

In a glimpse

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Regulation of gambling advertising in France in 2024

In France, commercial gambling operations are subject to a system of derogation from a general principle of prohibition, in accordance with Article L320-1 of the Public Safety Code (PSC), as the gambling sector is “neither an ordinary commerce nor an ordinary service” (Article L320-2 of the PSC). This unique status of gambling justifies the prohibition of the sale and free supply to minors of any gambling operations. Public health considerations have long been the reason for a monopoly system, imposing a host of preventive obligations on gambling operators.

With the opening of the online gambling market, established by [Law No. 2010-476 of 12 May 2010](#), the legislators sought to regulate more effectively the whole sector, with the dual aim of controlling legal competition through a limited and authorised legal market and protecting vulnerable individuals, such as problem gamblers and minors. As a result, preventive obligations have been extended, with the incorporation or consolidation of the measures of moderation, voluntary exclusion or self-exclusion for problem gamblers.

In 2020, [Decree No. 2020-1349 dated 4 November 2020](#) established the National Gambling Authority (ANJ) as the administrative authority responsible for overseeing the entire gambling sector and also introduced regulations on the relevant media and content of commercial communications promoting gambling. In particular, this decree required the inclusion of a warning message and clearly defined prohibited subjects with regard to minors and problem gamblers. All these content-related restrictions apply to the broad category of “commercial communications” i.e. all forms of advertising intended to promote gaming services directly or indirectly.

The purpose of this briefing note is to summarise the legal framework regulating gambling advertising in force in France in 2024, in order to protect the French population from problematic practices. It first outlines the main preventive measures defined by lawmakers for the purpose of protecting vulnerable groups. Then, the paper addresses the specific regulation applicable to commercial communications by gambling operators. In the interests of brevity, it focuses on the realm of advertising without considering other forms of marketing, such as sponsorship or promotions. In addition, the briefing note describes the roles of the two bodies overseeing the enforcement of this legal framework (ANJ and the Regulatory Authority for Audiovisual and Digital Communication, Arcom). Finally, it provides a summary of the recommendations made to the gambling sector by these regulatory authorities and the main self-regulatory body (French advertising self-regulatory organisation, ARPP)

The analysis the French regulatory framework of gambling advertising was a necessary prerequisite for conducting a qualitative analysis of the content of a corpus of advertisements promoting sports betting.

- Gambling activities have been recognised by lawmakers as a 'non-ordinary' sector.
- Their legal operation is only permitted by way of a derogation granted to authorised operators and is intended to protect vulnerable individuals.
- With the opening up of an online market, gambling has become more accessible and advertising has been used extensively.
- The main preventive measures with regard to gambling are prohibition of sales and advertising aimed at minors, as well as restrictions in these areas concerning problem gamblers.
- Under French law, a warning on gambling-related risks is mandatory for any commercial communication.
- References to minors, the world of minors, and the encouragement of excessive gambling are strictly prohibited in commercial communications.