

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

~~(D)~~ Each casino operator shall ~~provide~~ provide a complete and accurate copy of all advertisements at least five business days in advance of public dissemination to the commission executive director at its main office in Columbus a complete and accurate copy of all advertisements at least five business days in advance of the advertisement's public dissemination.

~~Casino operators shall discontinue the public dissemination upon receipt of notice from the commission to discontinue an advertisement.~~

(B) For as long as they are publicly disseminated, all advertisement must meet the following criteria:

(1) Advertisements shall not obscure any material fact;

(2) Advertisements shall not depict any individual under the age of twenty-one; ~~or~~

~~(3A) Advertising~~ Advertisements shall be based upon fact, and shall not be false, deceptive, or misleading; ~~and no advertising by the casino operator shall:~~

(4) Advertisements shall clearly and conspicuously state the problem gambling hotline number established under section 3772.062 of the Revised Code;

(5) Advertisements shall clearly and conspicuously specify any material conditions or limiting factors;

(6) Except for billboards within a thirty-mile radius of the relevant casino facility, advertisements shall clearly and conspicuously state the name and location of the relevant casino facility; and

(7) Each direct advertisement shall clearly and conspicuously describe at least one of the following methods by which an individual may opt out of receiving future direct advertisements:

(a) Telephone;

(b) Regular U.S. mail; or

(c) Electronic mail.

(C) Casino operators shall cease the public dissemination of an advertisement upon discovery the advertisement fails to continue to comply with the criteria described in paragraph (B) of this rule, or to the extent ordered by the executive director.

(D) Within fifteen days of receipt of an individual's request described in paragraph (B)(7) of this rule, a casino operator shall take the necessary action to prevent future dissemination of direct advertisements to the individual.

~~(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 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 shall provide to the commission at its main office in Columbus a complete and accurate copy of all advertisements at least five business days in advance of the advertisement's public dissemination. Casino operators shall discontinue the public dissemination upon receipt of notice from the commission to discontinue an advertisement.~~

~~(E) A casino operator shall maintain a complete record of all advertisements for a period of at least five years. Records shall be made available to the commission upon request.~~