

## Advertising and Promotion Code of Practice



## **Advertising and Promotion Code of Practice**

### **1. Purpose**

To establish a code of practice covering the Advertising, Marketing Communications, Public Relations, and Promotional Marketing Practices in respect of the National Lottery and every National Lottery Game (collectively "**Advertising and Promotion**").

This Code of Practice seeks to provide a responsible basis for all Advertising and Promotion by PLI in respect of the National Lottery and every National Lottery Game in order to maintain the integrity and sustainability of the National Lottery, while protecting Participants' interests.

### **2. Definitions**

In this Code of Practice, unless the context requires otherwise, capitalised words or expressions shall have the same meanings as in the Licence and the following expressions shall have the following meanings:

**Act** means the National Lottery Act 2013;

**Advertising or Advertisement** includes, but is not limited to, a form of marketing communication carried by the media, usually in return for payment or other valuable consideration or in a space that would generally be provided in return for payment, other than the Excluded Items;

**Code of Practice** means this Code of Practice which is a code of practice under the Licence granted to PLI published in accordance with *section 28(1)* of the Act;

**Excluded Items** means

- (a) Statutory, public, Garda, and other official notices;
- (b) Material published as a matter of record only;
- (c) Marketing communications whose principal purpose is to express the advertiser's position on a religious, industrial relations, or aesthetic matter;
- (d) Press releases and other public relations material;

- (e) Sponsorship (other than Marketing Communications that refer to a sponsorship); and
- (f) Investor relations and corporate material.

**Good Causes** means the purposes identified in *section 41(1)* of the Act;

**Licence** means the licence to operate the National Lottery, made between the Regulator, the Minister, and PLI, dated 27 February 2014;

**Lottery Game** means any game, competition or other procedure, including those played *via* On-line Facilities and/or Interactive Facilities, in which or whereby prizes (whether money prizes or otherwise) are distributed by lot or chance among persons participating in the game, competition, or procedure;

**Marketing Communications** includes, but is not limited to, Advertising, as well as other techniques such as promotions, sponsorships, and direct marketing, and should be interpreted broadly to mean any form of communication produced directly by, or on behalf of PLI, intended primarily to promote the National Lottery and/or any National Lottery Game(s), to influence the behaviour of and/or to inform those to whom it is addressed other than the Excluded Items;

**Minister** means the Minister for Public Expenditure and Reform, National Development Plan Delivery, or his successor in title;

**National Lottery** means any Lottery Game or combination of Lottery Games held by the Regulator or held under a licence in accordance with the rules contained in a scheme under *section 45* of the Act in relation to that Lottery Game or each of those Lottery Games;

**National Lottery Game** means any Lottery Game that forms part of the National Lottery;

**Participant** means, in relation to a National Lottery Game, a person who is the owner of a valid Ticket for that National Lottery Game;

**PLI** means Premier Lotteries Ireland DAC, the operator of the National Lottery in accordance with *section 29* of the Act;

**Promotional Marketing Practices**, including sales promotions, are those marketing techniques, which involve the provision of direct or indirect additional benefits, usually on a temporary basis, designed to make the National Lottery and/or National Lottery Games more attractive to Participants, other than the Excluded Items;

**Public Relations or PR** means any form of publicity, promotion or editorial for the National Lottery by or on behalf of PLI, other than Advertising or Marketing Communications or Promotional Marketing Practices;

**Regulator** means the person appointed by the Minister under *section 7* of the Act or the Minister acting under *section 8* of the Act;

**Retailer** means any person whom PLI has authorised, in writing, or entered into an agreement with, to sell Tickets from a Retail Outlet;

**Retail Outlet** means any premises where Tickets are sold to Participants who attend personally at the premises; and

**Ticket** means a ticket entitling its owner to participate in the National Lottery, including a ticket sold by way of interactive channels on the internet.

### **3. Scope of the Code**

This Code of Practice applies to the following:

1. Television commercials;
2. Radio commercials;
3. Press advertisements;
4. Outdoor advertisements;
5. Online and digital advertisements;
6. Cinema advertisements;
7. Social media;
8. All promotional materials;
9. Direct marketing;
10. Public Relations activities;
11. Sponsorships;
12. Point-of-sale and agent incentive programmes;
13. Sales promotion;

14. Agent store merchandise (game playslips, National Lottery Tickets);
15. Permanent point of sale including terminals and vending machines;
16. This Code of Practice applies to any other activity or means of communication which is intended to advertise, market or promote the National Lottery, or any National Lottery Game; and
17. This Code of Practice is applied in the spirit as well as in the letter.

#### **4. Other Codes**

PLI shall comply with the *Code of Standards for Advertising and Marketing Communications in Ireland* drawn-up by the Advertising Standards Authority of Ireland (ASAI) and any rules, classifications or rulings of the ASAI, while at the same time being aware of the exclusion applied to the National Lottery under section 10(2) of that code.

Additionally, PLI shall comply with the *General Communications Code*, *Code of Programme Standards and Children's Commercial Communications Code* and any other relevant codes set out by the Broadcasting Authority of Ireland, *Code of Professional Practice for Public Affairs and Lobbying* set out by the Public Relation Institute of Ireland and the Act.

#### **5. Standards**

The following standards apply:

1. All forms of Advertising and Promotion shall be legal, decent, honest, and truthful;
2. Advertising and Promotion activities shall be prepared with a sense of responsibility to consumers and to society;
3. Advertising and Promotion shall not state that the primary purpose of the National Lottery is to raise funds for Good Causes;
4. Advertising and Promotion shall not state that no harm may arise from National Lottery play or that National Lottery products are harmless, or similar wording;
5. Advertising and Promotion activities shall not state or imply that a Participant's skill can influence the outcome of a game;

6. Advertising and Promotion activities shall not portray actions or behaviour that would be considered socially irresponsible or could lead to social, financial, or emotional harm;
7. Advertising and Promotion activities shall not mislead or be likely to mislead, by inaccuracy, ambiguity, exaggeration, omission, or otherwise;
8. Advertising and Promotion activities shall not emphasise the fact that a tier two (2) prize winner was "one number away" from winning the jackpot in a manner which may tend to overstate the odds of winning. PLI shall make information as to the odds of winning, including the odds of winning jackpot prizes in all draw-based National Lottery Games, prominently available on lottery.ie;
9. Advertising and Promotion activities for events that can only be accessed through registering online via PLI's website or app or otherwise involve the purchasing of a National Lottery product shall make that condition and the age restriction clear;
10. Advertising and Promotion activities should respect the dignity of all persons and should avoid causing offence on grounds of gender, marital status, family status, sexual orientation, religion, age, disability, race, or being a member of the Traveller community;
11. Advertising and Promotion activities shall not state or imply that winning any National Lottery Game is anything other than a matter of chance;
12. Advertising and Promotion activities shall not exploit an individual's financial anxieties or personal difficulties nor present winning in a way that is seen to be a way out of financial difficulties or as an alternative to work;
13. Advertising and Promotion activities shall not:
  - a. suggest that playing National Lottery Games can enhance personal qualities,

- b. suggest peer pressure to engage in playing National Lottery Games or disparage abstention from doing so, or
- c. suggest solitary National Lottery play is preferable to social National Lottery play;

14. Advertising and Promotion activities shall not encourage problem gaming;

15. Advertising and Promotion directed at Participants shall incorporate a responsible play message(s);

16. Advertising and Promotion activities with any association with alcohol, tobacco, pharmaceuticals, or related products are strictly prohibited;

17. Advertising and Promotion activities shall not promote any other Lottery (which is not a National Lottery) or competition operated by a third party, provided that this shall not prevent Promotional Marketing Practices that involve PLI sponsoring prizes in competitions run by third parties, provided that the communications contain methods to ensure awareness that any such third party competitions are not operated by PLI and do not form part of the National Lottery;

18. Tickets for National Lottery Games shall not be awarded as prizes by PLI in non-National Lottery games or competitions;

19. Advertising and Promotion activities shall not be directed at vulnerable groups (in respect of age, social status, or gambling playing habits);

20. Point(s)-of-sale material(s) shall not convey a false sense of urgency;

21. Outside of the kiosk (or traditional counter service area) where National Lottery products are introduced to the "in-lane" channel of a Retail Outlet, for all commercial arrangements since June 9 2022:

- where there are two or more in-lane channels open, ensure at least one (1) lane shall be maintained free of point-of-sale materials at all times;

- where there are six (6) or more in-lane channels open, two (2) of those lanes shall be maintained free of point-of-sale materials at all times; PLI shall use its best endeavors to ensure that all in-lane arrangements prior to the above date align with the above;
22. Advertising and Promotion activities shall not offer incentives for loyalty unless prior approval has been given by the Regulator;
23. Advertising and Promotion activities shall not cooperate with or support links to other commercials that are offering loans that can be drawn upon for the purposes of playing;
24. PLI shall ensure that all factual statements for the National Lottery or National Lottery Games or in any material designed to encourage the purchase of Tickets in a National Lottery Game are true and capable of independent verification. Where a factual statement is not capable of independent verification PLI shall ensure that it is not included in any Advertisement or Promotion;
25. Participants who opt in to receive direct or personal communications from PLI may choose to opt out of such communications at any time. If a Participant has opted out of receiving such communications, PLI shall ensure that regarding Advertising and Promotion that no unsolicited telephone calls or other forms of direct or personal communication are made with a view to encouraging the purchase of Tickets in a National Lottery Game;
26. No Marketing Communications or PR activities shall be produced (1) which state or imply that the top prize(s) has not been won where, in fact it has already been won, or (2) which promote the game on the basis of availability of top prizes, where all top prize(s) have been claimed;
27. All Marketing Communications or PR activities relating to Good Causes shall comply with this Code of Practice, regardless of whether Regulatory approval



under Clause 9.8 of the Licence is required; and

28. Advertising and Promotion relating to Good Causes or Good Causes beneficiaries shall not directly invite the purchase of a National Lottery Ticket(s).

## **6. Under 18 (Children)**

29. Advertising and Promotion activities shall not exploit the susceptibilities, aspirations, credulity, inexperience, or lack of knowledge of children;

30. Advertising and Promotion activities shall not be likely to be of particular appeal to children, especially by being associated with youth culture;

31. Advertising and Promotion activities shall not make direct use of:

- a. signs, symbols, themes, drawings, fictitious characters, or real people of primary or particular appeal to children;
- b. depict adolescent, juvenile, or loutish behaviour;
- c. contain endorsements by recognisable figures who would be regarded as heroes or heroines of children; or
- d. induce a child to regard National Lottery play as a natural element of his or her leisure time/activities;

32. Advertising and Promotion activities shall not be aimed at persons under 18 years of age;

33. Social media Advertising and Promotion will be designed by PLI to reach only those who are 21+;

34. No suggestion/inference shall be made (in any Advertising and Promotion activities) that anyone under the age of 18 years of age may participate in a National Lottery Game;

35. Point-of-sale material stating that Participants must be '*18 years or over*' will be distributed to and displayed by all Retailers;

36. Any person who is under the age of 18, or appears to be under the age of 18 shall not be shown in anything, other than an incidental role, in Advertising and Promotion. Only actors who are, and appear to be, over 21 years of age shall be shown as the main character of any Advertising and Promotion. This standard does not apply to PLI's internal promotional materials which are not designed to encourage the purchase of Tickets in a National Lottery Game, and PLI shall take all reasonable steps to ensure that such internal promotional materials do not enter the public domain;
37. No Advertising should appear in media or parts of media (to include online advertising and social media) directed primarily to people under the age of 18 years, or in media where more than 50% of the audience is expected to be under the age of 18;
38. Any application forms designed for promotional activity should include a question on age verification. Subject to standard 36, only individuals who confirm they are over 18 years of age may participate; and
39. With the exception of Retailers located within 100 metres of a school entrance, Advertising should not be displayed within 100 metres of a school entrance.

## **7. Advertising with Third parties**

When sponsorships or co-promotions are entered into with third parties (not being agents of PLI) the following rules should be adhered to:

40. No Marketing Communications that refer to a sponsorship should be published or broadcast without prior approval from PLI;
41. PLI shall use its best endeavours to ensure that the service or quality of a co-promoter's product does not detract from the image of the National Lottery or its Retailer network;
42. The National Lottery Logo and associated brand logos shall not be

reproduced by third parties without the prior written approval/consent of PLI; and

43. PLI shall use its best endeavours to ensure sponsors' or co-promoters' involvement do not detract from the good reputation of the National Lottery.

## **8. The National Lottery's Retailers**

44. PLI shall require Retailers to display the mandatory 'Over 18s message' in a visible location;

45. PLI shall require that Retailers do not sell any National Lottery Game to anyone under the age of 18 years; and

46. PLI shall require Retailers to observe a 'Think 21' practice and request photographic age verification identification (e.g., in the form of a Garda Age Card, driving licence, passport, or public service card) of all persons who appear to be under the age of 21.

## **9. Review of Code of Practice**

This Code of Practice will be reviewed on an annual basis.

## **10. General**

### **Information Contact**

#### **Details**

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This Code of Practice applies with effect from 13 November 2024.