

*** The following is a summary, compiled from the statutes and regulations from the corresponding government websites. It is meant as a guide to assist in placing campaigns related to online gambling advertising. It is recommended that the official legislation and legal counsel be consulted before undertaking or accepting any advertising for all purposes of interpretation and application of the law.*

Governed by the Canadian Criminal Code, federal jurisdiction.

The *Criminal Code of Canada (Code)* defines what types of gaming activities are illegal in Canada, and the provinces are assigned responsibility to operate, license and regulate legal forms of gaming.

Part VII of the Code prohibits gaming in general, while section 207 allows for a number of exceptions to the general prohibition. Specifically, it permits "lottery schemes" provided that they are:

- Lottery schemes "conducted and managed" by the province in accordance with any law enacted by that province
- Lottery schemes "conducted and managed" by a licensed charitable or religious organization pursuant to a license issued by a provincial authority, provided that the proceeds of the lottery scheme are used for a charitable or religious purpose
- Lottery schemes "conducted and managed" by a licensed board of a fair or exhibition or by an operator of a concession leased by that board

Canadian laws allow provincial governments to conduct and manage lotteries and games of chance that are operated on or through a computer, such as Internet casinos; however, in most circumstances, it is a crime in Canada for anyone else to run an online gaming operation.

Advertising of online gaming services, involving the exchange of money, according to Canadian authorities is illegal. There are some who disagree citing loopholes like the location of the hosting server, while deemed illegal by the attorney general, no legal action has been taken. There are not many media outlets who would risk criminal prosecution to test the validity of this position.

Based on member company experience, advertising promoting the following appear to be acceptable, but do not constitute official gambling sites:

- Free game play websites
- Promoting gaming websites ending in ".net"
- No official documentation was found to support this

For detailed information, visit:

- **Part VII, Sections 201, 206 and 207 of the Canadian Criminal Code:**
- <http://laws-lois.justice.gc.ca/eng/acts/C-46/page-88.html#h-64>

Amendments current as of: August 2011

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