# OPERATING STANDARDS
# MARKETING AND ADVERTISING
# EFFECTIVE DATE: NOVEMBER 1, 2026

## OVERVIEW

The Director may prohibit Video Lottery Sales Agents (VLSAs) from engaging in certain advertising and promotions deemed inappropriate by the Director. VLSAs agree to be bound by the decision of the Director relating to advertising and promotions. The Director may initiate advertising and promotional programs relating to video lottery gaming and may provide promotional materials to the VLSA.

## REFERENCE DOCUMENTS

Ohio Administrative Code 3770:2-6-05
Ohio Revised Code 3770.21
Video Lottery Sales Agent Terms and Conditions
Annual Plan Operating Standards
North American Association of State and Provincial Lotteries (NASPL) Advertising Guidelines at https://www.naspl.org/
American Gaming Association (AGA) Responsible Gaming Code of Conduct at https://www.americangaming.org/

## ADVERTISING PROGRAMS

The VLSA advertising program shall be created with adherence to the Lottery Advertising Guidelines. In general, programs must not target children; contain political, religious, or ideological content; contain material that disparages any person or group of people; contain material that would be offensive to an ordinary reasonable person; or contain controversial or inflammatory messages.

The VLSA shall present an annual advertising plan which shall describe at a high level the main components of the advertising program. The VLSA shall agree that its plan does not conflict with the detailed standards listed below. These standards apply to VLSA gambling properties. They do not pertain to advertising and marketing that is primarily of hotels, restaurants, and entertainment that may be associated with or operated or promoted by VLSAs. For the purposes of these standards, advertising and marketing includes, among other media: radio and television ads, print, direct mail, social media, billboards, digital, mobile apps, and internet promotions.

**Content**

- The use of the word "Casino" is strictly prohibited in any marketing or advertising materials.
- The word "slot" shall not be used to reference Video Lottery Terminals (VLTs) in any marketing or advertising materials. Exceptions for national or corporate marketing and advertising materials may be allowed if approved by the Ohio Lottery.

- Advertising should strictly comply with all state and federal standards to make no false or misleading claims or create a suggestion that the probabilities of winning or losing at the various games offered by the VLSA, or by betting on sports contests, are different than those actually experienced.
- Advertising should generally reflect accepted contemporary standards of good taste.
- Advertising should be consistent with principles of dignity, integrity, mission, and values of the industry and more importantly, the State of Ohio.
    - Advertising should not portray product abuse, excessive play nor a preoccupation with gambling.
    - Advertising should not imply nor portray any illegal activity.
    - Advertising shall not depart from contemporary standards of good taste that apply to all commercial messaging, as suits the context of the message or the medium utilized.
    - Advertising shall not be placed with such intensity and frequency that they represent saturation of that medium or become excessive.
    - Advertising should state alternative cash and annuity values where reasonable and appropriate.
- Advertising should not degrade the image or status of persons of any ethnic, minority, religious group nor protected class.
- Advertising should appropriately recognize diversity in both audience and media, consistent with these standards.
- Owned websites and applications (apps) shall disclose to users—in their terms of use or other policy statements—any practices of the website or app that involve sharing user information with third parties unrelated to the VLSA sponsoring the site.
- VLSA-controlled advertising messages placed in digital media—including websites, apps, third-party internet and mobile sites, affiliate platforms, commercial marketing emails or text messages, social media sites, and downloadable content—shall comply with all applicable guidelines of these Operating Standards concerning the content of such messages.
- Advertising should not encourage people to play excessively nor beyond their means.
    - Advertising and marketing materials should include a responsible play message when appropriate.
    - Responsible play public service or purchased media messages are appropriate, especially during periods when large progressive jackpots and high-value promotional prizes cause patrons to increase their incremental play.

- Support for problem gambling programs, including publications, referrals, and employee training is a necessary adjunct to advertising.
- Advertising should not present, directly nor indirectly, any gaming or promotional activities as potential means of relieving any person's financial or personal difficulties.
- Advertising should not exhort play as a means of recovering past gambling nor other financial losses.
- Advertising should not knowingly be placed in or adjacent to other media that dramatize or glamorize inappropriate use of the product.

**Tone**

- Gaming and promotional activities should not be promoted in derogation of nor as an alternative to employment, nor as a financial investment nor a way to achieve financial security.
- Advertisements should not be designed to imply urgency, should not make false promises and should not present winning as the probable outcome.
- Advertising should not denigrate a person who does not participate in gaming or promotional activities, nor unduly praise a person who does the same.
- Advertising should emphasize the fun and entertainment aspect of playing and not imply a promise of winning.
- Advertising should not exhort the public to wager by directly or indirectly misrepresenting a person's chance of winning a prize.
- Advertising should not imply that VLT machines are games of skill.

**Minors**

- Persons depicted as players should not be, nor appear to be, under the legal gambling age or 21 years.
- Age restrictions should, at a minimum, be posted at entry points of areas where gaming activity occurs.
- Advertising should not be placed on broadcast, cable, radio, print or digital communications (e.g., social media, SMS, websites, streaming), or other media directed primarily to those under the legal age of 21 years.
- Gaming activities should not be advertised nor marketed at venues where the audience is reasonably and primarily expected to be below the legal gambling age of 21 years.
- No gaming messages—including logos, trademarks, or brand names—should be used or licensed for use on clothing, toys, games, or game equipment intended primarily for persons below 21 years.

- To the extent that promotional products carry gaming messages or brand information, VLSAs and their employees shall use commercially reasonable efforts to distribute them only to those 21 years or older.
- Advertising should not contain symbols nor language that are primarily intended to appeal to minors or those under the legal purchase age.
    - The use of animation should be monitored to ensure that characters are not associated with animated characters on children's programs.
    - Celebrity or other testimonials should not be used which would primarily appeal to persons under the legal purchase age.

## RESPONSIBLE GAMING

The Lottery pledges to prioritize responsible gaming as an integral part of our daily operations. This pledge includes provisions on employee assistance and training, alcohol service, the provision of Racino games including Type "B" sports wagering, and the advertising and marketing of Racino gambling. These guidelines also cover the commitment of our VLSA retailers and their affiliates to provide and maintain support for research initiatives and public awareness surrounding responsible gaming and underage gambling.

### To Promote Responsible Gaming

The VLSA shall establish and maintain a Responsible Gambling Program and comply with the ***Time Out Ohio*** Program (Ohio VEP). In addition to the guidelines listed below, the VLSA shall be responsible for compliance with the Lottery's Responsible Gambling Program Policy.

- The VLSA shall make information available promoting responsible gaming and where to find assistance, including the Ohio toll-free helpline number. This information shall be available and visible on Racino gaming floors and at cash access devices.
- The VLSA shall make available on their gaming-related websites and apps information describing responsible gaming, their policies and practices related to responsible gaming, and where to find assistance.
- The VLSA shall have a policy in effect for patrons to request in writing the revocation of their privileges for specific services such as:
    - VLSA-issued markers
    - Player club/loyalty card privileges
    - On-site check-cashing
    - Credit card advances
    - Complimentaries
    - Gambling promotions

- In addition, the VLSA shall make reasonable efforts on a facility-by-facility basis to honor a written request from any person, that it not knowingly grant that person access to gambling activities. For each person who makes such a request, the VLSA shall provide the person with a listing of resources in the area surrounding the VLSA where assistance with gambling-related problems is available.
    - For example: https://www.ohiolottery.com/About/Resources/Play-Responsibly/Treatment-Programs
- The VLSA may reserve the right to exclude a patron from gambling or ban a patron from the property, without a request from the patron.

**To Prevent Underage Gambling and Unattended Minors in Racinos**

- The VLSA shall make diligent efforts to prevent underage individuals from participating in any gambling at the VLSA, loitering in the gaming areas of a VLSA, or from gaining access to online, mobile, or in-room gambling opportunities.
- The VLSA shall communicate the legal age to gamble through messaging, as appropriate, in their properties, on their online platforms, and in gambling and sports betting promotions.
- The VLSA employees working in relevant areas shall receive training in procedures for dealing with unattended children, underage gambling, and the purchase and consumption of alcohol and tobacco by minors.
- If a child appears to be unsupervised or in violation of local curfews and other laws, security or appropriate personnel shall be contacted, and reasonable steps shall be taken to locate the parent or responsible adult on property or by telephone.

**To Serve Alcoholic Beverages Responsibly**

- The VLSA shall observe a responsible beverage service policy including the following elements:
    - The VLSA shall not knowingly serve alcoholic beverages to a minor.
    - The VLSA shall not knowingly serve alcoholic beverages to a visibly intoxicated patron.
    - The VLSA shall make a diligent effort not to permit gambling by a visibly intoxicated patron.
- The VLSA shall ensure that appropriate VLSA employees are trained in the company's responsible alcoholic beverage service policy and shall provide periodic refresher training to those employees.

## PROMOTIONAL CREDIT PROGRAM

The issuance of promotional credits (Free Play) is subject to approval of the Director. Promotional credits cannot be offered as an alternate option for any prize, fee reimbursement (e.g., ATM, check cashing, etc.), or patron cost overages (e.g., airline expense overages).

**Annual Promotional Credit Plan**

- The VLSA shall present an annual promotional credit plan which shall propose the quantity of promotional credits to be awarded and shall describe the allocation of credits amongst programs and promotions including, but not limited to, the following:
    - Direct mail/email player reinvestment and/or loyalty offers (core, birthday, anniversary, active/inactive, monthly offers, player loyalty/reinvestment programs, etc.).
    - Recurring weekly and/or monthly promotions (new members, seniors, winners, etc.).
    - VLT Tournaments (regardless of whether promotional credits are awarded as prizes).
    - Earned Free Play (via loyalty programs), discretionary Free Play, and guest appeasement.
    - Enterprise (corporate) promotion point conversion.

  The specific requirements are detailed in the Annual Plan Operating Standard.

**Promotion Approval**

- All promotional offering requests for a calendar month shall be submitted for review and approval at least 30 days in advance of the first promotional offering of the calendar month (i.e., if the first promotional offering for December is scheduled for December 1st, all promotional offering requests for December are to be submitted no later than November 1st). The request must include the following:
    - A description of the promotion.
    - Eligibility guidelines identifying the criteria as well as the estimated quantity of participants.
    - Expected response rates and promotional credit budget for the promotion.
    - A set of customer-facing promotional rules.
    - A breakdown of how monies and/or promotional credits are divided and awarded to the patrons for promotions that have a specific dollar and/or promotional credit value attached.

  - Promotional mailing and advertising artwork that includes RG messaging for Regulation Manager review / identification of paid media. If artwork is not available at the time of submission, submit prior to production and/or public distribution.
  - Any other specifics about the promotion.
- Promotional offerings required for submission and approval include, but are not limited to, the following types of promotions:
  - Direct mail/email player reinvestment and/or loyalty offers (core, birthday, anniversary, active/inactive, monthly offers, player loyalty/reinvestment programs, etc.)
  - Recurring weekly and/or monthly promotions (new members, seniors, winners, etc.).
  - VLT Tournaments (regardless of whether promotional credits are awarded as prizes)
  - TITO voucher donation and other charity (non-profit) programs
  - Bus tour initiatives, junkets, private events (including banquets and fund-raisers), and other group sales programs.
- The OLC will not provide approval of promotions conducted independent of authorized VLSA gaming activity (i.e., sports wagering) but may approve the conversion of points garnered from such promotions to promotional credits. Submissions for these promotions must include the following:
  - A description of the promotion.
  - A summary of convertible points offered and the projected redemption rate.
- Rules for certain promotional offerings may be submitted for extended periods of time (weeks, months, etc.) and end dates can be "until further notice" but must be re-submitted annually to verify their continuing status. Additionally, any details that may fluctuate from week to week or month to month (i.e., specific dates, times, amounts, etc.) must be provided with the corresponding monthly submission package.
- Any request to modify a promotional offering, already approved by the Lottery, must be submitted with the original requested promotional offering, as well as the modified promotional offering, including highlighted changes.
- Modification requests must be submitted no later than the 5th of the month (i.e., a modification to a promotional offering on December 28th must be submitted no later than December 5th). A promotional offering needing modifications after the 5th of the month may be subject to cancellation.

**Third Party Prizes**

- Promotional rules that list prizes which are fulfilled by third parties (i.e., airlines, hotels, cruise lines, vacation rentals, car dealerships, etc.) must include all restrictions, disclaimers, blackout dates, terms and conditions that apply to the successful fulfillment and satisfactory acceptance of such a prize by the selected winner.
- If a cash alternative or other substitute prizes will not be offered in lieu of prizes listed for a promotion, statements advising participants of such must be included in the promotional rules and available for customer review. Promotional credits cannot be offered as an alternate option for any prize.

**Promotion Marketing Collateral**

- The Lottery shall be added to the mailing list for all customer facing physical and electronic mailing at the highest tier status.
- If telemarketing will be used to communicate promotional efforts, include mention of that method in rules submissions.
- All electronic mail should be sent to vlt@lottery.ohio.gov, and physical mail addressed to 615 W. Superior Avenue, Cleveland, OH 44113.

**Enterprise Program/Promotion Point Conversion**

- The Lottery may allow the VLSA to convert points garnered from enterprise (corporate) programs and/or promotions to promotional credits.
- Programs/promotions may include, but are not limited to, credit card point conversion programs and promotions involving gaming or activities conducted independent of the VLSA.
- Credit card point conversion offers and/or similar programs must be submitted to the Lottery and approved prior to implementing any such program. Additional requirements for submissions are included in the Annual Plan operating standard.
- Promotions offering enterprise-wide convertible points based on gaming or activities conducted independent of the VLSA must be submitted to the OLC for review and approval. The OLC will not provide approval of promotions conducted independent of authorized VLSA gaming activity but may approve the conversion of points garnered from such promotions to promotional credits.

## PROMOTIONAL EXECUTIONS

In the best interest of fairness, customer service, and transparency, the VLSA shall follow these general guidelines regarding the execution of approved promotions:

- Approved promotion rules are to be made available for patrons to view and/or receive printed copies upon request; also ensure that VLSA employees tasked with executing promotions can respond to patron questions about the details and participation methods outlined in the approved promotion rules.
- Ensure that methods of participation and the determination of winners adhere to the approved promotional rules.
- Eliminate the possibility of patron manipulation of promotional drawing entries, methods of qualification, or chances of winning by physically securing access to such props, drawing drums, or computer systems and platforms.
- Eliminate the possibility of employee and patron collusion for promotional drawings by maintaining a strict separation of duties between the employees structuring the promotion and the employees executing the promotion. For example, employees executing promotional games must not have any awareness of winning selections, combinations, or locations.
- Conduct all drawings and processes for the selection of qualifying participants or winners in public view when using a physical drawing method (i.e. drawing drum), or with the assistance of a secondary VLSA employee witness, and within clear view of surveillance systems for all related activities, regardless of the selection method used.
- For the purposes of notifying qualifying participants or winners, the VLSA shall post that information conspicuously using digital media and/or large format presentations using a minimum of first name, last initial, and the account number of the person's loyalty program membership.
- When appropriate, the VLSA should also utilize the public address system to notify qualifying participants or winners in such a manner that patrons throughout the VLSA facility, including but not limited to smoking areas, non-gaming areas, food & beverage outlets, and other public areas so participants can clearly hear those announcements (NOTE: On a quarterly basis, the VLSA staff should perform functionality audits of digital media and public address systems utilized for the purpose of notifying qualifying participants or winners).
- When situations arise whereas promotions are not able to be executed as outlined (i.e., technical issues, inoperable or damaged props, etc.) in the approved promotion rules, VLSA employees tasked with executing promotions shall be prepared to make fair and amicable adjustments in the best interest of the participants to fulfill the desired outcome(s) of the promotion.
- All rules for promotional offerings that give the VLSA final authority on determining interpretation should also include Lottery approval within the rule.

## REPORTING REQUIREMENTS

The VLSA shall provide the following reports to the Lottery monthly:

- Monthly promotional spend forecast report (due 30 days in advance).
    - The forecast shall include the projected spend for each planned promotion and other promotional spend categories previously identified in these Operating Standards.
    - Include the projected issuance of discretionary promotional credits.
- Monthly promotional credit spend/redemption actual report (due the 15th of each month for the prior month).
    - The spend/redemption report shall include the issuance and/or redemption of promotional credits for each completed promotion and/or promotion category.
    - Include the issuance/redemption of discretionary promotional credits and detail manual promotional credit adjustments (e.g., host incentives, guest appeasements, etc.) by employee and by patron account.

## MONITORING GUIDELINE COMPLIANCE

- The VLSA shall deliver a copy of these guidelines to advertising agencies, media buyers, and other third parties involved in the VLSA's advertising or marketing.
- The VLSA shall adopt an internal review process to evaluate whether promotional and marketing efforts comply with these standards and shall conduct periodic reviews of promotional and marketing efforts to evaluate compliance.
- The commitments in these standards apply to persons or entities operating in partnership with or as agents of the VLSA in conducting advertising and marketing activity related to all forms of gaming including promotions associated with sports betting.

## TO FILE A COMPLAINT

To file a complaint about a particular advertisement or marketing material subject to these guidelines, written communications should be sent to vlt@lottery.ohio.gov or the physical mail addressed to 615 W. Superior Avenue, Cleveland, OH 44113.

## CONTACT

For further information contact: VLT@lottery.ohio.gov