

3772-13 Advertising.

3772-13-01 Definitions.

- (A) As used in this chapter, the term “advertisement” shall mean any notice or communication to the public or any information concerning the gaming-related business of a casino operator licensee or applicant through broadcasting, publication or any other means of dissemination, including electronic dissemination. Promotional activities as described in rule 3772-13-03 of the Administrative Code are also considered “advertisements” for purposes of this chapter.
- (B) As used in this chapter, the term “direct advertisement” shall mean any advertisement as described in paragraph (A) of this rule that is disseminated to a specific individual or individuals.

3772-13-02 Advertising; promotion of responsible gaming.

- (A) Advertising shall be based upon fact, and shall not be false, deceptive or misleading, and no advertising by the casino operator shall:
 - (1) Use any type, size, location, lighting, illustration, graphic depiction or color resulting in the obscuring of any material fact;
 - (2) Fail to clearly and conspicuously specify and state any material conditions or limiting factors;
 - (3) Depict any person under the age of twenty-one engaging in casino gaming and related activities; or
 - (4) Fail to designate and state the name and location of the casino facility conducting the advertisement. The location of the casino need not be included on billboards within thirty miles of the casino facility.
- (B) Each advertisement shall, clearly and conspicuously, state the problem gambling hotline number established under section 3772.062 of the Revised Code.
- (C) Each direct advertisement shall, clearly and conspicuously, describe a method or methods by which an individual may designate that the individual does not wish to receive any future direct advertisement.
 - (1) The described method must be by at least two of the following:
 - (a) Telephone;

(b) Regular U.S. mail; or

(c) Electronic mail.

- (2) Upon receipt of an individual's request described in paragraph (C) of this rule, a casino operator licensee or applicant shall "flag" the individual in the casino operator's database so as to prevent the individual from receiving future direct advertisements within fifteen days of receipt of the request.
- (D) Each casino operator licensee or applicant shall provide to the commission at its main office in Columbus a complete and accurate copy of all advertisements within five business days of the advertisement's public dissemination. Casino operator licensees or applicants shall discontinue the public dissemination upon receipt of notice from the commission to discontinue an advertisement.
- (E) A casino operator licensee or applicant shall maintain a complete record of all advertisements for a period of at least two years. Records shall be made available to the commission upon request.

3772-13-03 Promotional activities.

- (A) Each casino operator licensee or applicant shall establish a system of internal controls for promotional giveaways, conduct of promotional games and similar activities. The casino operator licensee or applicant shall submit written internal control plans for compliance with this rule for commission approval at least sixty days before the casino operator licensee or applicant's anticipated casino facility opening. Each promotion shall meet the following requirements:
- (1) No false or misleading statements, written or oral, shall be made by a casino operator licensee or applicant, or its employees or agents regarding any aspect of a promotional activity;
- (2) The casino operator licensee or applicant shall create dated, written rules governing the promotional activity that shall be immediately available to the public and the commission upon request. The casino operator licensee or applicant shall maintain the rules of the event and all amendments, including criteria for entry and winning, prizes awarded, and prize winners, for at least two years from the last day of the event;
- (3) All prizes offered in the promotional activity shall be awarded according to the casino operator licensee or applicant's rules governing the event;

- (4) The casino operator licensee or applicant's employees or agents shall not be permitted to participate as players in any promotion, including promotions for which there is no cost to participate; and
 - (5) The casino operator licensee or applicant shall designate in its internal control plan an employee position acceptable to the commission that shall be responsible for ensuring adherence to the requirements of this rule.
- (B) Each promotional coupon shall contain the following information:
- (1) The name of the casino facility;
 - (2) The city or other locality and state where the casino facility is located;
 - (3) The specific value of any monetary coupon in U.S. dollars;
 - (4) Sequential identification numbers, player tracking numbers or other similar means of unique identification for complete, accurate tracking and accounting;
 - (5) A specific expiration date or condition; and
 - (6) All conditions required to redeem the coupon.
- (C) Documentation of any change or cancellation of a promotional coupon shall be maintained for two years.
- (D) Any casino operator licensee or applicant may use mass media, including electronic social media, to advertise promotional coupon offers to prospective patrons; however, these offers shall be redeemed only for a preprinted coupon that contains all of the information required for a promotional coupon described in paragraph (B) of this rule.
- (E) Each casino operator licensee or applicant offering promotional coupons shall track the issuance and redemption of each promotional coupon. Documentation of the promotional coupon tracking shall be maintained for two years and made available to the commission upon request. An example of the promotional coupons that have not been issued shall be maintained for a period of at least two years, and available to the commission upon request.
- (F) Promotional coupons shall be cancelled when they are redeemed, in a manner that prevents multiple redemptions of the same coupon.