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Like-Gating for App-Based Sweepstakes Entries Soon to End on Facebook

For many years, it has been common for advertisers to require consumers to "like" the advertiser's Facebook page as a condition of accessing an app-based sweepstakes entry page.

Effective November 5, 2014, this practice will change.

The change has been implemented not by direct amendment to Facebook's <u>promotion guidelines</u>, but rather an update to Facebook's general <u>Platform Policies</u> for apps. Technically, the new policy applies only to app-based promotions, not necessarily to promotions entered directly on the advertiser's Facebook page using native Facebook functionality such as posting a comment or photo, etc.

The new policy provides as follows (emphasis added):

You must not incentivize people to use social plugins or to like a Page. This includes offering rewards, or gating apps or app content based on whether or not a person has liked a Page. It remains acceptable to incentivize people to login to your app, check-in at a place or enter a promotion on your app's Page. To ensure quality connections and help businesses reach the people who matter to them, we want people to like Pages because they want to connect and hear from the business, not because of artificial incentives. We believe this update will benefit people and advertisers alike.

Facebook has advised developers to update their apps to comply with this change by November 5, 2014.

For any app-based promotion beginning after November 5, 2014, the new policy should be followed. For any existing app-based promotion expected to run beyond November 5, 2014, the sponsor should consider modifying the entry process, if necessary, to comply with the new requirements taking effect on November 5, 2014.

It is not clear at this point whether Facebook will extend the new policy to cover promotions entered directly via the advertiser's Facebook page using native Facebook functionality. Such entry became permissible under an amendment to Facebook's promotion guidelines in August, 2013. "Liking" the advertiser's page is not typically a gating requirement to access such promotions, but it can sometimes be the method of entry. The stated purpose of the new policy – *i.e.*, to enhance the meaning and integrity of "likes" – could potentially be applied to non-app-based promotions as well. We will continue to monitor this situation for developments.

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