



**National Lottery
Commission**

**Consultation on the use of gaming
and betting themes on National
Lottery Scratchcard games □□□**

Consultation Decision Document□

April 2009

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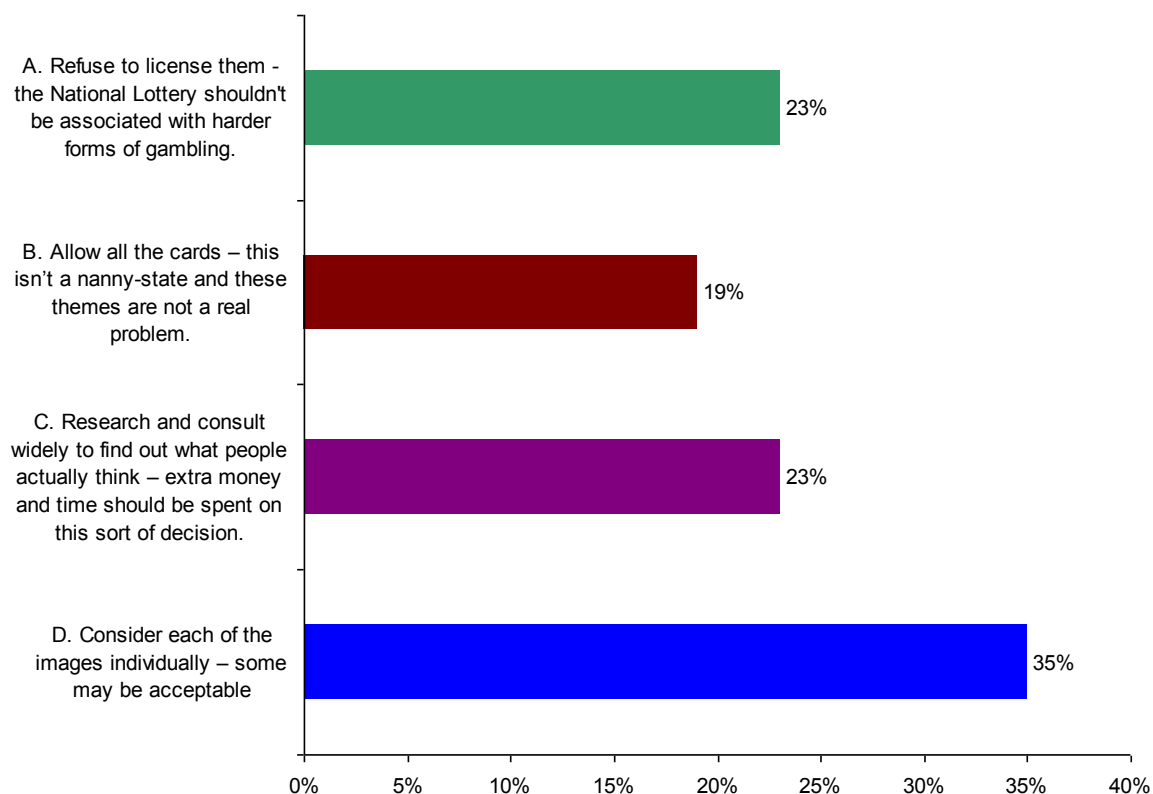
1. Introduction

- 1.1. The National Lottery Commission (the Commission) is the regulator of the National Lottery. Under Section 4 of the National Lottery etc Act 1993 (as amended) it has a duty to exercise its functions in a manner most likely to secure:
 - That the National Lottery is run, and every lottery that forms part of it is promoted, with all due propriety;
 - That the interests of every participant in a lottery that forms part of the National Lottery are protected; and
 - Subject to these two duties, to do its best to secure that the net proceeds of the National Lottery are as great as possible.
- 1.2. There are currently three different types of game within the portfolio of National Lottery games. These are:
 - Draw-based games, which are available to play at retail outlets, through subscriptions and through the National Lottery interactive services, such as Lotto, Thunderball and EuroMillions;
 - Interactive instant win games (IIWG), which are available to registered players via the National Lottery website; and
 - Scratchcard games, which are available from retail outlets.
- 1.3. The Commission has granted a class licence under Section 6 of the National Lottery etc. Act 1993 (as amended) to Camelot Group plc to promote Scratchcard games. The licence sets out requirements that each game must meet. Under the licence, no Scratchcard game should include a reference to, or visual representation of, any form of gaming or betting, unless the Commission has approved a particular design.
- 1.4. The Commission launched a public consultation on 15 May 2008 to seek views on the use of gaming and betting themes on National Lottery Scratchcard games.
- 1.5. The Commission is seeking to establish a clear and concise approach to the use of such themes, going forward, in order to provide protection for players and transparency for the operator.

2. Public consultation day

- 2.1 In March 2008, the Commission held a public consultation event involving a representative sample of the general public. Among other things, the event was designed to use deliberative techniques in order to gauge the public's expectations of the Commission, based on an understanding of its role and the legal, financial and political constraints within which it operates. Participants were asked how the Commission should react to a situation in which gaming images were used on National Lottery Scratchcards. Participants were given four options and their responses are summarised in the table overleaf.

Participant voting results on what the NLC should do



3. Consultation responses

- 3.1. The consultation closed on 6 August 2008, and eight written responses were received. Responses were received from the Responsibility in Gambling Trust (RIGT), GamCare, The Methodist Church, Camelot, Association of British Bookmakers (ABB), Sportech Plc and Professor David Miers (Cardiff University). One confidential response was received.
- 3.2. This document provides a summary of those responses and also addresses issues raised by respondents. In light of those responses it outlines the Commission's decision regarding the use of betting and gaming themes on National Lottery Scratchcard games.

4. General Comments

- 4.1. In its response, Camelot stated that it was unclear as to why the Commission had chosen to consult publicly on gaming and betting themes used on Scratchcard games. The Commission and Camelot have been discussing the use of gaming and betting themes on Scratchcards for some time, without reaching a satisfactory conclusion. The Commission felt it would be beneficial to consult to a wider audience of stakeholders and interested parties before taking a decision.
- 4.2. Camelot argued that '*proscribing a range of gaming and betting themes, a number of which have been used without incident in the past, is disproportionate when the*

available evidence about potential consumer detriment points in the opposite direction.' The issue of the availability of evidence is considered in more detail in section 5, below.

- 4.3. Camelot claimed that the Commission has rejected the available evidence that shows existing player protection measures have dealt successfully with the Commission's principal regulatory concerns in respect of betting and gaming themes on Scratchcards. The Commission would point out that it has not rejected available evidence, but is consulting in order to obtain wider views on this subject before making a decision.

Questions

5. Is there any evidence, that the Commission should take account of, which suggests that the featuring of gaming themes on National Lottery Scratchcards can lead to any player detriment, for example, excessive play?

- 5.1. None of the respondents to the consultation presented any evidence to show that featuring gaming themes on Scratchcard games resulted in any form of player detriment.
- 5.2. Sportech Plc confirmed that it had used gaming themes on Scratchcards and had found no evidence of them leading to players playing excessively. No details of any research undertaken were provided. Sportech Plc also noted that slot machine themes had been used by Camelot in the past and asked what Camelot's experiences had been, in terms of player detriment. The Commission is not aware that Camelot has carried out any relevant research in this area.
- 5.3. The confidential respondent stated that gaming and betting themes are used in many jurisdictions around the world and that it believed there is no evidence to suggest that those themes lead to excessive play.
- 5.4. Camelot stated that it was not aware of any evidence which suggests that the featuring of gaming or betting themes on National Lottery Scratchcards could lead to any detriment. It claimed that of the 20 betting and gaming themed Scratchcards launched since 1995, it had identified none that had caused any player protection issues. Camelot also drew to the Commission's attention the fact that a number of other lotteries around the world use gaming or betting themes on Scratchcards without, so far as Camelot is aware, any detriment to players. No details of any research undertaken were provided.
- 5.5. Camelot stated that the games that it offers carry lower risks than harder forms of gambling and that it monitors calls made to GamCare as a result of National Lottery games and highlighted that in 2006/07 '*only 2.5% of GamCare calls related to the lottery, a reduction of 0.1% compared with the previous year*'.
- 5.6. Camelot described in its response how it uses tools to assess whether a new lottery game might encourage problem play. Whilst the Commission welcomes the use of tools to assess the possible impact new games, such tools do have limitations. For example, the Game Design Protocol tool has only been used to consider Scratchcards as a whole and generally not on a case by case basis. Therefore it does not differentiate between Scratchcards which feature gaming and betting themes and those which do not.

- 5.7. The Commission notes that Camelot made reference to Operation Child which was introduced as a licence requirement under the Section 5 licence in 1999.
- 5.8. Camelot states that the Gambling Commission's Prevalence Survey carried out in 2007 showed minimal evidence of National Lottery products encouraging problem play.
- 5.9. The Methodist Church said it could only support the use of gaming and betting themes if there was clear evidence that their use did not lead to player detriment. It was not aware of any such research being undertaken.
- 5.10. GamCare also stated that it was not aware of any evidence in this area and would welcome any future research.
- 5.11. RIGT suggested that the Commission give consideration to research on gaming themes, gaming machines and excessive play that may provide some direction and insight on Scratchcard products and excessive play.

6. Should National Lottery Scratchcard games be associated with or feature gaming or betting themes? Please explain the advantages and disadvantages as you see them.

- 6.1. Respondents were divided in their opinions as to whether National Lottery Scratchcard games should be associated with, or feature, betting or gaming themes.
- 6.2. The Methodist Church expressed concern that by using betting and gaming themes in National Lottery products, '*the lines between the National Lottery and other forms of gambling are becoming blurred*'. As such, the Methodist Church expressed a preference that betting and gaming themes be prohibited from National Lottery Scratchcards so as to maintain a clear distinction between the National Lottery and other forms of gambling. The Methodist Church expressed wider concerns about the gradual normalisation of gambling within society, leading to more people having gambling problems.
- 6.3. Sportech Plc's response questioned the Commission's principal motive in raising this question, asking whether Commission is concerned that these themes will cause a social problem i.e. excessive play, or whether the concern were more a presentational one. Sportech Plc suggested that if the former is true then it would expect the risk to be small. Sportech Plc also suggested that themes of Scratchcards are generally of little importance to the playing public. However, if the Commission's concern was maintaining the distinction between the National Lottery and other, harder forms of gambling, then it was the Commission that was best placed to answer this question.
- 6.4. ABB stated that as the National Lottery is not subject to the same regulation as other gambling products, National Lottery Scratchcard games should not show any betting or gaming products.
- 6.5. Two respondents felt the Commission should allow all types of betting and gaming themes on National Lottery Scratchcard games, stating that to date, no evidence has been identified to suggest that gaming themed Scratchcard games are harmful. Camelot highlighted that fact that the Commission has approved gaming themed National Lottery Scratchcard games since their launch in 1995, with no evidence of

harmful effects having yet emerged. Camelot attributed this fact to the effectiveness of its player protection measures, and the public's overwhelming ability to distinguish lottery products from other gaming products.

- 6.6. Camelot highlighted that one advantage of continuing to use gaming themes on National Lottery Scratchcards is that they bring balance and variety to Camelot's products. Camelot felt that the prohibition of the themes would restrict its commercial judgement to introduce products it felt will maximise sales. Camelot stated that this was inconsistent with its '*duty to maximise returns to the Good Causes*'.
- 6.7. Camelot emphasised the importance of maintaining a clear distinction between the National Lottery and other forms of gambling, and the critical importance of clearly distinguishing one form of gambling from another. It was for this reason that Camelot felt it critical that Scratchcard players were aware that they are playing National Lottery games. In making this point, Camelot referred to its own research which it claimed had shown that lottery imagery used on other gambling operators' websites can lead players to believe that they are actually playing National Lottery games. Camelot expressed concern that its own commercial flexibility may be restricted, as '*to date, the Gambling Commission has declined our repeated requests to require these operators either to stop, or at least curtail, such misleading activities*'.
- 6.8. In considering Camelot's point made at 6.6 above, the Commission would highlight that its own statutory duty to maximise returns to the Good Causes is subject to its duties to ensure that the National Lottery is run with all due propriety and that the interests of all participants are protected.

7. Has the Commission identified the most appropriate option for addressing the use of gaming or betting themes on National Lottery Scratchcards?

- 7.1. The majority of respondents felt that the proposed option in paragraph 4.8 of the consultation document (Appendix 1) was an acceptable, clear and balanced option. GamCare commented it is '*particularly pleased to see that the National Lottery Commission proposes to break away from using visual designs associated with hard gaming*'. It remarked upon the '*positive step*' in prohibiting fruit machine imagery on National Lottery Scratchcards.
- 7.2. Whilst the Methodist Church expressed a preference for an outright ban on the use of betting and gaming themes on Scratchcard games, it considered the Commission's proposals the very upper limit of what might be permitted.
- 7.3. ABB objected to the use of any betting or gaming themes in National Lottery Scratchcards, in particular, to the Commission's proposal to permit imagery relating to national sporting events such as the *Grand National*. ABB warned that '*two-speed regulation*' was distorting markets and was contrary to competition policy.
- 7.4. Camelot felt that in seeking to bring greater clarity and transparency to the process, the Commission's proposed option was inappropriate as it is a '*more restrictive position than the status quo*' and that '*such a course would impede the operator's ability to develop its optimum game plan*'. Camelot also suggested that the Commission's proposals are inconsistent with regulatory best practice principles because they do not take into account the lack of a proven direct link between gaming and betting themed Scratchcard games and problem gambling, or the fact that Camelot is a socially responsible operator.

7.5. In deciding to adopt the proposed model outlined in paragraph 4.8 of the consultation document (Appendix 1), subject to the amendment discussed in paragraph 8.2 below, the Commission has taken the above points into consideration. With regard to the absence of a proven link between betting and gaming themes on Scratchcard games and any consumer detriment, the Commission notes that there is also no evidence that gaming and betting themes do not lead to consumer detriment. The Commission therefore concludes that it should continue to take a cautious approach to the use of betting and gaming themes on Scratchcards. In response to ABB's concerns the Commission does not accept that the National Lottery is subject to less rigorous regulation, rather it considers that the National Lottery is subject to regulation which is appropriate to its status. In some cases this can be considerably more robust than the regulation of other gambling products.

8. Are the proposed exclusions appropriate, or can alternatives be suggested?

- 8.1. Whilst respondents' comments reflected their very different views, the Commission's proposed model received support from most respondents. The Commission did, however, receive some comments and suggestions on how the proposed model could be improved.
- 8.2. RIGT recommended the addition of '*named gaming machines/ category B2 (FOBT) games*' to the Commission's proposal of design characteristics not permitted on National Lottery Scratchcards.
- 8.3. GamCare questioned the reason behind the Commission's proposal to permit Bingo imagery.
- 8.4. ABB felt that the Commission's exclusions were not appropriate in that no gaming or betting themes should be permitted, and objected to the Commission's proposal to permit imagery relating to national sporting events such as the Grand National.
- 8.5. The response from the Methodist Church broadly agreed that the proposed model was appropriate, however felt that it would be preferable to exclude all betting and gaming theme imagery from National Lottery Scratchcards unless the Commission could find clear evidence to prove that the use of such imagery would not lead to increased gambling.
- 8.6. Camelot expressed its opinion that the proposed exclusions were inappropriate. While it agreed with the Commission that the present system was imperfect and time consuming, Camelot expressed a preference for eliminating '*the unnecessary layer of regulatory administration*' that would be caused by implementing the proposed model. Camelot said that it could see no rationale for the inclusion of prohibitions that had not been considered necessary in the past.
- 8.7. The Commission does not agree with Camelot's view that the proposal would create an unnecessary layer of regulation; rather it provides a set of clear criteria for the use of gaming themes. In particular, the need for the Commission's prior approval will be removed.

9. Do you have any other general or specific observations on the use of gaming or betting themes on National Lottery Scratchcards?

- 9.1. The majority of respondents highlighted the generally positive public perception of the National Lottery, with both GamCare and RIGT concluding that as a result, it would be inappropriate to align National Lottery products with betting and gaming themes. GamCare also stated that it was *'particularly pleased to see that the Commission proposes to break away from using visual designs associated with 'hard gaming''*.
- 9.2. RIGT stated that it recognised the need for clarity in maintaining the distinction between gaming and betting products and National Lottery products. RIGT also recommended that that National Lottery should avoid using themes designed to appeal to those under the age of 18.
- 9.3. Camelot also referred to the positive public perception of the National Lottery, which it considers integral to the success of the National Lottery. However, Camelot also highlighted the fact that Scratchcard games form an essential part of the National Lottery games portfolio, accounting for 21% of total weekly sales. As such, Camelot emphasised the importance of having the opportunity to enhance the appeal of Scratchcard games, which may include the occasional and responsible use of betting and gaming themes.
- 9.4. The anonymous respondent referred to detailed research conducted by the Dutch Lottery Operator, 'De Lotto'¹ and said that this demonstrated that whilst Scratchcard games may be appealing to people who already enjoy all forms of gambling, they themselves do not cause problem gambling.
- 9.5. Sportech Plc highlighted the possibility that the danger of the use of betting and gaming themes on Scratchcard games may be more perceived than actual.

10. Do you think that the Commission should consult on the use of gaming themes in Interactive Instant Win Games in the future?

- 10.1. The majority of respondents felt that it would be beneficial for the Commission to consult on the use of betting and gaming themes in the future. Sportech Plc emphasised its view that it was just as, if not more important, to consult on the use of betting and gaming themes in Interactive Instant Win Games. This was due to support agency findings that rapid online play poses a greater risk than other forms of gambling, although no specific details were provided.
- 10.2. The Methodist Church said that it supported the current situation, whereby the use of betting and gaming themes in Interactive Instant Win Games was prohibited. As such, the Methodist Church did not feel that the Commission should consult on this matter.
- 10.3. Whilst Camelot did not express an opinion on whether or not the Commission should consult on the above matter, it did express an interest to hear, in greater detail, the basis for the Commission's concerns on Interactive Instant Win Games. The Commission's view is that the use of soft gaming themes could result in National Lottery Interactive Instant Win Games bearing a closer resemblance to other online

¹ ('Are Scratchcards addictive? The prevalence of pathological Scratchcard gambling among adult Scratchcard buyers in the Netherlands – Laura DeFuentes-Merillas et al 2003')

gaming products; thus blurring the boundaries between lottery games and forms of gaming

11. Conclusions

- 11.1. The Commission has carefully considered the information it has received, both the formal responses to its consultation and the feedback from participants during the public consultation day. The views expressed have been diverse with no clear consensus emerging.
- 11.2. The Commission acknowledges that there is a lack of evidence available which suggests that the use of gaming and betting themes on Scratchcards leads to consumer detriment, such as excessive play. However, it notes that there is also no evidence to suggest that the use of gaming and betting themes on Scratchcards does not lead to consumer detriment. The Commission considers that there is scope for further research to be undertaken.
- 11.3. The Commission agrees that there is a need to maintain the clear distinction between the National Lottery and other forms of gambling. For this reason, and given its concern that there may be risks associated with the use of gaming and betting themes, until further evidence is available the Commission has concluded that it should adopt a cautious approach and permit the use of gaming and betting themes only in limited circumstances.
- 11.4. The Commission does not consider its proposal to be highly restrictive in that the proposed option would have prohibited less than 5% of game designs since the launch of National Lottery Scratchcard games in 1995 and it would have been possible to launch alternatively themed games. Rather than resulting in an administrative burden on the operator, the Commission believes that a standard set of clear criteria for the use of betting and gaming themes on National Lottery Scratchcard games will provide certainty and thus reduce the regulatory burden.
- 11.5. The Commission agrees that the inclusion of '*named gaming machines/ category B2 (FOBT) games*' as per RIGT's suggestion, would give greater clarity to the Commission's position and will adapt its proposal to take this into account. The Commission believes that Bingo, as an example of softer gaming continues to be suitable for use on National Lottery Scratchcards. The Commission considers that national sporting events, such as the Grand National, have wider associations than gambling and that it is therefore appropriate to permit their use.
- 11.6. The Commission believes that the additional observations provided by respondents reinforce the decision to adopt the proposed option set out at 4.8 of the consultation (Appendix 1) subject to the inclusion of Fixed Odds Betting Terminals (FOBTs). The Scratchcard Class Licence contains a provision that prohibits the launch of any Scratchcard game that particularly appeals to under 16s, the minimum age of permitted play.
- 11.7. The Commission considers that National Lottery games which are played interactively more closely resemble other gambling products. It believes that if such games were permitted to feature gaming or betting themes, there could be potential for player confusion. Should the Commission receive a request from Camelot to feature gaming and betting themes on Interactive Instant Win Games, it will consult publicly on the question.

- 11.8. On the basis of the responses received and all the available information, the Commission has decided to proceed on the basis of the proposal set out at 4.8 of the consultation (Appendix 1), subject to the modifications suggested by RIGT and a further clarification of the use of horse racing themes.
- 11.9. The Commission's new approach is shown in the table below and will be implemented following publication. A review of this position will take place in April 2011.

Summary of the National Lottery Commission's position on gaming and betting themes on National Lottery Scratchcards.

Theme	Imagery permitted	Imagery not permitted
Cards	Playing cards	Reference to, use of play mechanics, words associated with or representations of casino card games such as poker, blackjack or baccarat
Dice	Dice	Reference to, use of play mechanics, words associated with or representations of casino dice games such as craps
General Casino Imagery	None	Reference to, words associated with or representations of casino imagery such as but not limited to green baize, croupiers or roulette wheels
Gaming Machines	None	Reference to or representations of gaming machines such as but not limited to fruit machines and category B2 (FOBT) machines
Bingo	All features of the game	Not applicable
Horse racing	National events such as 'The Grand National'	Other reference to, words associated with or representations of horse racing/greyhound racing in general, bookmakers or betting products



Appendix 1

Consultation on the use of gaming and betting themes on National Lottery Scratchcard Games

1. Introduction

- 1.1 The National Lottery Commission would like to understand views on the use of gaming and betting themes on National Lottery Scratchcard games, to help formulate its policy in this area going forward. This consultation paper sets out the background, the issues we have identified and the questions that we would like respondents to consider. Responses should be submitted by 06/08/2008 as set out in Section 6.2.
- 1.2 The National Lottery was established in 1994, since then it has raised in excess of £20 billion for good causes. Key to the success of the National Lottery is that it inspires confidence among players and other stakeholders, that all aspects of the Lottery are run properly and fairly and that the interests of players are protected.
- 1.3 The National Lottery Commission is the regulator of the National Lottery and has a statutory responsibility to exercise its functions in a manner most likely to secure:
- that the National Lottery is run with all due propriety;
 - that the interests of participants are protected; and
 - subject to these duties that the net proceeds of the National Lottery are as great as possible.
- 1.4 The National Lottery Commission has granted a licence under section 5 of The National Lottery etc. Act 1993 (as amended) (the Act) to Camelot Group plc to operate the National Lottery. This current licence extends until 2009¹. The Commission has also granted licences under section 6 of the Act to promote individual National Lottery games.
- 1.5 The Commission is considering the extent to which it is appropriate that National Lottery Scratchcards use designs or imagery which reflect gaming or betting products.
- 1.6 In section 4 of this paper the Commission sets out the options it has considered and proposes to permit the use of “soft” gaming themes which do not feature particular prohibited characteristics.

¹ Camelot, subject to meeting the requirements of the Enabling Agreement, will continue to operate the National Lottery after 2009 under the terms of a new section 5 and section 6 licences, including licences for Scratchcards.

1.7 Views on this proposal and the other options discussed in this paper would be welcome. The Commission will then publish a summary of responses and its final conclusions.

2. Background

2.1 There are currently three different types of game within the portfolio of National Lottery games. These are:

- draw-based games, which are available to play at retail outlets, through subscriptions and through the National Lottery interactive services, such as Lotto, Thunderball and EuroMillions;
- interactive instant win games (IIWG), which are available to registered players via the National Lottery website; and
- Scratchcard games, which are available from retail outlets.

2.2 Scratchcard games are licensed in one of two ways:

- The section 6 class licence for Scratchcard Games. Where a game complies with criteria set out in the section 6 Scratchcard class licence, it may be launched for sale without the prior approval of the Commission. The current class licence was granted on 1 April 2005 and will expire on 31 January 2009. Under this licence, among other things, the Operator is required to adopt, maintain and comply with a Code of Practice on the Design of Scratchcard Games.
- A game may be individually licensed by the Commission, following an application from the operator. Generally such licences apply to games with new or unusual features.

2.3 The Code of Practice on the Design of Scratchcard Games specifies that Scratchcard games are designed so that no reference is made in a game, nor visual representation in any game design, of "...unless the Commission approves a particular design, any form of gaming or betting".

2.4 The purpose of this consultation paper is to consider the circumstances in which the Commission should approve references to gaming or betting themes in the design of Scratchcard games.

3. Gaming and Betting Themes

3.1 The Commission is concerned about the use of gaming or betting themes on National Lottery games for two reasons:

- to avoid the potential for licensing games which may contribute to excessive play; and
- to maintain the clear distinction between gaming and betting products and the National lottery.

3.2 As set out above the use of gaming or betting themes on Scratchcards is prohibited without the prior approval of the Commission.

3.3 Since 1995 the Commission has approved some gaming themed Scratchcards. Games have been launched under the class licence, as well

as being granted individual licences. Each request for approval has been considered on its individual merits. Examples of these games are attached at appendix 1.

- 3.4 The Commission believes that the current arrangements are unsatisfactory because there is a lack of transparency of the Commission's rationale for decisions to approve gaming themes and that such a lack of clarity provides uncertainty for the operator in developing its game plan.
- 3.5 In contrast to the situation in relation to Scratchcards, currently the Code of Practice in the Section 6 class licence for Interactive Instant Win Games forbids any reference in game play to gaming or betting. This is because the Commission believes that there is scope for greater confusion as IIWG could be designed to more closely resemble other on-line gaming products. The Commission is interested to know whether we should consult on IIWG in the future.

4 Options considered

- 4.1 The Commission has considered three options for the treatment of gaming and betting themes on Scratchcards:
- prohibition of all gaming and betting references
 - permission for any gaming and betting references
 - permission for the use of “soft-gaming” themes which do not feature particular prohibited characteristics
- 4.2 In considering these options the Commission has taken into account that research to date indicates that the public perception of the National Lottery is that it is considered to be more socially acceptable than other forms of gambling².
- 4.3 The Commission notes that there is no evidence of a direct link between gaming themed Scratchcards and excessive play, although we are not aware that this has been specifically researched.
- 4.4 The Commission is mindful of the full range of player protections that are in place at the time a Scratchcard is sold.
- 4.5 The Commission has concluded that, while it may provide the highest level of player protection, to prohibit all gaming and betting references is unnecessarily restrictive. It considers that the difference between a National Lottery Scratchcard and gaming or betting products is generally sufficiently clear to make the risk of confusion for players minimal. While this is the case, given the lack of clear evidence on the effect of such themes, the Commission does not presently support a general permission to use these freely.

² Lepper, John, Hawkes, Deborah (2007): “Gender and the jackpot, women, men and the National Lottery. A report by John Lepper and Deborah Hawkes based on data collected by Simpson Carpenter. National Lottery Commission, London, November; and Casey, Emma (2007): “Women and National Lottery Play”, National Lottery Commission, London, October

- 4.6 The Commission therefore proposes to permit the use of “soft” gaming themes on a National Lottery Scratchcard game provided that the Scratchcard does not include design characteristics featuring:
- imagery or wording associated with, or any representation of casinos or casino games including, but not limited to, roulette, poker, blackjack, baccarat, keno and, craps;
 - imagery or wording associated with, or any representation of bookmakers or betting products;
 - Imagery or wording associated with, or any representation of, fruit machines.
- 4.7 The Commission proposes to continue to permit the more general use of images of playing cards and dice (but not casino chips). In addition, the Commission would continue to permit references to national sporting events, such as the ‘Grand National’, subject to 4.6 b above.
- 4.8 In practice this would result in the following approach :

Theme	Imagery permitted	Imagery not permitted
Cards	Playing cards	Reference to, use of play mechanics, words associated with or representations of casino card games such as poker, blackjack or baccarat
Dice	Dice	Reference to, use of play mechanics, words associated with or representations of casino dice games such as craps
General Casino Imagery	None	Reference to, words associated with or representations of casino imagery such as but not limited to green baize, croupiers or roulette wheels
Fruit Machines	None	Reference to or representations of fruit machines
Bingo	All features of the game	Not applicable
Horse racing	National sporting events such as ‘The Grand National’	Other reference to, words associated with or representations of horse racing/greyhound racing in general, bookmakers or betting products

- 4.9 This option has the advantage of minimising potential harm to players, while providing the operator with the scope to design and plan for games with a clear understanding of the constraints that will apply.

- 4.10 The Commission would amend the Class Licence to reflect the option, were it to be implemented.

5. Questions for respondents

- 5.1 Respondents to the consultation paper are asked to address the following questions:

- 5.1a *Is there any evidence, that the Commission should take account of, which suggests that the featuring of gaming or betting themes on National Lottery Scratchcards can lead to any player detriment, for example excessive play? Please cite research to support your views if possible.*
- 5.1b *Should National Lottery Scratchcards be associated with or feature gaming or betting themes? Please explain the advantages or disadvantages as you see them.*
- 5.1c *Has the Commission identified the most appropriate option for addressing the use of gaming or betting themes on National Lottery Scratchcards?*
- 5.1d *Are the proposed exclusions appropriate, or can alternatives be suggested?*
- 5.1e *Do you have any other general or specific observations on the use of gaming or betting themes on National Lottery Scratchcards?*
- 5.1f *Do you think the Commission should consult on the use of gaming themes in Interactive Instant Win Games in the future?*

6. Next Steps

- 6.1 The Commission welcomes views from all interested parties on the proposal contained in this paper. Respondents are asked to respond to the questions set out at paragraph 5.1

- 6.2 Responses and timetable

Responses to this paper should be submitted by 06/08/2008. We would prefer to receive responses by email to:

Matthew Daykin, email: m.daykin@natlotcomm.gov.uk

If you would prefer to post your response, please send it to:

M Daykin
National Lottery Commission
101 Wigmore Street
London
W1U 1QU

The Commission will only use the information you give for the purpose of the consultation. We may contact you to reply to your enquiry or if we need any further information. We will publish your response unless it is marked confidential.

Appendix 1

Examples of previous licensed gaming themed Scratchcards

2006

- Aces High – launched under the class licence



2005

- 3 x Lucky - launched under the class licence



- Money Spinner - launched under the class licence



2004

- High Stakes - launched under the class licence



- Money Machine - launched under the class licence



- Cash Roll - launched under the class licence



2003

- Lucky Roll - launched under the class licence



- Hot Cards - launched under an individual section 6 licence



2002

- High Card – launched under an individual section 6 licence



- Fruit Pursuit - launched under an individual section 6 licence



2001

- Lucky Roll - launched under an individual section 6 licence



1995

- Aces High - launched under an individual section 6 licence

