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# State Lotteries Advertising Code of Practice

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*Approved as at 12 February 2004*

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**SOUTH AUSTRALIA**

**STATE LOTTERIES ACT 1966**

**State Lotteries Advertising Code of Practice**

*[Approved as at 12 February 2004]*

This is the advertising code of practice for the purposes of section 13B of the *State Lotteries Act 1966*:

**1. Purpose**

This code provides a framework through which the Lotteries Commission of South Australia (“**gambling provider**”) can ensure that its advertising activities are consistent with the community’s expectations that the SA Lotteries business will be conducted in a responsible manner so as to minimise the harm caused by gambling.

**2. General principle**

The gambling provider will ensure that all gambling related advertising is undertaken in a manner that—

- (a) is socially responsible; and
- (b) does not mislead or deceive the customer.

**3. Specific provisions**

(1) The gambling provider will ensure that, when it advertises its gambling products, the advertising complies with—

- (a) applicable Commonwealth and State laws; and
- (b) relevant advertising industry codes of practice—

as in force from time to time.

(2) The gambling provider will ensure that, when it advertises its gambling products, the advertising—

- (a) is not directed at minors;
- (b) does not portray minors participating in gambling activities;
- (c) is not explicitly or exclusively directed at vulnerable or disadvantaged groups (including recovering problem gamblers);
- (d) does not promote gambling as a means of relieving financial or personal difficulties;

- (e) does not promote gambling as a means of enhancing social standing or employment, social or sexual prospects;
- (f) does not state or imply that gambling is a means to pay for household staples, education or rent, or to meet mortgage commitments;
- (g) does not make claims related to winning or the prizes that can be won—
  - (i) that are not based on fact; or
  - (ii) that are unable to be proven; or
  - (iii) that are exaggerated;
- (h) does not state or imply that a player's skill can influence the outcome of a gambling activity;
- (i) does not associate gambling with excessive alcohol consumption; and
- (j) does not exaggerate the connection between the gambling activity and the use to which the gambling provider's profits may be put.

**4. Electronic media—time periods**

The gambling provider will, in relation to advertising on radio or television, refrain from advertising its gambling products during the following periods:

- (a) for radio advertising, between 6.00am and 8.30am, Monday to Friday (both days inclusive);
- (b) for television advertising, between 4.00pm and 7.30pm, Monday to Friday (both days inclusive).

**5. Prize advertising—specific obligations**

- (1) If, when it advertises a gambling product, the gambling provider refers to, or relies on, the value or nature of one of the prizes which are available to be won (whether or not the prize is a prize of money) or the frequency with which the prize might be won, the advertising—
  - (a) will include sufficient information to allow a reasonably informed person to understand the overall return to player or, if the product does not have an overall return to player, the chance of winning; and
  - (b) in addition, if the advertising is intended to encourage a person to gamble during a particular period, will include sufficient information to allow a reasonably informed person to appreciate how likely it is that the prize will be won by someone during that period.

- (2) If, in seeking to comply with this clause, the gambling provider—
- (a) calculates the theoretical number, value and frequency of prizes to be won;
  - (b) in the advertising or promotion, suggests an outcome no less favourable to the gambling provider than that theoretical outcome; and
  - (c) obtains an actual outcome more favourable than that which was advertised—
- the gambling provider will still be regarded as complying with this clause.

- (3) Sub-clause (1)(a) does not apply to advertising of a trade promotion lottery offered in conjunction with the purchase of a gambling product if the odds or chance of winning the trade promotion lottery are dependent on factors beyond the control of the gambling provider or to a radio advertisement which includes a warning message.

## **6. Definitions and interpretation**

- (1) In this code—

**“gambling area”** means a public area of an office or agency in which provision is made for people to prepare to enter or participate in lotteries, to enter or participate in lotteries and to await the outcome of their entry or participation in lotteries;

**“plug”** means an announcement on radio or television which includes information about the gambling provider’s gambling products or which associates one of the gambling provider’s gambling products with a particular program or period of programming;

**“radio or television”**—

(a) means any kind of radio or television broadcasting service within the meaning given by the *Broadcasting Services Act 1992* (Commonwealth); but

(b) does not include a radio or television broadcasting service principally operated for the purpose of promoting gambling products of the nature of those provided by the gambling provider, or related events—

and **“radio”** and **“television”** have corresponding meanings.

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**Clause 7**

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- (2) For the purposes of this code, the gambling provider will be regarded as advertising—
  - (a) if a provider of radio or television runs a plug in exchange for a payment or for some other form of valuable consideration (including an agreement to purchase advertising);
  - (b) if a provider of radio or television or a publisher includes content in exchange for a payment or for some other form of valuable consideration (including an agreement to purchase advertising).
- (3) Subject to sub-clause (4), advertising will be regarded as offending against clause 3(2)(g) if it contains material—
  - (a) which is neither information which is reasonably believed to be factual nor opinion which is reasonably held; and
  - (b) which includes one or more of the following expressions (or anything analogous to them)—
    - (i) “Win”;
    - (ii) “\$”.
- (4) For the avoidance of doubt, sub-clause (3) does not apply—
  - (a) to a sign or display which is in, or is visible from, a gambling area and which states the amount of—
    - (i) a particular prize which has been determined or is payable; or
    - (ii) an approximation or estimate of a prize which can be won; or
  - (b) to the provision of information in relation to a draw for a gambling product, to a telecast of a draw for a gambling product or to the publication of the results arising from a draw for a gambling product.

**7. Operative dates and transitional**

This code comes into operation on 30 April 2004.

**8. Application to agents**

In respect of the provision of the gambling provider’s gambling products by or through an agent, the gambling provider will ensure that the actions of its agent conform with this code as though the agent were the gambling provider.