

A “Game-Changing” Update: Ontario’s Amended Restrictions on Use of Athletes & Influencers in iGaming Advertising Are Now in Effect

Stephen I. Selznick, Steven Henderson

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Ontario’s rules relating to the use of athletes and social media influencers in the advertising of Internet gaming (iGaming) have now officially changed. On February 28, 2024, the previously announced amendments to the Marketing and Advertising section of the Alcohol and Gaming Commission of Ontario (AGCO)’s Standards for Internet Gaming (the Standards) came into effect, introducing further restrictions as part of the Standards’ pre-existing prohibition on iGaming advertising that targets minors.

As discussed in more detail in our previous Cassels Comment, in September 2023, the AGCO announced that it would be amending section 2.03 of the Standards – which requires that iGaming advertising and marketing communications or materials not target high-risk or underage persons – to include language that more directly addresses the use of athletes and social media influencers in those types of advertisements. Specifically, the amendments:

- Add “social media influencers” who appeal to minors as an express category of persons who cannot be employed in iGaming advertising;
- Clarify that the standard for whether a social media influencer, cartoon figure, symbol, role model, celebrity or entertainer can be employed in iGaming advertising is whether that person “would *likely be expected* to appeal to minors” (a stricter standard than the previous language of “primary appeal is to minors”); and
- Impose a blanket prohibition on the use of active or retired athletes in iGaming advertising, except where the iGaming operator or supplier is using the athlete for the exclusive purpose of advocating for responsible gambling practices.

These amendments were the result of an AGCO public consultation process in April 2023, following increased criticism from advocacy groups, industry experts and parents regarding the rapid rise in iGaming advertisements featuring endorsements from professional athletes and other prominent celebrity role models.

In consequence of the amendments, all gaming advertisements, marketing materials and other marketing communications that are displayed to the public after February 28, 2024 must comply with the updated prohibitions. Notably, despite some public pressure during the consultation process, the AGCO did not

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implement any further restrictions on *where* or *how often* an iGaming advertisement can appear. This means that iGaming operators may continue to display their go-forward advertisements through the same channels as they previously did, as long as the *content* of those advertisements complies with the amended restrictions described above. That said, this area of marketing and advertising regulation continues to be a significant source of debate in Canada, so further updates to the Standards may be introduced in the future and advertisers are encouraged to err on the side of caution if iGaming advertising might be interpreted as directly or indirectly targeting high-risk or underage persons.

If you have any questions about iGaming advertising or how the AGCO's new amendments may impact your business, please reach out to any member of the Cassels Entertainment & Sports Law Group.

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