

Legal Update: the do's and don'ts of viral seeding

Overview

On May 26th 2008 a new law affecting viral seeding is being introduced as part of the Consumer Protection from Unfair Trading Regulations Act 2008.

The overall idea of the new piece of legislation is to clamp down on unfair sales and marketing practices, and largely relates to the faking of positive brand messages, for example through through fake blog posting.

The new law states:

"Falsely claiming or creating the impression that the trader is not acting for the purposes relating to his trade, business, craft or profession, or falsely representing oneself as a consumer."

This is a strict liability offence and the Institute of Practitioners in Advertising (IPA) have noted that it will cover activities such as:

- seeding positive messages about a brand without making it clear that the message has been created by or on behalf of the brand
- using "buzz marketing" specialists to communicate with potential consumers in social situations without disclosing that they are acting as brand ambassadors
- seeding viral ads on the internet in a manner that implies you are acting only as a member of the public

Viral seeding guidelines

We undertake viral seeding for our clients. To ensure our seeding process complies with this new piece of legislation, we've created a 5 point viral seeding framework:

- **Video / content seeding:** When seeding viral videos you should ensure the video is clearly tagged with the brand in the meta-data or description. All seeding must be done using established agency accounts. The same process should be used for game / content seeding.
- **Blog seeding:** when seeding to blogs, you should use standard online PR techniques unless an existing relationship already exists. These involve approaching relevant bloggers and openly communicating that you are seeding a piece of branded content, and asking them if they'd be interested in writing about the campaign.
- **Forum / social community seeding:** when seeding within a forum / social community environment, follow these three rules:
 1. you should have an established account, and be a regular contributor to the forum
 2. you should make it clear within the environment that you work for a viral agency
 3. you should only contribute content into the environment if its relevant.
- **Training:** All seeders must be trained in the do's and don'ts of viral seeding with reference specifically to the new piece of legislation, as well as the more common concerns over brand relationships.
- **Responsibility:** We assume responsibility for any breach of the Unfair Trading legislation resulting from our seeding activities on client campaigns. Our intention is to comply with legislation at all times, but our clients should not be liable in the event that legal consequences arise from our seeding activity.

By following these guidelines, our campaigns will work both within the Unfair Trading Regulations Act, and work positively to enhance brand relationships with consumers.

For any more information / guidance, please contact our team: info@rubberrepublic.com

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