

24 NCAC 06A .0902 ADVERTISING TO UNDERAGE PERSONS PROHIBITED

(a) Advertising, marketing, and other promotional materials published, aired, displayed, disseminated, or distributed by or on behalf of any Operator shall state that Players shall be 21 years of age or older to participate.

- (1) This requirement does not apply to the display of a logo that does not include additional inducements to Wagering.
- (2) The Commission may provide for alternative methods of stating that Wagering is limited to individuals at least 21 years old when the nature, size, or placement of the Advertising make it impractical or impossible to include such messaging within the Advertising itself. The Commission may establish "safe harbors" for alternative methods for such messaging and the Director may approve alternative methods outside of those safe harbors on a case-by-case basis.

(b) No Operator shall allow, conduct, or participate in any advertising, marketing, or branding for Wagering that is aimed at Underage Persons.

(c) No advertising, marketing, branding, and other promotional materials published, aired, displayed, disseminated, or distributed by or on behalf of any Operator shall contain images, symbols, celebrity or entertainer endorsements, music, or language that appeal primarily to an audience below the age of 21 or have been used primarily in connection with media or other programming specifically targeted at Underage Persons. Materials that broadly appeal to people regardless of age, such as sports team mascots, are not considered to be specifically targeted at Underage Persons absent clear and compelling evidence to the contrary.

(d) No advertising, marketing, branding, and other promotional materials published, aired, displayed, disseminated, or distributed by or on behalf of any Operator shall be placed, published, aired, displayed, disseminated, or distributed:

- (1) in media outlets, including social media platforms, that are used primarily by Underage Persons;
- (2) at events aimed at Underaged Persons or where 25 percent or more of the audience is reasonably expected to be Underaged Persons, unless such advertising is static and permanently affixed at a location that hosts events that generally cater to persons who are of legal age to Wager;
- (3) at any elementary, middle, or high school, or at any sports venue exclusively used for such schools; or
- (4) on any college or university campus, or in college or university news outlets such as school newspapers and college or university radio or television broadcasts; however, this prohibition shall not apply to generally available advertising, including television, radio, and digital advertising.

(e) Operator-owned websites and profiles that include Wagering content, including social media platforms, shall include a message, such as "21+," regarding the legal age for Wagering in the State.

(f) No Wagering Advertisements, including logos, trademarks, or brands, shall be used, or licensed for use, on products, clothing, toys, games, or game equipment designed or intended for Underage Persons.

(g) The knowing use of Wagering brands, Advertisements, logos, or trademarks is prohibited on products that are sold in North Carolina and intended primarily for Underage Persons.

*History Note: Authority G.S. 18C-114(a)(14);
Previously adopted as Rule 11-002;
Eff. January 8, 2024;
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