



PENNSYLVANIA GAMING CONTROL BOARD
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December 9, 2020

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Sent via Electronic Mail

Interactive Gaming Certificate Holders and Operators
Sports Wagering Certificate Holders and Operators

**RE: Clarifications to Previously Imposed Advertising Requirements
for Interactive Gaming and Interactive Sports Wagering**

Dear Certificate Holders and Operators:

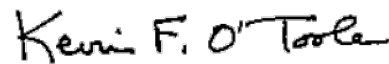
On November 21, 2019, the Pennsylvania Gaming Control Board (“the Board”), through Executive Director Kevin F. O’Toole, issued an “Explanatory Comment on Advertising Requirements for Interactive Gaming and Interactive Sports Wagering.” This Explanatory Comment set forth the requirements for co-branding of advertisements used to promote interactive gaming or interactive sports wagering by certificate holders and operators in the Commonwealth of Pennsylvania (“Pennsylvania”). The term co-branding refers to the explicit referencing of both the operator and certificate holder in advertisements specifically directed to Pennsylvania audiences based upon physical location and/or the nature of the content therein. This “content test” requires that if the advertisement exclusively targets Pennsylvania residents, such as referencing the availability of an interactive gaming or sports wagering platform in Pennsylvania, co-branding is required. Co-branding can be accomplished either by the placement of both entities’ logos on the advertisement or a statement that acknowledges the operator is offering interactive gaming or interactive sports wagering “in partnership with” or “on behalf of” the certificate holder.

The Explanatory Comment provided a non-exhaustive list of examples of advertising that would require the appropriate co-branding. One example listed was “[b]illboards located in Pennsylvania.” This, however, has led to inquiries regarding other forms of physical advertisements that happen to be located within Pennsylvania, but do not contain any content that would normally trigger the co-branding requirement. Examples provided to the Board as inquiries include: (1) generic signs at sports stadiums advertising the interactive gaming or sports wagering website or mobile app; (2) scrolling marquee advertisements displaying the name of the interactive gaming or sports wagering website or mobile app; (3) partnership advertisements with sports teams and/or sports leagues; and (4) other small physical advertisements in various locations not directly marketing to Pennsylvania consumers based upon content.

Board staff has considered the inquiries from the regulated community and issues the following clarifications on the November 21, 2019 Explanatory Comment. Based upon the demonstrated feasibility issues and possible administrative and/or economic burden on the industry, the types of physical advertisements listed in the preceding paragraphs which are located in Pennsylvania that do not also meet the “content test” of the November 21, 2019 Explanatory Comment are **NOT** required to be co-branded. Billboards located in Pennsylvania still do require appropriate co-branding. Board staff continues to be available to review any proposed advertising campaigns or advertising agreements to determine whether co-branding of the advertisements is required under this revised advertising policy.

If you have any additional questions or concerns on this matter, please do not hesitate to contact Assistant Chief Counsel Chad Zimmermann at cwzimmerma@pa.gov. You may also contact Chad for review of any proposed advertisements for co-branding evaluation.

Sincerely,



Kevin F. O'Toole
Executive Director

KFO/cwz

CC: R. Douglas Sherman, Chief Counsel, PGCB
Claire Yantis, Administrative Director, PGCB
Cyrus Pitre, Chief Enforcement Counsel, PGCB
Paul Mauro, Director, Bureau of Investigations and Enforcement, PGCB
Paul Resch, Director, Bureau of Gaming Operations, PGCB
Kevin Kile, Director, Office of Sports Wagering Operations, PGCB
Susan Hensel, Director, Bureau of Licensing, PGCB
Christopher Schroder, Director, Bureau of Casino Compliance, PGCB
Mozelle Daniels, Director, Office of Diversity, PGCB
Elizabeth Lanza, Director, Office of Compulsive & Problem Gambling, PGCB
Chad Zimmermann, Assistant Chief Counsel, PGCB
Gregory Woll, Director of Cyber Security, PGCB