competition where children may attend etc.

Section 151 can be found [here](#).

Section 159

Sponsorship

What is the restriction?

A licensee cannot sponsor (or cause another to sponsor on their behalf) the following:

- ▶ An event (or part of an event) where the majority of attendees or participants are children.
- ▶ An event aimed at children.
- ▶ An organisation, club, or team where children are members.
- ▶ A premises used by an organisation, club or team in which children are members.
- ▶ A public activity that appeals to children.

To sponsor means making any form of public or private contribution towards an event or organisation with the aim, or direct or indirect effect of promoting a gambling activity.

A licensee who breaches this restriction is guilty of a criminal offence.

Practical Examples

- ▶ A licensee cannot sponsor an underage sports competition.
- ▶ A licensee cannot sponsor a sports team where underage players forms part of the team i.e. under the age of 18.
- ▶ A licensee cannot sponsor a sports club which has an underage academy.
- ▶ A licensee cannot sponsor an event held in a rugby club premises, soccer club premises, GAA club premises etc, where children are members of those clubs.
- ▶ A licensee cannot sponsor a family fun day that appeals to children.

Section 159 can be found [here](#).

Section 149

Prohibited hours for advertising on certain media

What is the restriction?

A licensee cannot enter arrangements with an audio-visual on-demand media service, an on-demand sound service or a broadcaster to advertise relevant content between the hours of 5:30am and 9pm.

Practical Examples

- ▶ A licensee cannot enter into an arrangement with RTÉ, Virgin Media etc to advertise relevant content between the hours of 5:30am and 9pm.
- ▶ A licensee cannot enter into an arrangement with RTÉ Radio, Today FM or FM104 to advertise relevant content between the hours of 5:30am and 9pm.
- ▶ A licensee cannot advertise relevant content on RTÉ Player, or EirTV between the hours of 5:30am and 9pm.
- ▶ A licensee cannot advertise relevant content on Spotify between the hours of 5:30am and 9pm.

Section 149 can be found [here](#).

Section 144

Additional restrictions can be made by way of regulations

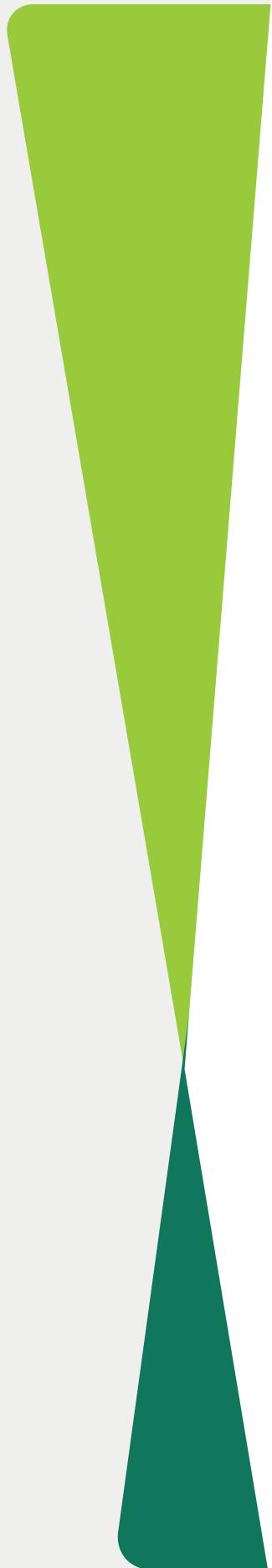
Power to make regulations

The GRAI has the power to impose additional restrictions to those set out above. These restrictions can include:

- ▶ requiring licensees to include certain information in their advertisements. This includes for example, information such as a statement that children cannot participate in gambling, a warning of the risk of excessive or compulsive gambling and the consequences of such gambling, details of support services and an explicit statement that the person may make a relevant payment when engaging in a relevant gambling activity and obtain nothing in return. The GRAI may include the size, colour and font type that is to be used by licensees when providing this information.

- ▶ the time, place and events at which advertisements may be shown.
- ▶ the frequency and duration of advertisements.
- ▶ prohibiting additional material from being included in advertisements.

Section 144 can be found [here](#).



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