

Facebook Revises Promotion Guidelines

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Facebook revised its Promotion Guidelines this week. The revised Guidelines no longer include some of the prohibitions that were previously included in the Guidelines and expand the scope of the Guidelines to apply to contests, sweepstakes and similar promotions that are either administered on Facebook or “communications” of promotions (e.g., advertising, or references to promotions) on Facebook. The revised Guidelines no longer include express restrictions on conducting: (a) promotions open to or marketed to individuals under the age of 18; (b) promotions open to residents of countries embargoed by the United States; (c) promotions open to individuals residing in Belgium, Norway, Sweden, or India; (d) promotions that promote gambling, tobacco, firearms, prescription drugs or gasoline; and (e) promotions that award alcohol, tobacco, dairy, firearms, or prescription drugs as prizes. However, companies conducting promotions on Facebook or advertising promotions on Facebook should keep in mind that all promotions must still comply with applicable laws. Furthermore, promotions run on Facebook are subject to other Facebook policies, including the Facebook Ad Guidelines which prohibit, among other things, advertising gambling, tobacco, and firearms.

Finally, while the revised Guidelines continue to require specific disclosure language, including language disclosing that Facebook is not affiliated with your promotion and a disclosure that the consumer is providing information to the Sponsor and not Facebook, the Guidelines no longer dictate where such disclosures must be placed.

The revised Guidelines continue to require promotions administered on the Facebook platform to be administered through a third party application and continue to prohibit promotions that use a native Facebook function as an entry mechanism or conditioning entry upon the use of a Facebook feature or function other than “liking” a page, checking into a place or connecting to an application. In addition the revised Guidelines clarify that use of Facebook functionality to administer a promotion, such as use of the “like” button as a voting mechanism, is prohibited. Finally, Facebook’s Promotion Guidelines continue to prohibit the notification of promotion winners through Facebook (e.g., Facebook messages, chats, posts or through winner profiles or pages).

TIP: Facebook’s revised guidelines do not substantially change Facebook’s policies concerning promotions administered on the Facebook platform, but do provide some flexibility in disclosure location and method. Entities advertising or conducting contests, sweepstakes or similar promotions using the Facebook platform should ensure that such promotions comply with Facebook’s Promotion Guidelines and all applicable laws.

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