

## The WOMMA “Quick Guide” to Designing a Digital Social Media Policy

The legal accompaniment to this document, the [Digital Social Media & Endorsement Policy](#), can be found on pp. 4-9.

Most businesses have decided to use social media as a way to develop and grow deeper relationships with customers. By using Facebook, Twitter, Blogs, and other social media websites, businesses are able to share information, promote products/services, respond to customer comments, and encourage customers to tell others online about the company they enjoy doing business with.

If the purpose of your social media strategy is to develop and grow deeper relationships with customers, then it's vital to have a social media policy in place.

Your social media policy serves, in its simplest form, as a guide to how a business, its employees, and anyone else speaking on behalf of the business should share opinions, beliefs, and recommendations with customers online.

It's vital because, as of December 1, 2009, the Federal Trade Commission requires companies, company employees, and the social media participants (“bloggers”) they work with to be fully transparent and completely honest when writing about that company's brands and products online. Businesses now have the responsibility to educate, inform, and require disclosure from company employees and the influential bloggers they work with on social media marketing programs.

Since the Word of Mouth Marketing Association (WOMMA) works with companies of all sizes in various stages of social media savviness, we have a unique perspective to what makes an ethical and effective social media policy.

However, WOMMA recognizes one size doesn't fit all when it comes to social media policies. Some companies have a culture of openness and transparency while other companies operate under strict rules about who can say what, when they can say it, and where they can say it. Because of this, the development of a corporate social media policy is the unique responsibility of the company.

To help your business design a more ethical and effective social media policy, WOMMA recommends your company make the following important decisions:

### 1. Decide upon Standards of Conduct

Your business must outline basic, but essential, behavior it expects from company employees and the bloggers your company works with when making statements on social media websites. WOMMA recommends your social media policy stipulate, at a minimum, the following from employees and bloggers:

- Online statements and messages about the business and its products/services must reflect honest opinions, beliefs, recommendations, and or experiences.
- Under no circumstances are deceptive, misleading, and or unsubstantiated claims about a company's products/services or a company's competitor's products/services allowed.

- Ethnic slurs, personal insults, obscenity, rumors, lies, and other offensive language are strictly prohibited.

## 2. Decide upon Disclosure Requirements

In order to convey credibility in your social media marketing activities, your business needs to create a culture of compliance as it relates to disclosure. Disclosure is simply informing online readers of any existing "relationships" that may affect the opinions, beliefs, and recommendations expressed by employees and bloggers on social media websites.

Employees that mention their employer and any of its offerings in blog postings, tweets, and status updates must inform readers they work for the company they are writing about. Bloggers must disclose when they have received material compensation (loaner product, free services, in-kind gifts, etc) and/or actual compensation (cash) in exchange for talking online about a product/service a business provides. The act of disclosure ensures online readers that opinions and recommendations from employees and the bloggers a company works with are trustworthy and credible.

A company must decide how it will require employees and bloggers to disclose the relationships they have with the business on social media websites.

Disclosure is easy on blog posts for employees and bloggers. Employees just need to clearly mention somewhere in a post that they work for the company they are sharing opinions about. Bloggers need to include, somewhere in their post, a line disclosing they were approached by a company to write about a product/service. Such a line could read, "I received [insert product name] from [insert company name] and here is my opinion..."

Admittedly, disclosure is more difficult to achieve on social media sites like Twitter and Facebook where space is limited. WOMMA recommends using a variety of hashtags to disclose relationships, including:

- **#emp** – to denote an employee/employer relationship
- **#samp** – to denote when a blogger received a free sample (product or service) from a company
- **#paid** – to denote when a blogger received cash from a company

For detailed guidance on proper disclosure in social media marketing, read [The WOMMA Guide to Disclosure in Social Media Marketing](#) (link: [womma.org/ethics/disclosure/Social-Media-Marketing-Disclosure.pdf](http://womma.org/ethics/disclosure/Social-Media-Marketing-Disclosure.pdf)).

## 3. Decide upon Legal Issues

Depending upon the comfort level and company culture of a business, how you decide to handle key legal issues in social media marketing will vary. At a minimum, WOMMA recommends your social media policy require the following from employees and bloggers:

- All intellectual property (including, but not limited to, trade secrets, product development plans, inventions, strategies) is to remain confidential.
- No private financial information is to be shared on any website at any time.
- Obtain permission before posting copyrighted information.

Following through on those three decisions will certainly help your business design a more ethical and effective social media policy.

Another step in the process is to be influenced by other publicly available social media policies from respected brands. WOMMA has collected a few worthwhile social media policies from a broad range of business categories. Each of these social media policies are different in style, but similar in guidance. They have been listed at the bottom of this page, so that you may review these benchmark social media policies and use them as points of reference as you develop your policy.

Lastly, Tony Diresta, WOMMA's General Counsel and partner at Manatt Phelps & Phillips law firm, has drafted a "Social Media and Endorsement Policy" template that marketers and company lawyers will find helpful. It is included in the second part of this document.

Once you have made these important decisions and developed your social media policy, it's important to treat it as a living document. The social media tools marketers and businesses are using will continue to evolve. For example, marketers today are using Twitter to connect with better with customers. Tomorrow, marketers may be using something more advanced to connect with customers in new, more meaningful ways. Revisit your social media policy frequently and make any necessary changes to reflect the current marketing, business, and technology environment.

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## **Worthwhile Social Media Policies:**

### **Coca-Cola**

<http://www.thecoca-colacompany.com/socialmedia/>

### **Kodak**

[www.kodak.com/US/images/.../aboutKodak/.../Social\\_Media\\_9\\_8.pdf](http://www.kodak.com/US/images/.../aboutKodak/.../Social_Media_9_8.pdf)

### **IBM**

<http://www.ibm.com/blogs/zz/en/guidelines.html>

### **Ogilvy**

<http://blog.ogilvypr.com/2010/02/empowering-communicators-via-a-social-media-policy/>

**[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)\_\_\_ , or*

### **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.”



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312-275-7687 (fax)  
<http://womma.org>  
[twitter.com/WOMMA](https://twitter.com/WOMMA)

## **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]**