



**BETH BRUNINS, PARTNER
ECKERT SEAMANS CHERIN & MELLOTT, LLC**

- **Assists clients with advertising and marketing campaigns, including sweepstakes and contests**
- **Counsels hospitality industry clients on management agreements, financing documents, purchase and sale agreements, and vendor contracts**
- **Background includes an M.B.A. in Marketing**



WASHINGTON D.C.

The Perils of Social Media Promotions in the Hospitality Industry

OCTOBER 2, 2019



**THE ^{HL}HOSPITALITY LAW
^{HL}CONFERENCE SERIES 2.0**

A cityscape with various buildings and greenery is visible in the background. A prominent brown banner with a black border is overlaid on the image, containing the title text.

ENDORSEMENTS & TESTIMONIALS

ENDORSEMENT: any advertising message that consumers are likely to believe reflects the opinions, beliefs, findings, or experiences of a party other than the sponsoring advertiser, even if the views expressed by that party are identical to those of the sponsoring advertiser

ENDORSER: the party whose opinions, beliefs, findings, or experience the message appears to reflect

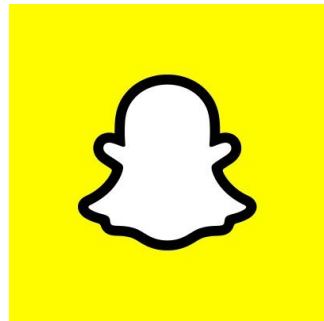


YOU ARE RESPONSIBLE FOR BOTH

(a) THE CLAIMS THAT REVIEWERS MAKE IN REVIEWS OF YOUR HOTEL
PROPERTY; AND

(b) REVIEWS OR COMMENTS/POSTS MADE BY EMPLOYEES.

SOCIAL MEDIA



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PRIZE, CHANCE & CONSIDERATION

If these 3 elements are present, it is an illegal lottery:

1. Prize
2. Chance
3. Consideration

Sweepstakes vs. Contests

A cityscape with various buildings and greenery is visible in the background. A prominent brown banner with a black border is overlaid on the image, containing the title 'SWEEPSTAKES'.

SWEEPSTAKES

CONSIDERATION TYPES:

- Money
- Effort
- Universal access/availability

ALTERNATIVE METHOD OF ENTRY: “Principle of Equal Dignity”

A cityscape with various buildings and greenery is visible in the background. A prominent brown banner with a black border is centered across the top of the image, containing the word 'SWEEPSTAKES' in large, bold, black capital letters.

SWEEPSTAKES

Registration and Bonding

- Florida; New York (total prize value > \$5,000)
- Rhode Island (total prize value > \$500 involving retail location)

Examples

- Email capture
- Social media
- Free meal or stay

Pitfalls: Rules!!!

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CONTESTS

Skill requirement

- Focus on (a) objective judging criteria and (b) qualified judges
- Registration (AZ)

Examples

- Bar naming contest
- College art design contest (“Do Not Disturb”)
- Incentive Contests

Pitfalls: Tie Breakers; User-Generated Content; Rules!!!