

# Advertising and Marketing Requirements for Publishers

**Version 4.0**  
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*To ensure a quality experience, all Publishers and Publisher Networks must abide by the requirements set out herein. To the extent that a Publisher Network utilizes sub-publishers or affiliates (referred to as “Publisher Sources”), the Publisher Network must ensure that all of its Publisher Sources comply with these requirements.*

*This document is intended to set out basic advertising principles and prohibited conduct. To the extent that you have any questions regarding the requirements set forth in this document or certain conduct, please contact your account manager.*

## **I. Permissible Advertising Materials**

### **IMPORTANT!**

Please review the [Pre-Approved Advertising Examples](#) for specific guidance in the promotion of the Rewards offers.

As a general rule, all Publishers are solely permitted to use advertising materials (including text, graphic, video, audio, and photographs) provided by advertiser (“Advertiser Creative”). If a Publisher wishes to develop and use its own advertising materials (“Publisher Creative”), it must submit the materials for review and approval *prior to* use. Publisher will be informed in writing as to whether approval to use Publisher Creative is granted or denied. ***Publisher Creative may only be used with prior written approval.***

If a Publisher Network utilizes Publisher Sources that wish to develop and use their own Publisher Creative, Publisher Network must require all Publisher Sources to submit Publisher Creative to the Publisher Network for review and approval *prior to* public display or dissemination to consumers. Publisher Network shall evaluate submitted Publisher Creative based on the requirements outlined in this Advertising and Marketing Requirements for Publishers document and inform Publisher Sources in writing as to whether approval to use Publisher Creative is granted or denied. ***Publisher Networks shall only permit Publisher Sources to use Publisher Creative with prior written approval from Publisher Network.***

Creative may not use actual third-party product logos or trademarked or copyright protected images. Use generic images, and a different color scheme, font and “look and feel” rather than the actual product logo.

***Material edits or other modifications to Advertiser Creative and/or approved Publisher Creative are not permitted without prior written approval.***

The principles set out herein are intended to provide guidance on permissible advertising practices and enable the submission of compliant Publisher Creative for consideration.

## **II. Basic Advertising Principles**

***These principles apply to all advertising across all mediums and platforms, including traditional advertising forms (such as print, radio, tv, and email) and other***

**advertising forms (Internet, software, and social media) on desktop, mobile, and other devices or platforms.**

**NOTE:** Publishers and Publisher Sources are prohibited from engaging in SMS marketing and telemarketing without Advertiser's express written approval. This includes marketing via facsimile or Smart Messaging, EMS, MMS, P2P or any other type of text messaging service or protocol.

1. **Claims Must Be Truthful.** Truthful claims are claims that contain accurate content – ads must not contain false information.
2. **Claims Must Be Accurate – Not Misleading or Deceptive.** Claims in ads must set out accurate information concerning the offer. Even if a claim contains accurate information, it may be misleading if it the overall impression it creates concerning the advertised website is inconsistent with the reality of the offer.
3. **Claims Must Be Capable of Substantiation.** All claims must be able to be supported with facts and evidence. All claims (both express and implied) must be substantiated *prior to* public display or dissemination to consumers. Substantiation is required for all reasonable interpretations of a claim. In other words, if a claim can reasonably be interpreted in several different ways, substantiation is required for each reasonable interpretation.
4. **Material Terms Must Be Disclosed.** A material term is a term that an average consumer would reasonably consider necessary to make an informed decision or action. In other words, material terms include information that is material to the consumer's decision. An ad should convey all information that is material to the consumer's decision or action. Failing to state a material term, such as the fact that a purchase is required, can itself be misleading. If a reasonable consumer would find a claim misleading without additional or qualifying information, that information is material and must be disclosed. Remember – the ad's overall impression is what matters.
5. **Disclosures Must Be Consistent with Underlying Claim.** Disclosures must not be contradicted or be inconsistent with the claims presented in an advertisement. A contemporaneous or later disclosure cannot be used to "explain away" information or contradict the claim itself.
6. **Disclosures Must Be Made in a Clear and Conspicuous Manner** – Disclosures of material information must be clear and conspicuous, which means they must be difficult to miss (*i.e.*, easily noticeable) and easily understandable by ordinary consumers. To determine whether a disclosure is clear and conspicuous, consider the three Ps:
  - *Prominence* (size, type, color) – Can consumers see the disclosure?
  - *Placement* (proximity to the claim it qualifies or other relevant information) – Is the disclosure in a place where ordinary consumers are likely to look? A disclosure below a call to action (such as "click here") may not be seen. Is the disclosure close to the claim it relates to? A disclosure should not be hidden in a page footer or buried in text that is remote from the underlying claim it relates to.

- *Presentation* (level of clarity and coherence) – Is the disclosure recognizable and understandable by an ordinary consumer?

To ensure that a disclosure is clear and conspicuous, keep in mind the following:

- In any communication that is solely visual or solely audible, the disclosure must be made through the same means through which the communication is presented.
  - In any communication made through *both* visual and audible means, such as a TV ad or an TikTok, the disclosure must be presented simultaneously in both the visual and audible portions of the communication – even if the representation requiring the disclosure is made in only one means.
  - A visual disclosure must stand out from accompanying text or other visual elements so that it is easily noticed, read, and understood.
  - An audible disclosure (*e.g.*, streaming video) must be delivered in a volume, speed, and cadence sufficient for ordinary customers to easily hear and understand it.
  - In any communication using an interactive electronic medium, such as the Internet or software, the disclosure must be unavoidable. For example, a disclosure on a mobile platform must be visible and unavoidable to the consumer “above the fold”.
  - The disclosure must use diction and syntax understandable to ordinary consumers – *i.e.*, plain speak!
  - Know your audience! If a representation or claim targets a specific audience, such as the elderly, the disclosure must be made in a manner that is easily noticeable and understandable to the audience. “Ordinary consumers” includes reasonable members of the group being targeted by an ad.
7. **Overall Net Impression Matters.** The overall net impression of the ad must comply with all of the principles set out herein. Ads must be reviewed in their totality from the viewpoint of the reasonable consumer.

### III. Considerations for Email Marketing

All email marketing must comply with Applicable Laws and Requirements, including the CAN-SPAM Act, a law that sets out the rules for commercial email. All email marketing must abide by the below requirements:

- Identify the email message as an ad.** You must clearly and conspicuously disclose that your message is an advertisement.
- Do not use materially false or misleading header information.** This includes the source, destination, and routing information attached to an email, including the originating domain name and originating email address, and any other information that appears in the line identifying the sender of the message. “From,” “To,” “Reply-To,” and routing information – including the originating domain name and email address – must be accurate and identify the person or business who initiated the message. You may use a traceable, publicly registered domain name (which may

include one of the Advertiser-provided "friendly froms") or your name or registered d/b/a, as applicable. The "To" line shall use the intended recipient's email address.

3. **Do not use deceptive subject lines.** The subject line must accurately reflect the content of the message. Misleading subject headings include headings that imply any prior person personal or business relationship; contain any personal names or confirm information/prizes; or imply that the email is a response to the recipient.
4. **Tell recipients how to opt out of receiving future emails.** Emails must include clear and conspicuous notice of the opportunity to decline to receive future emails from you, the Advertiser, or any other sender on Advertiser's behalf – in other words, you must include a clear and conspicuous explanation of how the recipient can opt out of getting email from you, the Advertiser, or anyone acting on Advertiser's behalf in the future.
5. **Include a functioning return email address or other Internet-based mechanism that can be used to submit opt-out requests.** Provide a return email address or another straightforward, Internet-based way to allow people to submit requests not to receive future messages from you, the Advertiser, or any other sender on Advertiser's behalf. You are not permitted to charge a fee for opt-outs, require a recipient to give you any personally identifying information beyond an email address, or make a recipient take any step other than sending a reply email or visiting a single page on an Internet website as a condition for honoring an opt-out request. Any opt-out mechanism you offer must be able to process opt-out requests for at least thirty (30) days after an email is sent. Make sure your spam filter does not block opt-out requests.
6. **Honor opt-out requests promptly.** You must honor an opt-out request within ten (10) days.
7. **Tell recipients where you are located.** Your email must include your valid physical postal address. This can be your current street address, a post office box that you have registered with the U.S. Postal Service, or a private mailbox that you have registered with a commercial mail receiving agency established under Postal Service regulations.

#### IV. Considerations for Influencer Marketing

All influencer marketing must comply with Applicable Laws and Requirements, including the Federal Trade Commission's Guides Concerning Use of Endorsements and Testimonials in Advertising ("[Endorsement Guides](#)") and [Disclosures 101 for Social Media Influencers](#). All influencer marketing must **disclose any material connection between influencer and brand, product, service, or good(s) being promoted**. Influencers are required to disclose if they have a financial, employment, personal, or family relationship with the brand, product, service, or good(s) they are promoting. All such disclosures must comply with the basic principles set out in this document. Below are some key considerations to keep in mind:

- Disclosures must be placed in a way that is hard to miss and made in simple and clear language (e.g., "Advertisement," "Ad," "Sponsored"). Influencer content should avoid the use of vague or confusing terms like "sp," "spon," or "collab," or stand-alone terms like "thanks" or "ambassador," and stay away from other abbreviations and shorthand when possible.
- Disclosures must be provided in the same form(s) as the endorsement itself. For example, if an influencer is making an endorsement in a video, material disclosures should be made in the video itself and in the video's description.

- Disclosures should be in the same language as the endorsement itself.

## **V. Prohibited Misrepresentations**

The below prohibited misrepresentations apply to advertising of all Advertiser's products, regardless of specific product line (*e.g.*, Rewards, Sweepstakes, Jobs, Samples and Savings/Survey Voices).

- Do not misrepresent that any consumer has won or been specially selected to receive anything of value (*e.g.*, a gift card, check, cash-value deposit or other cash equivalents, a mobile device, or any other good) in exchange for completing tasks, disclosing personal information, making purchases, or taking other action.
- Do not misrepresent that consumers will receive anything of value (*e.g.*, a gift card, check, cash-value deposit or other cash equivalents, a mobile device, or any other good) in exchange for personal information, without any other cost or obligation.
- Do not misrepresent that consumers will receive anything of value (*e.g.*, a gift card, check, cash-value deposit or other cash equivalents, a mobile device, or any other good) in exchange for completing a survey, without any other cost or obligation.
- Do not misrepresent that anything of value (*e.g.*, a gift card, check, cash-value deposit or other cash equivalents, a mobile device, or any other good) is available only for a short period of time or in a limited quantity.
- Do not misrepresent that you or the Advertiser are, represent, or are affiliated with, any third-party businesses. Do not state or imply any representation or affiliation with any third-party businesses.
- Do not misrepresent the amount of time in which a consumer will receive anything of value (*e.g.*, a gift card, check, cash-value deposit or other cash equivalents, a mobile device, or any other good).
- Do not misrepresent the need for promptness or urgency in responding to any advertising, marketing, or promotion. Do not state or imply an artificial sense of urgency, scarcity or selectivity, unless the claim can be substantiated.
- Do not misrepresent any fact material to consumers concerning anything of value (*e.g.*, a gift card, check, cash-value deposit or other cash equivalents, a mobile device, or any other good), including any material restrictions, limitations, or conditions.

## **IV. Product Specific Rules for Publisher Content**

## Rewards

**NOTE: All Rewards advertising must contain one of the following disclosures, clearly and conspicuously displayed to the consumer in the advertisement, including any pre-lander or other webpages associated with the advertisement:**

- Paid Participation Required
  - Purchase Required
  - Payment Required
  - Shop, Play, Get Rewarded
  - Shop, Play, Earn
  - Upon Completion of Purchase Requirements
  - Upon Completion of Program & Purchase Requirements
- Do not misrepresent the monetary obligations a consumer is likely to incur to obtain a reward. Any advertisement that directly or indirectly represents (expressly or by implication) that consumers can earn, qualify for, or receive a reward from Advertiser or the Advertiser’s website **must clearly and conspicuously disclose that to qualify for a reward, a consumer will incur monetary obligations.** Examples include a “Paid Participation Required” disclosure or similar language (“Purchase Required,” “Payment Required”). See the Note above for additional options.
    - Do not use the word “free” or other words and phrases that are synonymous, such as “no cost” or “complimentary.” Instead, inform consumers that “Paid Participation [is] Required.”
    - If the advertisement relates to Venmo, PayPal or similar cash application, do not imply that there is “free” cash available, or that cash is readily available without material additional steps.
  - Do not state or imply that a reward will be received in exchange for providing personal information, without any other cost or obligation.
  - Do not state or imply that consumers have won, can win or were specially selected for a reward. Do not state or imply that Rewards are a sweepstakes, games of skill or there is an element of chance involved in getting a reward.
  - Do not state or imply that all consumers must do is complete a survey, without any other cost or obligation, to obtain a Reward.
  - Do not state or imply that all consumers must do is ‘verify information’, ‘confirm shipping details’, or otherwise suggest, directly or indirectly, that a reward is ready to be ‘claimed’.
  - Do not state or imply that a reward is available only for a short period of time or in a limited quantity unless that is the case and can be substantiated. Do not misrepresent the need for promptness or urgency in responding to any advertising, marketing, or promotion of a reward.
  - Do not misrepresent the amount of time in which a consumer will receive a reward.

- Do not misrepresent any other fact material to consumers concerning a reward, such as: the total costs; any material restrictions, limitations or conditions; or any aspect of the benefits, nature, or central characteristics of a reward.
- Do not state or imply that the opportunity to qualify for a reward is an employment opportunity.
- Do not state or imply that a reward is tied to any government program, including unemployment benefits or other government assistance, grant, loan or payment, or any employment opportunity.
- Do not state or imply that a reward is tied to anything related to COVID-19 or the pandemic.

### **Sweepstakes**

- Do not state or imply to consumers that they have won a prize or a sweepstakes or have been selected to receive a gift or prize.
- Do not state or imply that there are any purchase requirements without clearly and conspicuously disclosing that there is a no-cost alternative means of entry.

### **Jobs**

- Do not represent that any employment opportunity is guaranteed.
- Do not state or imply that a particular job is currently available or searchable unless you can substantiate the job's availability/searchability.
- Do not represent that any consumer has been specially selected to apply or schedule an interview for a job with a specific employer. Do not state or imply that a consumer has an interview scheduled or to be scheduled.
- Do not represent that you or Advertiser are, represent, or are affiliated with any specific employer hiring to fill an open job.
- Do not misrepresent any other fact material to consumers concerning any employment opportunity. Any material facts concerning any employment opportunity must be disclosed.
- All claims relating to the nature, benefits, or characteristics of an employment opportunity (*e.g.*, claims about hourly wages or hour requirements) must be substantiated *prior to* public display or dissemination to consumers.

### **Samples and Savings/Survey Voices**

- Do not state or imply that a particular product sample is available.
- Do not state or imply that a consumer will qualify for a paid trial.
- Do not make temporal claims concerning the availability of compensation for survey completion, *e.g.*, "Earn \$100 today!"

- Do not make claims about amounts that can be earned on survey sites unless they can be substantiated as amounts that are typically earned.
- Do disclose the material terms of the survey sites, including that the sites will connect consumers with third party sites that may pay them for survey completion.

## Pre-Approved Advertising Examples

The following advertising examples are specific to Rewards offers and are pre-approved for use by Publisher Sources.

If a Publisher Source wishes to utilize advertising that is materially different to the examples below, that advertising must be submitted to the Publisher Network for approval *prior to use*. After review, only advertising content approved in writing may be used.

### Specifications

- Each example below includes the elements required by the Advertiser to achieve:
  1. Clear and conspicuous disclosure that the consumer will incur a monetary obligation.
    - “Paid Participation Required”, “Purchase Required” and “Shop. Play. Get Rewarded” are examples of this monetary obligation disclosure.
    - The disclosure’s font size and color help make the disclosure easy to locate.
  2. A clear and concise “call-to-action” (“CTA”).
    - There are numerous options when choosing the text label for a CTA. By policy, the CTA must not be false or deceptive. Options like “Get Rewarded”, “Start Now”, “Start Earning” are all good options, while choices like “Claim Now” and “Free Gift Card” are prohibited.
  3. Good initial impression.
    - There are no images, text or colors that interfere with the disclosure being seen and understood.
    - The consumer understands there is a monetary obligation.
- These elements are universal to all Rewards offers available for promotion.
  1. Regardless of reward available to the consumer (a cash reward, an Amazon gift card or a product like an iPhone), the need for proper disclosure, a clear and concise CTA and a good initial impression works for consumers.
  2. The need for proper disclosure, a clear and concise CTA and a good initial impression applies to all ad sizes and formats.
  3. The need for proper disclosure, a clear and concise CTA and a good initial impression works in all media channels.





## Great News! You May Be Eligible To Earn Up To \$750!\*

Every day we give our visitors a chance to qualify to **earn up to \$750\*** deposit to their PayPal, Venmo or Cash accounts.



[Get Rewarded](#) →

\*PAID PARTICIPATION REQUIRED. OFFER NOT SPONSORED-ENDORSED BY THESE BRANDS.

TRADE NAMES OR RIGHTS ASSOCIATED WITH ALL BRANDS ON THIS SITE ARE THE PROPERTY OF THEIR RESPECTIVE OWNERS AND ARE NOT AFFILIATED WITH THIS PROMOTION.

TO OPT-OUT, PLEASE [CLICK HERE](#) OR WRITE TO:  
UPLEVEL REWARDS, 99 WALL STREET #4330 | NEW YORK, NY 10005



The banner features a dark blue background with a green box on the left containing the text "\$750 CASH" in white. To the right is a circular image of a smiling man looking at his smartphone. Below the image, the text reads "EARN\* YOUR \$750 CASH REWARD with EarnBigRewards". At the bottom, there is a green button with the text "Get Rewarded" and a small asterisked note: "\*Shop, Play, Get Rewarded".

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