

Facebook Guidelines and Their Impact on Brands

Facebook's updated promotion guidelines now gives brands with lower budgets and companies facing tight deadlines the opportunity to legitimately utilize the Facebook platform to administer their promotions without the risk of having their page shut down for non-compliance.

Earlier this week, Facebook officially updated its [Promotion Guidelines](#) governing the administration or "operation of any element of [a] promotion" (sweepstakes, contests, competitions, etc.) on the Facebook platform (e.g., collecting entries, conducting drawings, judging entries). Facebook first announced changes to its guidelines in November 2009. Those changes required, among other things, that promotions administered on Facebook be submitted at least seven (7) days prior to commencement for written approval from an account representative. In this version, Facebook has eased the administrative burden associated with administering a promotion on Facebook by eliminating the need to obtain written permission from Facebook and dispensing with the financial commitment of running a media campaign on Facebook to support the promotion.

Promotions, whether advertised or referenced in any way on Facebook or actually administered through an application on the Facebook platform, must still comply with the [Promotion Guidelines](#) which took effect December 1, 2010 as well as Facebook's [Platform Policies](#). By way of example,

1. promotions may only be administered on Facebook "through an application on the Facebook Platform;"
2. individuals may enter the Promotion only on the canvas page of an application or the applicable box in a tab on a Facebook Page;
3. both the entry page and official rules must contain specific disclosures;
4. promotions may not be open to individuals younger than 18 years of age or who reside in certain countries; and
5. while entry still cannot be conditioned upon a user's taking certain action on Facebook (e.g., "liking a status update or photo, commenting on a Wall, or uploading a photo"), requiring an entrant to "like a Page, check in to a Place, or connect to [a] Platform integration" are now expressly permitted.

The Facebook [Promotion Guidelines](#), and all other applicable Facebook policies, along with a list of "do's and don'ts," are available on Facebook's [website](#). These policies, and all applicable laws, rules and regulations, should be reviewed carefully, and legal counsel consulted, prior to structuring any promotion involving the social media site.

If you have questions regarding this Alert, please contact, **Elizabeth A. Corradino** at 212.554.7892/ecorradino@mosessinger.com or **Myka W. Todman** at 212.554.7618/mtodman@mosessinger.com.

MOSES & SINGER LLP

Lawyers in the [Promotions Law](#) practice at Moses & Singer regularly counsel advertisers, agencies and other clients regarding their online, print, point-of-purchase, television and radio advertising copy, and other marketing materials associated with both consumer and trade promotions. In addition, our lawyers conduct in-house training designed to educate our clients and their employees about compliance with state and federal laws when planning a promotion. We assist clients in understanding the basics of promotions law to help them reach their target audience and achieve their marketing objectives.

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