



## Trade Promotion Lotteries

# Guideline for assessing whether Trade Promotion Lotteries are offensive or contrary to the public interest

The following guidelines sets out some requirements for trade promotion lotteries. The list is not exhaustive and the Commission will consider and determine whether each trade promotion lottery complies with the law and generally complies with the codes on its merits.

### A Trade Promotion Lottery must:

- Comply with the law, including the *Trade Practices Act 1974*, the *Gambling Regulation Act 2003*, the *Firearms Act 1996*, the *Prostitution Control Act 1994*, the *Liquor Control Reform Act 1998*, the *Tobacco Act 1987* and related regulations and mandatory codes.
- Comply generally with the relevant approved industry code (publications, film, television, radio, internet, mobile premium services, computer games, advertising, gaming machine games, responsible service of gambling, responsible service of alcohol) as the case may be. The industry code or standard must be approved by the relevant regulator or in the case of advertising by the Australian Association of National Advertisers (AANA).

### A Trade Promotion Lottery must not:

- Advertise gaming machines outside an approved gaming venue.
- Allow or encourage minors to participate if the goods or services being promoted by the trade promotion lottery or the prizes awarded in the trade promotion lottery would be illegal for them to purchase.
- Promote cigarettes, tobacco or tobacco products.
- Promote firearms except by a licensed firearms dealer.

- Promote prostitution services other than in accord with law.
- Misrepresent the goods or services other than in accord with law.
- Promote or involve unconscionable conduct.
- Involve anything that would cause alarm or distress to children, or expose them to behaviour, language or depictions inconsistent with the requirements of the applicable legislation or industry code.
- Involve a breach of a person's privacy.
- Promote products or services which do not comply with a relevant safety standard.
- Induce a person to open a betting account.
- Allow as a precondition for participation that entrants:
  - (a) have played a gaming machine; or
  - (b) take part in a loyalty scheme which requires them to –
    - (i) spend money playing a gaming machine as a condition for participation in the scheme; or
    - (ii) receive gaming machine advertising
- Gaming operators must not conduct trade promotion lotteries in relation to gaming.

**A Trade promotion lottery should not:**

- Encourage a person to gamble more on gaming machines by means which may offend the principles of responsible gambling.
- Use a lottery method for a trade promotion lottery targeted to a minor that is similar to other gambling products.
- Suggest that entering a trade promotion lottery will improve a person's financial prospects, social status or make a person more attractive to others.
- Suggest that a person's skill can influence the outcome of a game that is purely a game of chance.
- Promote or involve an objectionable contract (for example, where the consequences to be imposed on an entrant in a promotion are so dire that a court would be unlikely to enforce them).
- Require or encourage a person to undertake acts which are dangerous, violent, humiliating or involving harm to the person or harm to a person's property.
- Involve behaviour, language or depiction that would generally be regarded as indecent or offensive if conducted/published/broadcast in/to the public (eg pornographic or cause undue offence on religious, cultural, disability or gender grounds).
- Promote products, or offer a product as a prize, without informing participants of a relevant licensing requirement.

- Promote the consumption of alcohol in excess of the limits contained in the Australian guidelines to reduce health risks from drinking alcohol, the 'Guidelines for Responsible Liquor Advertising and Promotions' released by the Commission and/or the ABAC Responsible Alcohol Marketing Code.
- Contain features that contravene the Mobile Premium Services Industry Code, including the requirement for a 'double opt-in' to subscription services.

These guidelines commence on 6 April 2016 and replace any previous guidelines.



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