

2. Any signs or other directional devices contained in a casino or casino simulcasting facility for the purpose of identifying the location of authorized games or the locations from which simulcast wagers may be made; and

3. The distribution of a prepared statement containing information or news of general interest to persons employed in the reporting of such information or news to the public, such as newspapers or periodicals, or radio or television stations.

Amended by R.1981 d.409, effective November 2, 1981.

See: 13 N.J.R. 542(a), 13 N.J.R. 780(d).

(a): "These regulations shall govern" and "in any way . . . applicant or licensee" deleted. "is directly related . . . by N.J.A.C. 19:51-1.2" added.

(b): text deleted and (c) renumbered as (b) with addition of "or agent thereof" and "is directly related to casino gaming or casino gaming activity."

Amended by R.1991 d.467, effective September 16, 1991.

See: 23 N.J.R. 2007(a), 23 N.J.R. 2870(a).

In (a): added text to clarify definition of advertising and applicant/licensee responsibilities.

Added new subsection (b).

Amended by R.1993 d.37, effective January 19, 1993.

See: 24 N.J.R. 3695(a), 25 N.J.R. 348(b).

Simulcasting added.

Amended by R.1994 d.265, effective June 6, 1994.

See: 25 N.J.R. 5893(a), 26 N.J.R. 2463(a).

19:43-14.2 Criteria governing advertising

(a) Advertising shall conform to the requirements of section 70(o) of the Act and this chapter.

(b) Any on-site advertising of casino or casino simulcasting facility operations shall contain the phrase "Bet With Your Head, Not Over It," or some comparable language approved by the Commission.

(c) All advertising which appears in print, or on a billboard or sign shall contain the words "If you or someone you know has a gambling problem and wants help, call 1-800-GAMBLER" or some comparable language approved by the Commission, which contains the words "gambling problem" and "call 1-800-GAMBLER" to appear legibly on all print.

(d) Advertising shall be based upon fact, and shall not be false, deceptive or misleading. Without limitation as to the generality of the foregoing requirement, no advertising shall:

1. Use any type, size, location, lighting, illustration, graphic depiction or color resulting in the obscuring of any material fact; or

2. Fail to specifically designate any material conditions or limiting factors.

(e) The following practices shall be prohibited with respect to all advertisements:

1. Any representation or description of the size of a casino or casino simulcasting facility;

2. The use or statement of any information concerning the number of games available at a casino or casino simulcasting facility;

3. The use or statement of any information or representation about odds. For purposes of this section, the term odds shall not be limited to numerical information, and shall include, without limitation, the following:

i. Use of the word "odds";

ii. Rate of payment for a winning bet; and

iii. House advantage, hold, win or any like indication of the probability of winning or losing at a particular casino or casino simulcasting facility or at any authorized game;

4. The use or statement of any information, representation, or description which contrasts or compares casino licensees with regard to total payout or the information in (e)1 through (e)3 above;

5. Advertising within a casino hotel complex which violates the obscenity statutes of this State or which includes:

i. The portrayal or depiction of acts or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

ii. The portrayal or depiction of touching, caressing or fondling of the breasts, buttocks, anus or genitals;

iii. The portrayal or depiction of the pubic hair, vulva, genitals, anus, female nipple or female areola; and

6. The failure to maintain any offer for the advertised period of availability or in a quantity sufficient to meet reasonably anticipated demand.

(f) The use or statement of the following information shall be permissible with respect to all advertisements:

1. Descriptions of the games available at a licensed casino or casino simulcasting facility, or of any variation thereof which is permitted by regulation, including, but not limited to, types of wagers offered, provided, however, that no advertisement may contain information which is prohibited by (e)3 above;

2. Any special bonus payments or other approved promotional inducements;

3. The location of the casino or the casino simulcasting facility;

4. The hours of a casino's or the casino simulcasting facility's operation; or

5. Descriptions of any amenities available at a casino or casino simulcasting facility.

(g) In the event that the proponent of any advertising which is or may be subject to these regulations has a question as to the propriety hereunder or applicability hereto, or both, as the case may be, of such advertising, he may petition the commission in writing for an advisory opinion as to such propriety or applicability, or both, as the case may be.

Amended by R.1981 d.409, effective November 2, 1981.

See: 13 N.J.R. 542(a), 13 N.J.R. 780(d).

(a): deleted "and shall portray gaming as an activity conducted in an atmosphere of social graciousness". (c): added "No on-site ... city". (d)1-3 added.

Renumbered (d) and (e) as (c) and (f).

Amended by R.1991 d.467, effective September 16, 1991 (operative date for N.J.A.C. 19:51-1.2(c): January 16, 1992).

See: 23 N.J.R. 2007(a), 23 N.J.R. 2870(a).

Added new subsections (c)-(f), recodifying existing (d) as (g), in order to clarify criteria governing advertising, including prohibitions on advertising.

Amended by R.1993 d.37, effective January 19, 1993.

See: 24 N.J.R. 3695(a), 25 N.J.R. 348(b).

Casino simulcasting added.

Amended by R.1994 d.281, effective June 6, 1994.

See: 26 N.J.R. 1209(a), 26 N.J.R. 2476(b).

19:43-14.3 Commission approval

(a) All advertising or in the case of standard or recurring advertising, a sample thereof, which is directly related to casino gaming or casino gaming activity, shall be maintained by the casino licensee or applicant, or the casino service industry licensee or applicant for a period of one year from the date of placement of such advertisement. Advertising which must be maintained shall include such advertising as may have been placed for or on behalf of the casino licensee or applicant or casino service industry licensee or applicant or the junket representative licensee or applicant or the junket enterprise licensee or applicant. Advertising required to be maintained by this section shall be maintained at the principal place of business of the licensee or applicant, and shall be made available or produced for inspection upon the request of the Commission or the Division.

(b) Each casino licensee or applicant shall maintain a file containing samples of the types and forms of advertising and promotional materials not directly related to casino gaming or casino gaming activity for a period of six months from the date of placement of such advertisement or promotion. Such advertising shall be maintained at the principal place of business of the casino licensee or applicant, and shall be made available or produced for inspection upon the request of the Casino Control Commission or the Division of Gaming Enforcement.

(c) Standard or recurring advertisement for purposes of this section shall be deemed to be standard advertisements in standard formats which may be used more than once with minor changes to the copy and/or pictures in such advertisement.

Amended by R.1981 d.409, effective November 2, 1981.

See: 13 N.J.R. 542(a), 13 N.J.R. 780(d).

(a)-(c): text deleted and new text substituted therefor. (d) added.

Amended by R.1991 d.467, effective September 16, 1991.

See: 23 N.J.R. 2007(a), 23 N.J.R. 2870(a).

Section N.J.A.C. 19:51-1.3 was "Prohibited advertising of casino gaming or casino gaming activity," provisions of which are now found at N.J.A.C. 19:51-1.2. N.J.A.C. 19:51-1.4 is now recodified to N.J.A.C. 19:51-1.3.

Prior rulemaking under N.J.A.C. 19:51-1.3 is as follows:

Amended by R.1981 d.409, effective November 2, 1981.

See: 13 N.J.R. 542(a), 13 N.J.R. 780(d).

Catchline: added "of casino ... activity". (a): added "All advertising ... graciousness". (c): deleted text and (d) recodified to (c). (e) and (f): deleted.

19:43-14.4 (Reserved)

Amended by R.1991 d.467, effective September 16, 1991.

See: 23 N.J.R. 2007(a), 23 N.J.R. 2870(a).

N.J.A.C. 19:51-1.4 recodified to N.J.A.C. 19:51-1.3.

SUBCHAPTER 15. ENTERTAINMENT

19:43-15.1 Prohibited entertainment activities

(a) No motion picture shall be exhibited within any casino hotel complex either by direct projection or by closed circuit television which would be classified as obscene material pursuant to the definition contained in N.J.S.A. 2C:34-2.

(b) No live entertainment shall be permitted within a casino hotel complex which includes:

1. The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
2. The actual or simulated touching, caressing or fondling of the breasts, buttocks, anus or genitals; or
3. The actual or simulated display of the pubic hair, vulva, genitals, anus, female nipple or female areola.

19:43-15.2 Entertainment within the casino room and casino simulcasting facility

(a) No entertainment shall be offered within the casino room or the casino simulcasting facility itself, unless the casino licensee receives approval from the Commission to provide such entertainment. The casino licensee shall file a written submission with the Commission and the Division at least five days prior to the commencement of such entertainment, which submission shall include, at a minimum, the following information:

1. The date and time of the scheduled entertainment;
2. A detailed description of the type of entertainment to be offered;
3. The number of persons involved in the entertainment;