

MASSACHUSETTS GAMING COMMISSION PUBLIC MEETING #190

May 10, 2016 1:00 p.m. **Massachusetts Gaming Commission** 101 Federal Street, 12th Floor Boston, MA





NOTICE OF MEETING and AGENDA

May 10, 2016

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, notice is hereby given of a meeting of the Massachusetts Gaming Commission. The meeting will take place:

> Tuesday, May 10, 2016 1:00 p.m. **Massachusetts Gaming Commission** 101 Federal Street, 12th Floor Boston, MA

PUBLIC MEETING - #190

- 1. Call to order
- 2. Social Gaming Informational Session
 - a. Introduction Executive Director Edward Bedrosian
 - b. Timothy Loew, Executive Director MassDiGI and Monty Sharma, Managing Director - MassDiGI
 - c. Luc Delany, Chief Executive Officer International Social Games Association (ISGA)
 - d. Keith Whyte, Executive Director National Council on Problem Gambling
- 3. Other business reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that on this date, this Notice was posted as "Massachusetts Gaming Commission Meeting" at www.massgaming.com and emailed to: regs@sec.state.ma.us, melissa.andrade@state.ma.us.

Commissioner Lloyd Macdonald, Secretary

Date Posted to Website: May 6, 2016 at 1:00 p.m.



Biographies

Timothy Loew

Timothy Loew is Executive Director of MassDiGI. Prior to founding and starting up MassDiGI, Loew, an experienced administrator, held senior positions in business, development and academic planning at Becker College. Before Becker, he worked in financial services and as an independent management consultant to clients in the technology sector. He is an appointed member of the MA Creative Economy Council.

Monty Sharma

Monty Sharma is Managing Director of MassDiGI. Prior to joining MassDiGI, Sharma, a respected game industry and technology professional, was co-founder/general manager of Vivox, a voice chat service provider in the games industry with key relationships to EA, Sony, Ubisoft, Nexon, Bigpoint and many others. Before Vivox, he held senior positions at Jamcracker, Novell and MT&T.

Luc Delany

Luc Delany is the CEO of the ISGA. Delany is also the Founder and CEO of Delany & Co, a public policy and communications agency. He is a former policy executive at Google and Facebook, a Fellow of the British American Project, and sits on the University of Maastricht External Advisory Board of the Faculty of Arts and Science.

Keith Whyte

Keith Whyte became the Executive Director of the National Council on Problem Gambling (NCPG) in October 1998. NCPG is the national advocate for programs and services to assist problem gamblers and their families. Previously, Whyte served as Director of Research for the American Gaming Association where he was responsible for research and public policy issues, including problem gambling. His prior experience includes the American Bar Association's Section of Individual Rights and Responsibilities where he dealt with policy issues relating to civil rights, human rights, healthcare, and immigration law. He began his career working on healthcare policy in the office of the Assistant Secretary for Planning and Evaluation at the U.S. Department of Health and Human Services.





About the video game industry

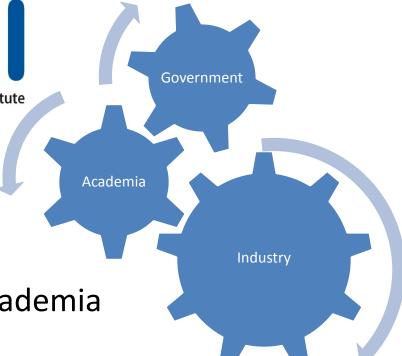
MGC

May 2016 Boston, MA





- About MassDiGI
 - Based at Becker College
 - Exercise in leadership
 - Private, public sectors & academia
 - Established in April 2011
 - Statewide center for academic cooperation, entrepreneurship & economic development
 - EDA University Center
 - New Ventures Center (2017)





- MassDiGI Mission
 - Prompt collaboration among academia, industry & government
 - Strategically foster growth & development
 - Promote & enhance initiatives between higher education & business that enhance the industry cluster



- MassDiGI Programs & Services
 - Business & workforce development
 - Game Challenge
 - Summer Innovation Program
 - LiveStudio
 - Mentoring
 - Education & research
 - Outreach & industry marketing
 - Practices, policy & advocacy







- The Game Industry Landscape
 - Overall digital economy, \$100T by '25 (WEF)
 - North American game sales \$25.4B in '16
 (NewZoo)*, 42k direct employees in 36+ states in '14 (ESA)
 - Global sales \$99.6B in '16, \$113.3B by '18 (NewZoo)
 - Much larger than the music industry, domestic box office
 - Over 150 companies in MA, approx. 4,000 direct and indirect employees

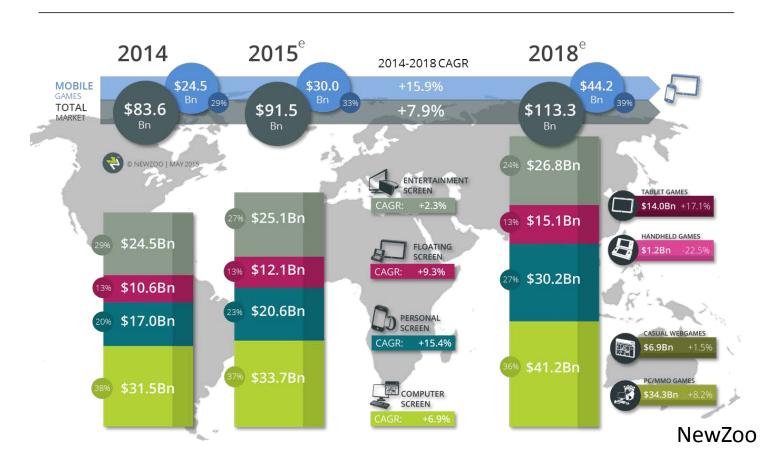


- The Opportunity
 - Ubiquitous & pervasive technology
 - Creative, innovative & inventive
 - Global markets
 - Vast potential for growth & expansion



The Global Games Market | 2018

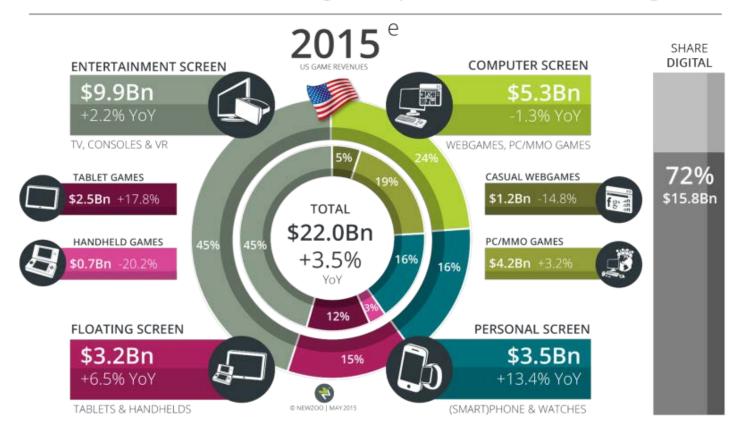
Revenues Per Screen & Segment | Growth Rates 2014-2018



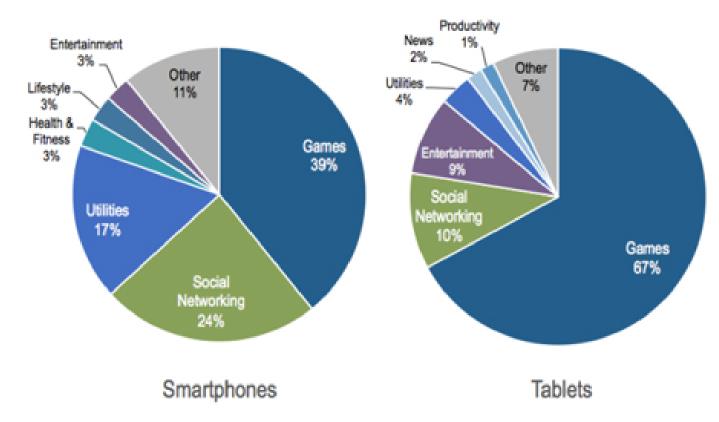


The US Games Market | 2015^e

Revenues Per Screen & Segment | YoY Growth & Share Digital







 Games generated approximately 85 percent of mobile app market revenue in 2015 (AppAnnie)



63%

of U.S. households are home to at least one person who plays video games regularly (3 hours or more per week)

There are an average of



in each game-playing U.S. household

65%

of U.S. households own a device used to play video games

"Games as a form of media will undoubtedly have taken on a range of new meanings in ten years, but play will always be the engine that drives their engagement. I think we'll see playful systems underlying new designs in human centered activities like healthcare, communications, and of course, learning."

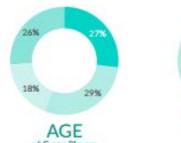
-Katie Salen, Chief Design and Research Officer, Institute of Play

48%

of U.S. households own a dedicated game console







of Game Players 27% under 18 years 29% 18-35 years 18% 36-49 years

26% 50+ years



59% male 41% female



The most frequent FEMALE GAME PLAYER is on average 44 years old and the average MALE GAME PLAYER is 35 years old

Women age 18 or older represent a significantly greater portion of the game-playing population (31%) than boys age 18 or younger (17%)

THERE IS AN EQUAL DISTRIBUTION OF FEMALE VIDEO GAMERS IN AGE:

 50%
 50%

 35 and Under
 Older Than 35

The average number of years gamers have been playing video games: 13

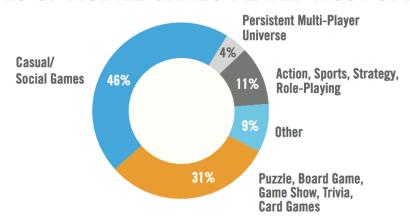
FSA



What are social games?

 Commonly referred to playing online/mobile games that allow or require social interaction between players

TYPES OF MOBILE GAMES PLAYED MOST OFTEN:





- Key considerations in social gaming
 - Retention Day 7 >30%
 - Viral growth versus cost per install K factor
 - Retention = revenue
- Developers focus on
 - Engaging users over the long term
 - Connecting their friends and/or competitors via leaderboards
 - Constant analysis of players





- Things we have learned
 - Brand matters
 - Advertising drives growth
 - Whales (top 5% of spenders) 2/3 males, 30 and
 play 26 hours a week





Thank you

timothy.loew@massdigi.org monty.sharma@massdigi.org

www.massdigi.org
Follow us on Twitter @mass_digi
Like us on Facebook/massdigi



Social Games

Luc Delany
CEO
International Social Games Association



Social Games: a snapshot

- A rapidly growing form of entertainment consumption tied to internet and mobile growth
- Over 750 million people play social games worldwide
- Social games are consistently the most popular form of App on the Apple
 App Store and the Google Play store
- US at the forefront estimated that over 155 million Americans play video games - a significant proportion are social games (ESA 2015)



International Social Games Association

- Global non-profit trade association established to provide a unified voice for the social games industry on social, commercial, legal and regulatory issues
- Represents a cross section of social games businesses, from boutique start-ups like Abzorba and Plumbee to established players such as Playtika and Zynga
- Committed to:
 - Researching and understanding social game play
 - Working with Policy Makers for balanced and proportionate rules
 - Upholding Industry Best Practice
 - Promoting safe and responsible gameplay smartsocialgamers.org



Section 1- About Social Games

ISGA

About Social Games: A little history

- Games innovation has always followed technological innovation
- Social games are just a recent part of the history of games
- The first interactive games were the pinball machines of the 1930s, based on the game of Bagatelle
- More advanced versions of pinball were developed over time to include bumpers, flippers, two player games and in 1966, digital scoring
- That gave way to the arcades of the 1970's and 1980's with games like PacMan and Space Invaders
- Personal computer games and game consoles (Xbox, Playstation, Wii) followed in the 1990's and early 2000's
- Miniaturisation of devices, mobile internet, smartphones and social networks have led to changing patterns of media consumption including social games

ISGAWhat are Social Games and who plays?

- Social, casual, mobile games are quick to learn and play
- Part of changes in consumer preference towards shorter, "bite-sized" video game experiences on mobile or tablet device
- Primarily based on the freemium monetization model:
 - Access and play is free, with certain additional and special features available for a fee (in-game purchases)
 - The vast majority of players (95-99%) spend no money whatsoever.
 - Average paying player spends \$7.20 per month
- Well known examples include Farmville, Candy Crush and Angry Birds.
- People of all ages and genders play (with variation across genre)



What are Social Casino Games?

- A popular genre of social games often called "social casino" or "casinostyle" games
- Takes inspiration from well-known games that are often found in real money casinos (such as slots) and delivers them in the innovative way in terms of social mechanics, design and gameplay that is typical of social games
- Examples include Mirrorball Slots (Plumbee) and Slotomania (Playtika)
- These games involve <u>no</u> gambling

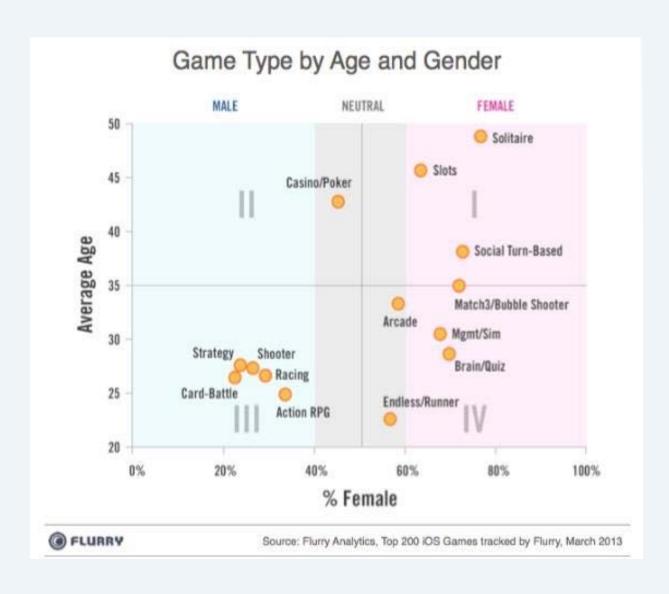
ISGA

Social Casino Games are not gambling

- Gambling requires consideration, chance, and prize
- Social games:
 - No requirement to pay to play (no consideration)
 - 95-99% of players do not pay to play
 - Average monthly spend of payers: \$7.20
 - No tangible reward available (no prize) from game play
 - Games are based on virtual credits which have have no use or value outside of the game. It should be emphasized that you cannot, at any time, exchange or trade these features for real money or items of real world value
 - Generally both found in standalone apps on digital platforms (such as Facebook, iOS or Android) and not connected to RGM opportunity other than a limited set of games used for marketing purposes— "Play for Fun"



Who plays Social Casino Games?





Who plays Social Casino Games?

We now have a wealth of data, which makes clear that social casino games do not have a young demographic

- Social casino games are renowned amongst developers and market analysts for appealing to a middle aged and older demographic (this is in part why they have proved a stable genre in terms of monetization)
- **UK Gambling Commission work** data directly obtained by the UK Gambling Commission from two leading operators found that, "the number of under 18s paying to play, on an average day, was comfortably in single figures (three)." (UKGC Social Gaming Report 2015)
- Harvest Research In 2014, the ISGA commissioned a study covering in excess of 12 million players across Europe, the US and Australia and found that only 0.74% of players were under 18, and only 0.56% of this group paid to play. It is the largest data study of the sector to date



"Play-for-fun": Social Games as a Marketing Tool

- Social games give marketers an exciting way to engage and build relationships with customers
- Social games are frequently white-labeled or cross-branded for marketing
 - e.g. Angry Birds and McDonalds
- Some casino companies use social games as a tool to engage their clients outside
 of their venues. Some times referred to as "play for fun" games, these are casinostyles games located on the a brick and mortar casino's website
 - Some models involve the same games played at casinos and may share titles, icons, and game play features (including similar game math)
 - Games are based on the freemium: players play with virtual credits with no opportunity real money reward or obligation to pay to play
 - Loyalty programmes may be in pace
 - Terms of service clearly state that practice or success does not imply future success at real-money gambling
 - The use of these games for marketing purposes should differentiated from the broader social games space

Governed by an extensive consumer protection framework

- In the US, social games, like any other form of consumer activity (including video gaming and other forms of e-commerce), are subject to a wealth of federal and state consumer law
 - For example, Section 5 of the Federal Trade Commission Act and the state-by-state analogous "Little FTC Acts" cover the full gambit of consumer protection from false advertising, unfair and deceptive trade practices to fraud and data protection
 - Wide range of other Federal Regulations covering social media platforms and app stores, e.g. Facebook, Apple, Google
 - For social games, this means a particular focus on particular focus on transparency, accountability and consent in relation to monetization and in-game purchases
- Similarly, in the European Union, as an online entertainment activity and an "information society service," social games are covered by a fully harmonised framework of directives; E-Commerce, Consumer Rights, Data protection, Privacy and Unfair Commercial Practices amongst others



Section 2 – **Key Regulatory Findings**

Conclusion of the UK Gambling Commission's Scoping Review of Social Games

- **January 2015**, UKGC concluded its two year scoping review of the social games sector and says there is no "compelling reason" to impose gambling regulation on the social games
- The review was based upon a large-scale data sample from major social games companies and supplementary data on apps. It represents the most extensive government led inquiry of the social games industry to date
- The key factor cited was the extensive framework of existing consumer regulation, which already governs the sector
- Other factors include:
 - The moderate time and money spent playing by the vast majority of players
 - No increase in the proportion of young people participating in social gaming or real money gambling despite revenue growth in both industries
 - The absence of evidence that social games are a cause of RMG participation in young people, or otherwise

"We are clear there is no compelling reason at the moment to impose additional gambling regulation on the social gaming sector given that it is already subject to extensive consumer protection legislation."

"Explaining our Approach to Social Gaming" (UK Gambling Commission 2015)



Addressing Consumer Protection concerns

"Industry has made a number of engagements, which seek to address consumer concerns. The action will increase consumer confidence in the fast-growing "app" sector." (The European Commission July 2014)

- US <u>Positive reaction of the industry to</u> well publicized FTC enforcement actions against Amazon, Facebook & Google
- The major platforms now offer easy to use mechanisms for restricting or preventing unwanted in-app purchases on iOS and Android devices via the use of passwords
- <u>ISGA</u> updated our best practice principles to incorporate European guidance and were delighted to be praised at the conclusion of the EC inquiry for our principles based approach.
- US <u>Industry has been following FTC guidance</u>
- The UK Office of Fair Trading released a set of <u>principles for app based games</u>, which cover social games developers and platforms' obligations under existing consumer protection laws.
- The Consumer Protection Cooperation (CPC) Network of EU consumer enforcement authorities launched a review of concerns and published a Common Position Paper



Section 3 – Addressing Misconceptions



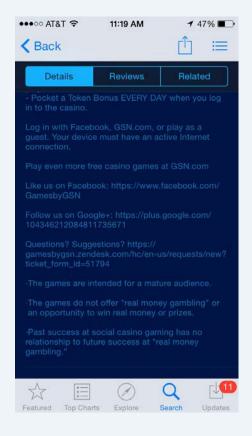
Social Casino Mechanics

- The vast majority of social casino games do not have a 'real-world' equivalent
- Social games <u>do not offer higher percentage payouts to give inflated</u> <u>expectations encourage RMG participation</u>
 - Higher percentage payouts are antithetical to freemium
 - ISGA best practice principles games must make clear that success at social casino does not mean real world success
 - A common sense distinction



ISGA Best Practice Principles

Our Best Practice Principles clearly state that: Casino style games should not deliberately lead players to believe they will be successful at real money gambling games. This reflects an industry norm in app stores as well as terms of service.



*ISGA represents 82% of Social Casino Genre



Youth gambling and problem gambling

- There is no evidence that social casino games are a cause of gambling in young people.
 Evidence suggests that rates have declined whilst the social games industry has increased in popularity
 - In the UK recent gambling behavior reports show that rates of underage gambling participation have declined in the UK between 2007 and 2014. This is during a period when the social games phenomenon has increased in popularity (CAP and BCAP Gambling Review (2014) – see pp. 24 -25
 - (The 2012 Health Survey for England found measures of the 0.5 and 0.4 percent rates
 of problem gambling in 2012. The 2010 British Gambling Prevalence Study (BGPS)
 found through the same DSM-IV and PGSI screening methods that problem gambling
 was 0.9 percent and 0.7 percent)
 - The most recent the most recent national replication survey in the US shows that problem gambling rates have continued to remain stable (Gambling and Problem Gambling in the United States: Changes Between 1999 and 2013, Welte et al)

ISGA

Summary

- Social games are a popular form of entertainment, enjoyed by hundreds of millions of people worldwide
- Social Casino is popular genre of social games, popular with an older demographic
- Social games can be used for marketing
 - Social Casino games used to market brick-and-mortar casino games are referred to as "Play-for-fun"
 - Whether any oversight of "Play-for-fun" is necessary or not is based on a jurisdiction by jurisdiction basis
- Between 95%-99% of players spend no money whatsoever to participate.
- The average monthly spend of payers is \$7.20
- Games are governed by a comprehensive framework of federal and state consumer protection law
- The ISGA has been working with regulators worldwide on best practice standards to address issues that have arisen



Social Casino Gaming: Concerns & Solutions

Massachusetts Gaming Commission

May 10, 2016 Keith Whyte, Executive Director

About NCPG

- National advocate for programs and services to assist problem gamblers and their families
- NEUTRAL on legalized gambling
- Founded in 1972
- Affiliate, Individual & Organizational members
- Lead state and national stakeholders in the development of comprehensive policy and programs for all those affected by problem gambling

What is Social Casino Gaming?

Gambling games that include at least one but not all three elements (prize, chance or consideration) of legal gambling.

Models:

- FTP or freemium, sweepstakes (consideration)
- Reflexive/adaptive (chance)
- Play for fun (prize)

Social Casino Gaming Data Points

- Gainsbury, King & Delfabbro studies
- ISCA research
- UKGC work
- Industry & analyst information
- Direct calls for help
 - Caller was executor of his mother's estate. In the 5 years between getting a PC and her death she racked up \$20,000 in credit card debt on a popular SCG site.

ISGA Says:

- Social casino: Resemble games typically found in a casino. An important feature of social casino style is that they are not real casino or gambling games: players can't win or lose money in these games. Notable examples include: Texas HoldEm Poker, Slotomania and Big Fish Casino.
 - http://smartsocialgamers.org/the-basics/

Concern Categories

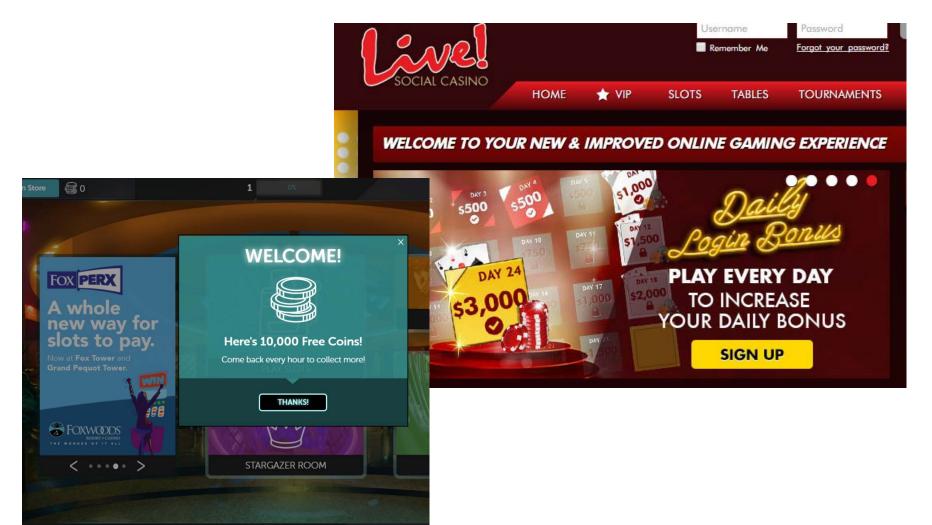
- Problem gambling-type risks (people spending too much time and money)
- Transitional risks (increased participation in real money gambling, especially in relation to young people)
- Consumer protection-type risks (lack of transparency, no regulation)

Problem Gambling Risks

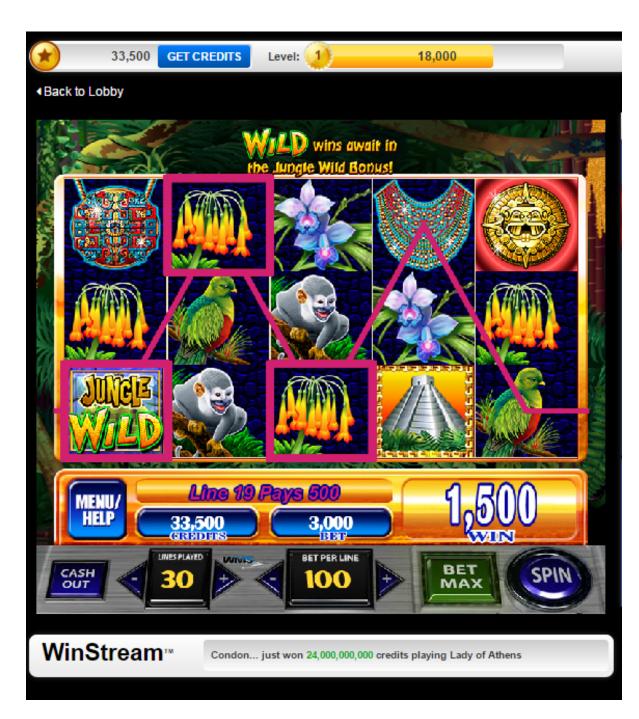
Risks

- Aggressive monetization/Significant spend/Whales.
- High frequency & speed of play.
- Little transparency on how results are determined.
- Autoplay/Loss disguised as win
- Few responsible play features

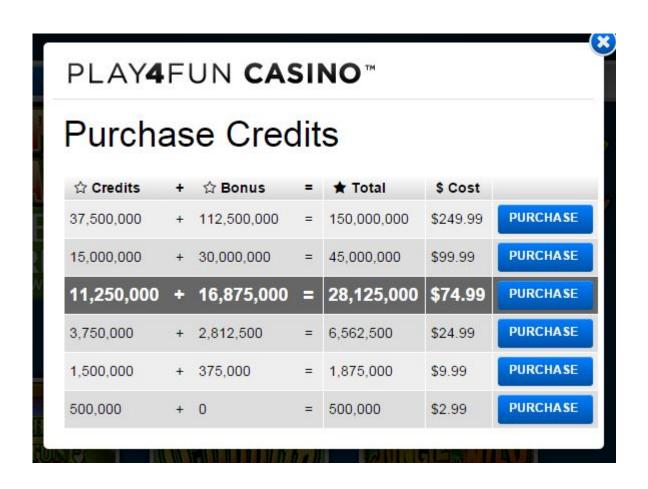
Frequency

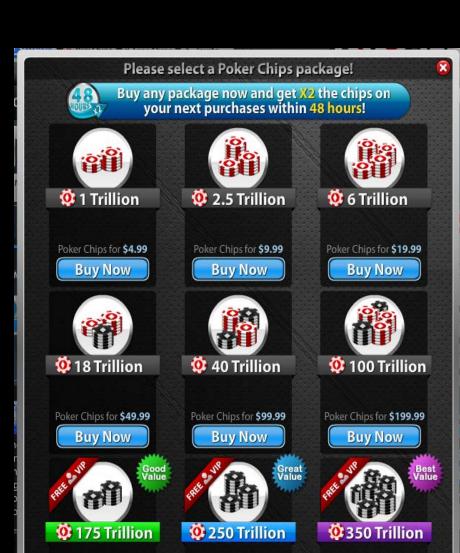


1,500 credit loss (50% of bet) disguised as a win



Monetize





Bonus for successful games

The more you win, the bigger your bonus is!
The amount of your daily winnings directly
affects your bonus value.





Poker Chips for \$399.99

Buy Now

Poker Chips for \$499.99

Buy Now

Poker Chips for \$299.99

Daily Bonus

Bonus for invited friends

You have **0** invited friends*. Invite more friends and receive even more chips!













Invite friends

Bonus for regular visits

3 days of regular visits will result in a 100% of total Daily bonus!



1 000 **(2)**

Sharp Curves

- I-5% of players monetize
- 15% of this group accounts for an estimated
 50% of all Freemium revenue

If average SCG game had 10,000 players, between 15-75 people would account for approximately 50% of game's total revenue

Scale

2015 2016 IQ

DAU: 6.1m 6.5m

DARPU: \$.32 \$.35

MUP: 819,000 922,000

AMRPPP: \$73 \$78

Total Rev: \$725m \$218m

SG & PG Studies

- Interrelationships Between SG & PG (2014)
 n=10. Social network promotions effective,
 SG involvement not associated with PG.
 However, SG involvement did trigger desire
 to gamble for some participants.
- Examination of Problematic SG Use in At Risk (2015) n=176. Greater frequency, diversity & spend on SG play associated with problems.
 Playing to escape or relieve negative mood.
 PGs tended to have significantly more problems with SG.

SCG & PG Overlap

- For social casino gamers, 54% were classified as non-problem gamblers, 26% as low-risk gamblers, 14% as moderate risk gamblers, and 4.7% as problem gamblers.
- For non-social casino gamers, the percentages were 80.4%, 12.8%, 5.8% and 1.0% respectively

DSM 5 Gambling Addiction Definition

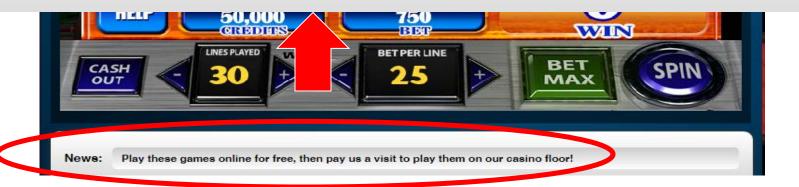
GAMBLE LOSING MONEY

Transitional Risks

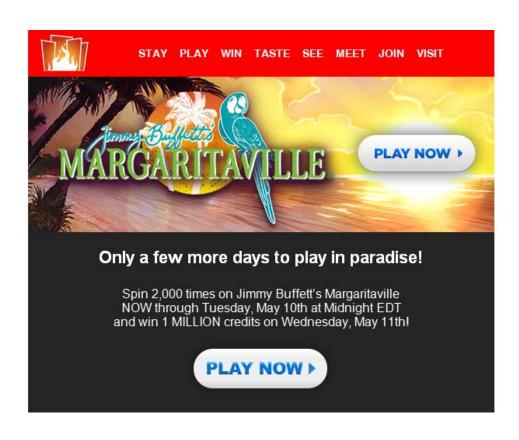
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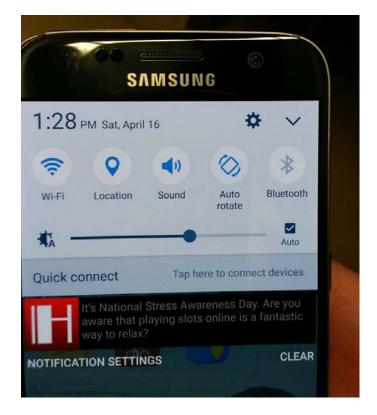


News: Play these games online for free, then pay us a visit to play them on our casino floor!



Promotion to Play

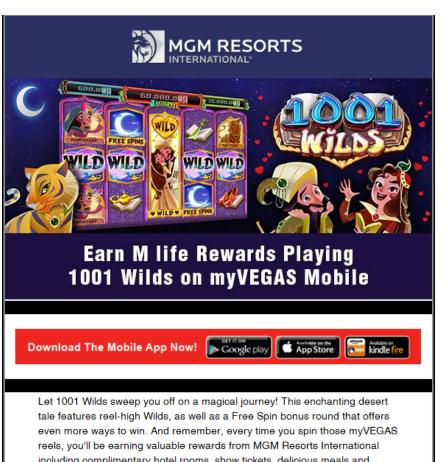




SCG Convergence

- "We reported a 28% uplift in landbased gaming revenues from those casino patrons who went home and started playing online."
- "The average daily social player will engage with a casino brand 4 times a day...for a total of between 80 and 100 minutes."
 - Leveling Up, Tribal Government Gaming, 2016

Real Rewards



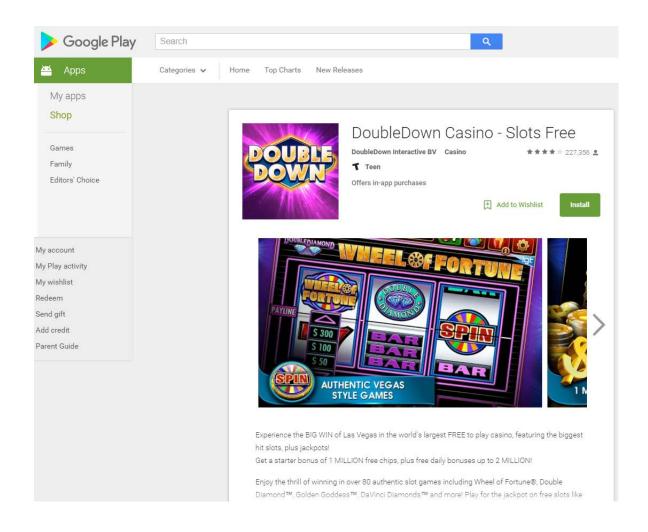
including complimentary hotel rooms, show tickets, delicious meals and more.



The new FoxwoodsONLINE announces our Loyalty Point system. By playing FoxwoodsONLINE you will earn Loyalty Points through the Daily Wheel, by leveling up, or other great ways when you play. On top of that, all purchases give you 10% back in equivalent value in Loyalty Points!

Use your Loyalty Points in the Rewards Center to redeem for Foxwoods Reward Points to play, dine, and relax at Foxwoods Resort Casino. Use them to redeem for more FoxwoodsONLINE coins to keep spinning and winning. Or, coming soon, you'll have exclusive acces to redeem for hotel stays, free play, or select mechandise at Foxwoods Resort Casino!

App Store Rating T for Teen



Terms of Service

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SG & Kids

- Youth gambling & PG: kids gamble on internet at high rates, young PGs more likely to gamble online & early onset of internet gambling predictive of PG
- Youth & SG: 15% of UK adolescents played social casino game in past week. 50% of SG players gambled vs only 18% who were not SG players. 7% of Canadian youth SG players migrated to online gambling
 - One study found SG play is biggest predictor of gambling for money & PG

ISGA Youth

- One-month summary covered US, UK, EU and Australia
- Contained over 12 million players.
- 0.74% (90,665) of players were under 18, and 0.56% (505) of this group paid to play. This means that out of the total pool of players (12m), only 0.004% were paying under 18s
 - How did they verify age?

Risk Factors

- Many social casino players gamble & are more likely to have gambling problems though most harm likely occurs outside of social casino.
- While cause and effect unclear, still important to try to minimize harm among social casino players as likely to be problem gamblers among players.

Consumer Protection Risks

Selected MGC RG Objectives

- Promote best and promising responsible gaming practices in all aspects of licensee activities.
- Utilize principles of responsible gaming in introducing all new and emerging technologies
- Provide accurate and balanced information to enable informed choices.

Open Market

- I,000+ social casino apps currently available for download or on Facebook.
- 200+ new social casinos are launched each month.
 - Leveling Up, Tribal Government Gaming, 2016
- Most developers are not regulated gaming operators or vendors.

Solutions

Opportunities Online

- Internet Responsible Gambling: April 2012
- GRADE Social Gaming Consumer Protection:
 March 2013
- Review of DE, NJ & NV Internet Responsible Gambling Regulations: February 2014
- iCAP Internet RG Compliance Assessment Program: December 2014
- FS consumer protection guidelines Dec 2015 www.ncpgambling.org/irgstandards

GRADE v3

- Gambling-Like Monetized Games
- Responsible Gaming/Consumer Protection
- Age Controls
- Data Driven Research
- Education Of Players
- Version 4 under development
- Supplements ISGA BPP v2 (2014)

GRADE v4 Draft

- Gambling-Like Monetized Games
- Responsible Play Features
 - Mechanism/Result Disclosure
 - Promoted RP
 - Play information available
- Advertising & Age Considerations
- Data Driven Research
 - Transparency Project/3rd party
- Exclusion & Assistance
 - Help available via play platform (chat & text)

RG Opportunities

- Provide coins for setting limits or enrolling in play management
- Provide valuable demo to learn how to play and/or teach about long term expected outcomes
- Incorporate education into free play





SCG Conclusions

- Many players gamble & are more likely to have gambling problems though most harm likely occurs outside of social casino.
- Poses challenges and provides opportunities for responsible play.
- Risk based approach to harm minimization, voluntary & collaborative.
- Responsible play features should be innovative, interactive & even fun!

NCPG

730 11th Street, NW, Suite 601 Washington, DC 20001

Tel: 202.547.9204 keithw@ncpgambling.org www.ncpgambling.org