

The Swedish Consumer Agency's Code of Statutes

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The Swedish Consumer Agency's general advice on the marketing of games to consumers,

adopted on Select the date here.¹

The Swedish Consumer Agency has adopted the following general advice. This advice relates to the provisions on marketing laid down in the Gambling Act (2018:1138) and to the Marketing Act (2008:486).

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Section 1. Introductory provisions

1.1 Introduction

General advice constitutes recommendations on the application of legislation and indicates how someone may or should act in a certain respect. General advice aims to simplify interpretation and promote uniform application, but is not formally binding.

General advice includes what is known as a decision memorandum containing, among other things, comments on the advice.

1.2 Application

This general advice applies for the application of the rules on the marketing of games to consumers in the Gambling Act (2018:1138), hereinafter the Gambling Act.

The advice applies to games provided in Sweden, regardless of whether the game is provided from another country.

Online games not directed to the Swedish market shall not be deemed to be provided in Sweden.

1.3 Definitions and concepts

Games means lotteries, betting, combination schemes and pyramid schemes;

¹ See Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations.

online games means games that are provided through the use of electronic means of communication and played by a player or multiple players and the party that provides the game;

bonus means a discount or similar financial incentive that is directly linked to the game;

marketing means advertising and other measures in the course of business activities, which are intended to promote the sale of and access to products, including a trader's actions, omissions or other measures or behaviour before, during or after sale or delivery of products to consumers or traders;

commercial communication means for the purpose of this advice, any form of commercial communication intended to promote, directly or indirectly, games provided by a licensee.

Section 2. The requirement of moderate marketing

2.1 Marketing of games shall be moderate

Under Chapter 15, Section 1 of the Gambling Act, moderation must be observed when marketing games to consumers.

General advice

In order to determine whether a marketing measure is compatible with the moderation requirement, an overall assessment needs to be made.

The moderation requirement applies to all marketing of games falling within the scope of Section 1.2 and covers both the presentation itself, the content of the marketing, and how the marketing has been designed on the selected medium.

The marketing of games in places where consumers usually do not expect such marketing or where such marketing should not take place can be seen as not moderate in itself, see in particular Sections 2.3 and 2.4.

2.2 Marketing design

2.2.1 Marketing that is intrusive and liable to attract particular attention

General advice

The marketing of games must not be intrusive or intended to attract particular attention. Marketing that attracts particular attention by its design should not be permitted.

2.2.1.1 In particular, on the odds

of winning General advice

The marketing of games shall not be designed in such a way as to give the impression that the odds of winning are greater than they are. Examples of such marketing may be claims that give the consumer the impression that it is easy to win large sums of money, or claims that it is possible to win quickly.

Marketing should not be designed or presented in such a way as to give the impression that the consumer is guaranteed to win, or that it is in principle impossible not to win.

2.2.1.2 In particular, on technical and graphic designs

General advice

Technical designs which cannot reasonably be avoided by the consumer are considered to be: intrusive and not in line with the moderation requirement. Examples of such technical designs may be pop-ups and advertisements that take over the entire screen or may otherwise be considered intrusive.

Technical designs containing, for example, pulsating and/or flashing elements and that attract particular attention may be considered intrusive and not compatible with the moderation requirement.

2.2.1.3 In particular on the participation of well-known persons in the

marketing of games General advice

When well-known and successful individuals are used in the marketing of games, the marketing should not be designed in such a way as to give the impression that gambling has contributed to the success or fame of the person.

Marketing should also not give the impression that gambling can lead to such success or reputation for other players.

2.2.2 Inciting marketing

General advice

Marketing of games should not contain inciting messages that may encourage or influence the consumer to make an unpremeditated decision to start playing.

Marketing that, regardless of its content, as a result of its location, presentation or other specific design, can be regarded as inciting gambling and should not be regarded as compatible with the moderation requirement.

2.2.2.1 Accurate and balanced marketing

General advice

The marketing of games should be objective and balanced in terms of design and content. Marketing should not be designed in a way that makes the game appear risk-free.

Marketing should not include claims that no effort is required to play when a counter-performance by the consumer is required, for example that the consumer must pay a contribution in order to participate in the game.

Marketing should not convey the impression that gambling can be the solution to social or economic problems. Examples of such marketing may be statements suggesting that gambling is an alternative to employment, income, or a solution to social problems such as loneliness or boredom.

2.3 Ban on marketing specifically aimed at children and young people

Under Chapter 15, Section 1, point 2 of the Gambling Act, it is prohibited to specifically target the marketing of games to persons under the age of 18.

General advice

The prohibition should cover, on the one hand, marketing that is intentionally or explicitly directly aimed at children and adolescents and, on the other hand, marketing which, by its design, makes it likely that children and adolescents pay particular attention to it and may be affected by the marketing.

In order to determine whether marketing can be considered to be specifically aimed at children and young people, an overall assessment needs to be carried out. Symbols and phenomena that can reasonably be associated with or be particularly appealing to children and adolescents should be avoided. The choice of marketing channel, characters, colours, images, layout and music may be such factors that can be taken into account during the assessment.

Marketing should not be presented in such a way as to exploit the inexperience and lack of knowledge of children and young people. Marketing should also not be presented in such a way as to convey the impression that gambling is a proof of adulthood.

2.3.1 Specific information on marketing in places intended for children and young people

General advice

Marketing of games in places, both digital and physical, that are primarily intended for children and young people is not allowed. Examples of digital spaces include online forums, social media accounts and groups, podcasts and TV programmes.

See also Section 2.4, point 2 on outdoor advertising in places specifically intended for children and young people.

2.3.2 Advertising that depicts children and young people

General advice

Images of children and young people in connection with the marketing of games should only appear if the purpose of the images is to describe the non-profit purpose to which the activity contributes and that the marketing otherwise meets the moderation requirement.

2.3.3 Sponsorship and products intended for children and young people

Chapter 15, Section 5 of the Gambling Act states that in the case of sponsorship agreements the licensee shall ensure that its logos and the names of gambling products or gambling services are not to be found on products that are intended to be used by persons under 18 years of age.

General advice

Licensees' logos and names of gaming products or services should not appear in contexts and gatherings specifically aimed at children and young people.

2.4 In particular, on outdoor advertising

General advice

Outdoor advertising of games is generally permitted, provided that it meets the moderation requirement. In order to determine whether the outdoor advertising is compatible with the moderation requirement, an overall assessment needs to be carried out.

Outdoor advertising of games must not take place in places specifically intended for children and adolescents. See also Section 2.3 on prohibition of marketing targeted specifically at children and adolescents.

Section 3. Direct advertising

3.1 Prohibition of direct advertising to excluded players

Under Chapter 15, Section 2 of the Gambling Act, marketing may not be aimed directly at consumers who have opted for self-exclusion from gambling. Where a consumer has terminated his gambling account with a licensee, the licensee may direct marketing directly to the consumer only if the consumer actively approved it in connection with the termination.

General advice

The prohibition should cover all types of direct advertising and apply regardless of whether the consumer has excluded himself from gambling in the self-exclusion register or directly with the licensee.

Section 4. Obligation to provide information

Under Chapter 15, Section 3 of the Gambling Act, commercial communications for games must contain clear information on the minimum age for playing.

At venues where gambling takes place, and in the context of commercial communications concerning gambling — with the exception of such communications via radio — licensees shall ensure that contact information is also given for an organisation that provides information on, and support for, problem gambling.

4.1 Clear information requirements

General advice

In the context of commercial communications for games, the licensee shall ensure that information on the age limit for the game and the contact details of the supporting organisation is presented to the consumer in a clear way.

Information on the age limit and contact details of the supporting organisation shall be clearly indicated in the commercial communication. The information should not be placed in such a way that it risks blending into the background, be written in difficult-to-read or small text, or be presented in any other way that makes it less easy for the consumer to access it.

4.1.1 In particular, the contact details of the support organisation

General advice

In order to comply with the information requirement, it should not be considered sufficient to simply indicate the name of the supporting organisation. Some form of additional contact information, such as web address, e-mail address or telephone number, should also be provided.

Section 5. Bonus offers

In addition to the specific advice in this Section, Sections 2, 3 and 4 also apply to the marketing of bonus offers.

The bonus term is defined in Section 1.3 and follows the definition of the Gambling Act.

General advice

To determine whether an offer constitutes a bonus offer within the meaning of the Gambling Act, an overall assessment must be made. An offer may be regarded as a bonus offer even if the term ‘bonus’ is not expressly mentioned in the marketing.

5.1 Terms and conditions for all bonus offers

According to Chapter 11, Section 6 of the Gambling Ordinance (2018:1475), when offering a bonus, a licensee must in a clear and comprehensible manner, at the time the offer is made and when the offer is used by the player, inform the player on the terms and conditions applicable to the offer.

5.1.1 Placement and presentation of all terms and conditions for bonus offers

General advice

When marketing a bonus offer, the licensee should give the consumer the opportunity to clearly acquaint himself with the terms and conditions of the offer. If a bonus offer is marketed on the internet, all the terms and conditions of the offer should be presented no more than one click away from the advertisement.

The terms and conditions of the bonus offer should be presented in a clear and distinct manner and separate from the other terms and conditions of the licensee. A reference to the home page of the licensee should not be considered sufficient.

5.1.2 Prior to the use of bonus offers

General advice

In addition to what is stated in 5.1.1 before the offer is used by the consumer, the licensee should also clearly present the terms and conditions of the offer.

The bonus offer should not be designed in such a way that the consumer is tempted to accept it without first having read the terms and conditions. For example, there should not be prominent features that allow the consumer to accept the offer directly.

5.2 Particularly important terms and conditions for bonus offers

General advice

Conditions on turnover requirements, intervention requirements and time limits should be considered particularly important for the consumer. The condition that only new players may receive the offer, where applicable, should also be considered particularly important for the consumer.

5.2.1 Location and presentation of particularly important conditions for bonus offers

General advice

The particularly important terms and conditions should be clearly presented in the initial advertisement where the bonus offer is marketed. The conditions should

not be placed or presented in such a way as to make it difficult for the consumer to view them, for example in hidden tabs.

Section 6. In particular, on registration

Under Chapter 12, Section 1 of the Gambling Act, a licensee must register anyone who wishes to participate in gaming. Under Chapter 13, Section 1 of the same Act, a licensee with a licence for online gambling must open a gambling account for each registered player.

6.1 Marketing in connection with the registration process

General advice

Marketing that contains persuasive and tempting messages on continuing a registration that the consumer has chosen to cancel should not be considered compatible with the moderation requirement.

6.2 Claims that no registration is required

General advice

Licensees who are subject to the registration requirement may not use claims in their marketing that can give the consumer the impression that no registration or player account is needed to play.

This general advice will enter into force Please select the date here.