



INDUSTRY GUIDELINE FOR THE ADVERTISEMENTS OF UNACCEPTABLE PRODUCTS AND SERVICES (GAMBLING OR BETTING)

**A guide for the communications and multimedia industry
over the electronic networked medium in Malaysia**

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INDUSTRY GUIDELINE FOR THE ADVERTISEMENTS OF UNACCEPTABLE PRODUCTS AND SERVICES (GAMBLING OR BETTING)

INTRODUCTION

This guidance as produced by the Communications and Multimedia Content Forum of Malaysia (CMCF) is intended to assist industry practitioners intending to create, construct, produce, disseminate and distribute any form of advertisements, including but not limited to any form of broadcasting, uploading or make available such Content that falls within the meaning as defined under the Communications and Multimedia Act 1998 (or amendments thereof).

CMCF's guidance documents, including this guidance shall be read together with the Malaysian Communications and Multimedia Content Code (Content Code), do not establish legally enforceable responsibilities. Instead, this guidance describes the CMCF's current thinking on a topic and, would be used as industry best practices that promotes self-regulation unless specific regulatory or statutory requirements are cited.

OBJECTIVES

- 1.1 Part 3 of the Content Code created by virtue of the Communications and Multimedia Act 1998 (CMA '98) deals with advertisements. Paragraph 4.1 (xviii) (f) and (l) deal with specific guidelines towards treatment of specific advertisements.
- 1.2 Advertisement for products or services that are prohibited under any laws/regulations currently existing in Malaysia are unacceptable. This does not apply to information and materials disseminated in relation to licensed gambling companies to the consumers registered to receive such information and materials.
- 1.3 For the purpose of compliance, companies which are in the business of gambling and betting, needs to adhere to the ***Common Gaming Houses Act 1953, Betting Act 1953, and other relevant guidelines related to said business.***
- 1.4 In order to minimize ambiguity and uncertainty, this guideline is produced as a reference to assist industry practitioners in managing any matters pertaining to advertisements of unacceptable products and services related to gambling or betting.

DEFINITION

For the purposes of this guideline, definition of the following words are as follows:

Advertisement or Advertising Content means any form of Marketing Communications carried or delivered by a Network or Digital Media, which may involve payment or other consideration.

Content means any sound, text, still picture, moving picture or other audio-visual representation, tactile representation or any combination of the preceding which is capable of being created, manipulated, stored, retrieved or communicated electronically.

Corporate Social Responsibility (CSR) means corporate initiatives concerning with community development, the environment and human rights.

Digital Media refers to any Content that can be transmitted over the internet or computer networks. This can include text, audio, video and graphics as well as communications over the networked electronic media via telecommunication networks, broadcasting networks, and online services including but not limited to mobile phones, digital pads, wearable devices, and interactive game consoles that allows the receiving party to interact with the platform, service or application.

Marketing Communications includes advertising as well as other techniques, such as promotions, sponsorships, live phone-in shows and direct marketing, and should be interpreted broadly to mean any communications produced directly by or on behalf of Advertisers intended primarily to promote a brand, products or services or to influence consumer behavior;

- (i) Examples of Marketing Communications include: Television, radio and video commercials;
- (ii) Advertisements in information network services, electronic bulletin boards, online websites and Internet services delivered over any electronic media;
- (iii) Digital communications in every format, design and context including the world-wide web (Internet);
- (iv) Audio visual programmes that are sponsored or paid for by the Advertisers which is usually of a longer duration than ordinary commercials.

Public Service Announcement (PSA) means a message to raise awareness amongst the masses or changing the attitude of the public towards a key social issue that is broadcasted/disseminated to the public by mass media (T.V channels, radio, and newspapers) free of any costs.

2.0 ADVERTISEMENT BY A GAMBLING OR BETTING COMPANY

2.1 General Provision

- 2.1.1 Parties intending to perform any promotional activities using the electronic networked medium should bear in mind sensitivities of the public when it comes to any form of content related to companies that are in the business of gambling or betting.
- 2.1.2 Pursuant to paragraph 1.3 of this guideline as stated above, there are certain prohibitions and restrictions to Advertisement Content related to gambling including gambling and betting tips that are prohibited using the electronic networked medium.
- 2.1.3 Practitioners should comply with the requirements set out below for specific types of electronic communications prior to the Content being distributed over the said electronic networked medium.

2.2 Specific Provision

Corporate Social Responsibility (CSR) and Public Service Announcements (PSA)

- 2.2.1 Within the industry, there exists messages with the elements of CSR and public interest messages in the form of PSA's. These messages are allowed to reach out to consumers and society at large provided always that such messages contain either specific information for the benefit of communities or well wishes in relation to festivities or holidays.
- 2.2.2 Companies that are in the business of gambling and betting are not excluded from its ability to provide messages with the elements of CSR and to produce PSA's.

However, such companies are to observe the following guidelines:

- (i) Companies that are in the business of gambling and betting are permitted (with restrictions) to produce CSR and/or PSA messages over the electronic networked medium provided always that the messages are brought by an associated charitable or its equivalent entity (hereinafter referred to as "charitable arm") which is **clearly different** from its parent company.
- (ii) The charitable arm entity must have its own identity which does not in any way allude to promote and/or portray any relation to the business of gambling and betting other than what it was set up for. The entity should be clearly identifiable to only promote its charitable activities.
- (iii) The Content produced by the charitable arm must be clearly done for the sole purpose of providing CSR and/or PSA type messages and therefore any related elements which may lead the messages to the business of its parent company (including but not limited to name, taglines, sound jingles, logos, font, colour and other relatable indicators) on its gambling and betting activities are strictly prohibited.
- (iv) Due care is to be taken for any specific festive greetings via CSR and/or PSA messages whereby the level of appropriateness must be considered for messages towards communities of different cultures, races and religions among Malaysians. A high level of sensitivity should be accorded in such cases to avoid misunderstandings and non-compliance to the Content Code as a whole.
- (v) The charitable arm is also expected to form its own identity in communicating to the public and any related content derived from its parent company must be neutralized in order to avoid any form of misleading messages and/or identity of the purveyor of such messages.

2.3 Sponsorship

- 2.3.1 Should a company in the business of gambling and betting were to become a title sponsor of an event held in Malaysia, it is only allowed to promote the event and not directly advertise any elements of its products and/or services related to gambling and betting. In addition to this, said companies should only use the events' logo and/or charitable arm logo (which is **clearly different** from its parent company) in any promotional material.

2.4 Indirect Advertising and Product Placements

2.4.1 Indirect advertising and product placements shall have the same meaning as defined under Part 3, Paragraph 5.0 of the Content Code.

2.5 Examples/Illustrations on Advertisement Cases Related to Gambling Products and Services

2.5.1 **CSR and/or PSA**

a. A PSA and/or CSR which is **allowed** to be *broadcasted* by a gambling/betting company by using its charitable arm entity.

Example:

"Kids learn a lot from their parents including domestic violence. Domestic violence is child abuse. You can make a difference. This community message is brought to you by ZZZ Foundation. Together we care".

*ZZZ Foundation is the gambling/betting company's charitable arm.

b. A PSA and/or CSR *online content* which is **allowed** to appear by a gambling/betting company by using its charitable arm entity's logo.

Example:

1 in 10 persons are exposed to cybercrime. Stop being a victim. Think before you click. This message is brought to you by



*the logo used is the logo of a gambling/betting company's charitable arm and NOT of the product".

c. A PSA and/or CSR *broadcasted* which is **forbidden** by a gambling / betting company by using its own name.Example:

"Help stop cyber bullying. You can save a life. This reminder is from XZX.

*XZX is a gambling/betting company.

- d. A PSA and/or CSR *broadcasted* for specific festive greetings which is **forbidden** by a gambling/betting company where due care should be accorded.

Example:

“Wishing Happy Eid Mubarak to all Muslims around the world. This message is brought to you by ZZZ Foundation”.

*ZZZ Foundation is gambling / betting company’s charitable arm.

- f. A PSA *broadcasted* on air or *online content* which is **forbidden** by gambling/betting company by using its charitable arm name, gambling/betting company official’s jingle and gambling/betting company official’s taglines.

Example:

Message: All that I am, or hope to be, I owe to my angel mother. (Intro with gambling/betting company official’s jingle)

Tagline: Go for It

Charitable arm name: ZZZ Foundation

*ZZZ Foundation is a gambling/betting charitable arm, **however** since the PSA’s message uses the corporate tagline and jingle, it is not allowed.

2.5.2 Sponsorship

- a. A sponsorship *broadcasted* on air which is **allowed** by a gambling/betting company by using its charitable arm entity.

Example:

“Everyone is invited to a charity international concert which will be held in Genting Highlands in support of the National Kidney Foundation, brought to you by ZZZ Foundation”.

*ZZZ Foundation is gambling/betting company’s charitable arm.

- b. A sponsorship *online content* which is **allowed** by a gambling/betting company by using its charitable arm entity's logo.

Example:

This Happy Laughter Contest is brought to you by



*the logo used is the logo of a gambling/betting company's charitable arm and NOT of the product".

- c. A sponsorship *broadcasted* on air which is **forbidden** by a gambling/betting company by using its own name.

Example:

"The winner of this lip sync contest will receive RM3000 cash brought to you XZX".

*XZX is a gambling/betting company.

- d. A sponsorship *broadcasted* on air or *online content* which is **forbidden** by a gambling/betting company by using its own name, in which the content is related to its parent company's products and/or services.

Example:

"This 'Numbers Contest' is brought to you by XZX".

'Click the Number' Contest is sponsored by XZX.

*XZX is a gambling/betting company.

- e. A sponsorship *broadcasted* on air or *online content* which is **forbidden** by a gambling/betting company by using its own name, jingle, and their taglines, in which its content is related to its parent company's products and/or services.

Example:

Message: Be happy, change your life and be richer

Tagline: Go For It

Company name: this message was brought to you by XZX Company.

*XZX is a gambling company and the message includes the company's name, jingle and tagline



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