

Talk To Us

We love a great idea for a promotion and can often shortcut the path to execution with a few minutes of advice. Sometimes we can even make it better.

510.841.9800
www.cobaltlaw.com



Lawyers in Advertising, Promotions
& Intellectual Property

If You're Under 18, YOU'RE STILL A MINOR

The Children's Online Privacy Protection Act allows companies to market to people 13 years and older, but 13 is not the legal age of majority. To award a prize, or to use a user-generated content submission (like a photo) outside of the promotion, you will need parental permission.

CHECK YOUR Privacy Policy

Many privacy policies have language in direct opposition to a promotion. Carve-outs can often be made in promotion rules, but they need to be consistent with general privacy terms, and with state law.

THE KNOWLEDGE DROP™

on
**Social Media
Promotions**

DOUBLE CHECK

The Guidelines

Whether you're considering a viral sweepstakes on Facebook, a best-in-show contest on Pinterest, or a re-gram giveaway on Instagram, most social media sites come with their own promotions guidelines. In addition to state and federal regulations governing promotions, social media platforms may place additional burdens on companies. Want to require someone to tag their friends for an entry? Don't try that on Facebook.

PLAY YOUR

Own Game

It sounds good on paper, but will it work in practice?

Not only are some promotions too labor intensive to manage, but the social media site you choose may not have the technical functionality for what you want. Diagramming the game flow through to awarding the prize is the best way to keep consumer frustration down, and to make certain the platform you're choosing is the right one to meet your goals.

UNDERSTAND THE

Technology

- How does one become a mayor on FourSquare?
- What's hashtag hijacking?
- How do I send a declaration of eligibility to an Instagram winner?

Just because it's a popular medium doesn't mean it's right for you. Make sure you understand exactly how the platform works, and can account for potential consequences in your terms and conditions.

The Devil IS IN THE DETAILS

Cloning old promotion rules is a crapshoot. Changing a prize value could trigger bonding requirements and federal statutes. Using a new platform may change the way you tally votes or collect information. Updating a viral campaign to include a new twist (like retweeting or adding an image) might change a sweepstakes to an illegal lottery, or violate an entrant's privacy. Unless the promotion is identical, take the time to start from scratch.