



WOMMA
65 E. Wacker Place, Suite #500
Chicago, IL 60601
312-853-4400
312-275-7687 (fax)

[COMPANY NAME] DIGITAL SOCIAL MEDIA AND ENDORSEMENT POLICY

1.0 Purpose

[COMPANY NAME] (“Company”) is committed to transparency and honesty in all of its advertising messages and promotional communications with consumers. Therefore, Company hereby adopts this Digital Social Media and Endorsement Policy (this “Policy”).

This Policy applies to all Company [employees][Independent contractors, agents, speakers, writers, bloggers, talent, endorsers and any other individual or entity engaged in promotional activities on behalf of Company, whether they are engaged by Company directly, or through an agency, representative of an agency, subsidiary, or franchise] (collectively referred to herein as “Endorsers”).

This Policy is intended to outline the policies and procedures of Company with respect to any and all advertising messages or promotional communications made by Endorsers. It is also intended to address endorsements and testimonials made by Endorsers about Company, and/or its products and services, whether those endorsements and testimonials are made through “traditional media,” such as television commercials or print ads, or “new media,” or “social media,” such as websites, blogs, mobile applications or any other form of media that may be used by advertisers.

Endorsers are legally responsible for their opinions, comments or content. Individual Endorsers can be held personally liable by third parties for any commentary deemed to be defamatory; obscene; proprietary to, or owned by, others; or libelous to Company, its suppliers/partners or any other person or entity. For these reasons, Endorsers should exercise caution with regard to exaggeration, colorful language, guesswork, obscenity, materials used in content, conclusions, images and/or video, and derogatory remarks or characterizations.

In addition, Endorsers should at all times be mindful that, given advances in technology, opinions, comments or content will remain public, and will be archived, stored and retrievable, indefinitely.

2.0 Standards of Conduct

With respect to statements or other claims made in advertising messages or promotional communications about Company and/or its products or services, Endorsers must adhere to the following principles:

- a. Endorsers may only make statements that reflect their honest beliefs, opinions, or experiences.

- b. Endorsers may not make deceptive or misleading claims about Company's products or services, or Company's competitors' products or services, to consumers.
- c. Endorsers may not make any claims about Company's products or services, or Company's competitors' products or services, that are not substantiated (i.e., adequate proof exists to back up the claim).
- d. Endorsers may not engage in any communication that is defamatory or infringes upon the intellectual property, or privacy and publicity rights of others. For example, Endorsers may not post content (photos/videos) without written permission from the person who owns the photo or video as well as any persons depicted in the photo or video.
- e. Endorsers may not offer for sale, or solicit, products or services on behalf of Company.
- f. Endorsers may not make offensive comments that have the purpose or effect of creating an intimidating or hostile environment, including telling lies or spreading rumors about Company or its other Endorsers, officers, directors, shareholders or competitors.
- g. Endorsers may not use ethnic slurs, personal insults, obscenity, or other offensive language.
- h. Endorsers may not make any comments or post any content that in any way promote unsafe activities that could lead to an unsafe situation involving Company's customers or other individuals.
- i. Endorsers must adhere to the posting guidelines and Terms of Use on any site on which they post content on behalf of Company.
- j. Endorsers must adhere to any specific additional guidelines provided by Company. [See Appendix A.][FOR EMPLOYEE POLICY ONLY]

3.0 Disclosure Requirements

- a. Endorsers must disclose all material connections to Company in all advertising messages and promotional communications concerning Company and/or its products or services, when it not already apparent to the reasonable consumer that a material connection exists between Company and Endorsers.
 - i. A "material connection" is one that could influence the weight or credibility a reasonable consumer would give to the communications or messages made by the Endorser. Such connections may be in the form of (a) consideration (such as cash, prizes, "points," or free or discounted products or services) provided by the Company (or any of its agents acting on its behalf) to the Endorser, or (b) a relationship between the Company and the Endorser (such as employment or contractual relationships).
 - ii. The disclosure of such material connections must include (a) the form of the consideration given to the Endorser and (b) the relationship between the Endorser and Company.
- b. Endorsers who post their own opinions, comments or content about Company, and/or its

products or services, must disclose that their views do not necessarily represent those of Company.

c. All disclosures must be made clearly and conspicuously, with appropriate consideration given to the limitations and nature of the platform being used. [See Appendix A for Examples.][FOR PAID ENDORSER POLICY ONLY]

4.0 [Third Party Endorsers][THIS SECTION FOR PAID ENDORSER POLICY ONLY]

Endorsers that employ or contract with third parties to have such third parties deliver advertising messages or other promotional communications to consumers (e.g., advertising agencies and blogger networks) are also required to cause those third parties to agree to this Policy before engaging them to communicate to consumers about Company and/or its products or services.

5.0 Trademarks and Intellectual Property

Any trademarks, logos or other proprietary materials that may be provided to or acquired by an Endorser from or about Company shall only be used in accordance with any guidelines provided by Company. Endorsers shall not post any such materials without explicit written permission from Company.

6.0 Confidentiality

Endorsers may not disclose Company's proprietary, confidential, or trade secret information, including but not limited to disclosing or otherwise revealing Company development plans, policy, inventions, strategy, financials, or products that have not already been made public by Company or personally identifying information including email addresses, street addresses and private facts about any person. Endorsers should also contact Company for clarification on whether specific information has been publicly disclosed before commenting, blogging or uploading content.

7.0 Press Inquiries

Endorsers' endorsements and testimonials may generate media coverage. Media inquiries of any kind, whether from online (news engines, bloggers) or mainstream (newspapers, magazines) media outlets, must be referred to Company using the Notice information below. Endorsers may not engage in any discussions or correspondence with any members of the media without first consulting with, and receiving permission from, the appropriate authorized Company representative.

8.0 Notice

Any questions concerning the contents of this Policy should be referred, in writing, to [FOR EMPLOYEE POLICY INCLUDE SUPERVISOR OR LEGAL DEPARTMENT INFORMATION]:

[CONTACT NAME]
[TITLE]
[ADDRESS]

[TELEPHONE]
[EMAIL ADDRESS]

9.0 Right to Modify Policy

Company reserves the right to amend this Policy at any time. In the event of a dispute as to the interpretation of this Policy, Company's interpretation shall be final.

10.0 Effective Date

This Policy is effective immediately and was last updated [DATE].

APPENDIX A [FOR PAID ENDORSERS ONLY] DISCLOSURE BEST PRACTICES

As stated above, Endorsers are required to disclose “material connections” to Company. Listed below is sample disclosure language, organized by the platform used. Alternative, but substantively comparable, language may also be used where appropriate.

Personal and Editorial Blogs

- I received ___(product or sample)___ from ___(company name)___ , or
- (Company name) ___ sent me ___(product or sample) ___

Product Review Blogs

- I received ___(product or sample)___ from ___(company name)___ to review, or
- I was paid by ___(company name)___ to review

Additionally for product review blogs, Endorsers should create and prominently post a “Disclosure and Relationships Statement” section on the blog fully disclosing how a review blogger works with companies in accepting and reviewing products, and listing any conflicts of interest that may affect the credibility of their reviews.

Providing Comments in Online Discussions

- I received ___(product or sample)___ from ___(company name)___ , or
- I was paid by ___(company name)___

Microblogs

Include a hash tag notation, either:

- #spon
- #paid
- #samp

Additionally, Endorsers should post a link on the profile page directing people to a full “Disclosure and Relationships Statement.” This statement, should state the Endorser’s relationship to Company in accepting and reviewing products, and listing any conflicts of interest that may affect the credibility of the sponsored or paid reviews.

Status Updates on Social Networks

- I received ___(product or sample)___ from ___(company name)___ , or
- I was paid by ___(company name)___

If status updates are limited by character restrictions, the best practice disclosure requirement is to include a hash tag notation of either #spon, #paid or #samp.

Additionally, Endorsers should post a full description or provide a link on their social network

profile page directing people to a “Disclosure and Relationships Statement.” Note that the disclosures should appear in close proximity to the endorsement or testimonial statement.

Video & Photo Sharing Websites

Include as part of the video/photo content and part of the written description:

- I received ___(product or sample)___ from ___(company name)___ , or
- I was paid by ___(company name)___

Additionally, Endorsers should post a full description or a link on the video and/or photo sharing profile page directing people to a “Disclosure and Relationships Statement.”

Podcasts

Include, as part of the audio content and part of the written description:

- I received ___(product or sample)___ from ___(company name)___ , or
- I was paid by ___(company name)___

Additionally, Endorsers should post a full description or a link directing people to a “Disclosure and Relationships Statement.”

APPENDIX A [FOR EMPLOYEES ONLY]

[INSERT COMPANY-SPECIFIC POLICY AS TO ADDITIONAL CONSIDERATIONS EMPLOYEES MUST TAKE INTO ACCOUNT WHEN USING SOCIAL MEDIA, INCLUDING INTERNAL POLICIES AND CORPORATE CULTURE]