

“Secondary Lotteries”: a Type of Unlicensed Lottery

Due to a recent increase in questions about this issue, we would like to shed some light on advertising so-called “secondary lotteries”, a type of unlicensed lottery. This type of lotteries offer bets on the outcome of regular (“primary”) lotteries, sometimes implying that they are selling real participation in said lotteries.

As these types of “secondary” lotteries (as well as any unlicensed gambling service like online casinos) are illegal in many European Countries, advertising them is also considered illegal (for Germany, see Sections 4 and 5 of the Interstate Treaty on Gambling, GlüStV). Moreover, depending on the jurisdiction, this might also have criminal consequences, as participating in illegal gambling can be considered a criminal offence and, thus, advertising it might be considered instigating a crime. Lastly, this type of content might also break youth protection laws in some countries.

Hence, advertising illegal gambling services also violates the CSA Criteria as it constitutes unlawful email content (Section 4.1). CSA certified senders are therefore strongly advised to raise awareness with their customers about this issue. Please note that, of course, not all advertising for lotteries is illegal – e.g. in Germany, legal and licensed lotteries can quite easily be identified via public information such as this list by the State Gambling Supervisory Authorities

(https://innen.hessen.de/sites/default/files/media/hmdis/white_list.pdf).

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