

UPDATED FACEBOOK PROMOTION GUIDELINES

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As it does from time to time, on 27 August 2013 Facebook again updated its own Promotion Guidelines that govern how competitions and promotions can be conducted on its site. Unlike many of the more recent changes, this update will change things considerably for advertisers and agencies alike.

What are the changes?

Previously, all promotions and competitions run on Facebook had to be administered through a third-party Facebook app. Also, it was against Facebook's Promotion Guidelines to run a promotion on a Facebook Page that utilised Facebook's features and functionality, for example, requiring entrants to comment, like, or share something in order to enter.

However, now under the new Facebook Promotion Guidelines:

- Promotions do not have to be administered through third-party apps - promotions can now be administered on Page Timelines and in apps on Facebook.
- Businesses can collect entries by having entrants post on their Page, leave a comment or message, or "like" a post.
- "Likes" can now be used as a voting mechanism.

As before, however, promotions cannot be administered on personal Timelines e.g.: "share on your Timeline to enter" or "share on your friend's Timeline to get additional entries" is not permitted. Facebook has stated that they want to make sure that people continue to post authentic, high quality content to their own personal Timelines *"to stay better connected with the people they care about"*. In addition, there are technical reasons for confining the administration of the promotion to either a Page or in an app: as people can choose to limit the visibility of the content they put on Facebook to only themselves, friends, or to a custom group of people, Pages won't have the ability to access all of the entries that people post on their own personal Timelines unless these entries are public.

Also, under the new Promotion Guidelines, "accurate tagging" is now required in Facebook promotions. In order to maintain the accuracy of Page content, Facebook now prohibits Pages from tagging or encouraging people to tag themselves in content that they are not actually depicted in. Therefore, it will be acceptable to ask people to submit names of a new product in exchange for a chance to win a prize, however it will not be acceptable to ask people to tag themselves in pictures of a new product in exchange for a chance to win a prize.

What this means for you

The upshot of new Promotion Guidelines is that it is now easier, more flexible and ultimately quicker for businesses to run promotions and campaigns on Facebook, without needing to work with a third-party to build an app. The ability to use Facebook's features and functionality in administering promotions will especially permit more flexibility for small business/upcoming brands with low budgets to run effective promotions on Facebook.

While the possibility of quickly uploading a promotion on Facebook may be attractive to some businesses, any online consumer engagement should be very carefully assessed before proceeding, to avoid negative publicity, consumer backlash and brand shaming. It's also important to remember that Facebook advertising is real advertising and the same rules apply. What may initially be thought of to be a 'fun way to swiftly engage consumers' could very quickly and easily turn into a public relations and/or legal disaster. Businesses should also remember that while Facebook provides users with the freedom to upload comments

and content instantaneously, and to very publically engage with the business and brand, that engagement can be positive or negative.

Administering a promotion through a third-party app may still be the preferred option for some promotions, as detailed below:

- administering a promotion on Page Timelines will require more manual effort and administration, as third-party apps often automatically manage the promotion process. Where promotions have multiple complex elements and various prize mechanics, for example instant win minor prizes and major prize draws, a third-party app could streamline the promotion, manage consumer engagement, and award prizes fairly.
- Collection of data and determining eligibility may be difficult for promotions that are administered on a Page timeline. Entrants/winners will not be required to submit entry forms with their details, and as a result, it may be more difficult to verify entrants and award prizes. If your business plans on running a Facebook promotion to build its email marketing database, this will be difficult for promotions run on the business Page. Promotions run through apps can collect data in a secure, structured way that may be appealing to advertisers, particularly larger brands.
- As it will be challenging to verify entries and entrants, there is a greater possibility that individuals may find new ways to cheat in a promotion. This may involve entering under fake Facebook profiles, submitting 'likes' using fake Facebook profiles, using voter exchange software to obtain fraudulent 'likes' for an entry, etc. Cheating may be of particular concern for promotions with large prize values or prizes closely linked with the Promoter's brand (e.g. where winners become brand ambassadors or similar).
- Pre-vetting of entries will not be possible for promotions run on Page Timelines. Any promotion which asks entrants to upload content, including answers to promotional questions, images or videos, will need to be continuously monitored, to ensure invalid, illegal or inappropriate entries are removed, as the owner of a Page can be held responsible for the content of their Page (even where that content is posted by other users).

Although the Facebook Promotion Guidelines have been updated, the laws on games of chance, games of skill, guaranteed or limited offers or any other form of contests have not. Promotions conducted by a business that contain any element of chance in the determination of the winners or prizes are games of chance, and will require that relevant permit number/s be obtained from the appropriate regulatory authorities before the promotion is conducted.

Furthermore, we would strongly recommend Terms and Conditions are drafted for all promotions, whether run on a third-party app or on Page timeline, to cover eligibility, entry limitations, entry period, prizes, use of entries, copyright, etc.

Contact us

If you would like further information on the updated Facebook Promotion Guidelines and how they impact on you or your business, please contact one of our experts below. We can provide tailored legal and practical advice to assist you with reviewing your proposed Facebook promotions, drafting/reviewing Terms and Conditions, or clearing advertising material.

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