

**NEW YORK STATE GAMING COMMISSION  
AMENDMENT OF SECTION 5115.6 OF  
NEW YORK CODES, RULES AND REGULATIONS  
TITLE 9, SUBTITLE T, CHAPTER IV, SUBCHAPTER A**

Pursuant to the authority granted by Section 104 of the Racing, Pari-Mutuel Wagering and Breeding Law and Sections 1604 and 1617-a of the Tax Law, the New York State Gaming Commission hereby promulgates this amendment of Section 5116.6 of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York, to read as follows:

**§ 5116.6. Advertising.**

(a) Advertising generally.

(1) The content or concept of all advertising and any advertisement shall be provided as prescribed by the commission.

(2) A video lottery gaming agent shall be responsible for all advertising and advertisements that are made by the agents or representatives of such video lottery gaming agent, regardless of whether the video lottery gaming agent participated directly in such advertising's development, preparation, placement or dissemination.

(3) Issuance of a video lottery gaming agent license pursuant to these regulations permits conducting video lottery gaming in a manner approved by the commission. Use of any name, logo or design owned by the commission or the video lottery gaming machine manufacturers without a valid license may constitute a violation of Federal and State copyright and trademark laws. Permitted use of the logo by a licensee must be in compliance with approved guidelines.

(b) Criteria governing advertising.

(1) Approved advertising criteria shall be published from time to time by the commission.

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

(i) The use or statement of any information, representation, or description that contrasts or compares video lottery gaming agents or facilities with regard to total payout.

(ii) The failure to maintain any offer for the advertised period of availability or in a quantity sufficient to meet reasonably anticipated demand. Should anticipated demand be exceeded, items of equal or greater value may be substituted on notice to the commission.

(3) No video lottery agent located within the geographic area defined by:

(i) to the east, State Route 14 from Sodus Point to the Pennsylvania border with New York;

(ii) to the north, the border between New York and Canada;

(iii) to the south, the Pennsylvania border with New York; and

(iv) to the west, the border between New York and Canada and the border between Pennsylvania and New York,

is permitted to use the terms “slots,” “slot machines,” and “casino” or “casinos” for marketing or other purposes.