

This year marks 30 years since the inception of C5 Group. It is time to match our brand with the dynamic strides we have made. See inside for details...

October 17–18, 2016 | Park Lane Hotel | New York, NY

5th Annual Summit on

**Digital Advertising Compliance:** 

# Social Media, Sweepstakes & Promotions

Practical tools for maintaining legal and regulatory compliance for all your social media and promotional practices

#### Jim Dudukovich Former Senior Marketing, Digital & Social Media Counsel The Coca-Cola Company

**CONFERENCE CO-CHAIRS:** 



EARN CLE

**NEW** 

Live

polling this year!

GAIN VALUABLE INDUSTRY INSIGHTS FROM:

360i

American Express Company Children's Advertising Review Unit ("CARU") Creative Zing Promotion Group Dell Inc. Dentsu Aegis Network DIRECTV/AT&T **Guthy-Renker LLC** HBO Interpublic Group KAYAK Marden-Kane Digital Promotions Mastercard National Advertising Division ("NAD") PrizeLogic Unilever United States, Inc.

Based on industry demand, we have added several NEW topics to help you develop compelling promotional and digital advertising campaigns for your brand. Led by a distinguished faculty, highlights of this year's program include:

- DELVING into the provisions to include in agreements with influencers and bloggers to ensure that material connections are adequately disclosed
- COMPARING the rights of a company and an individual on online review sites, including what brands can and cannot do
- WORKING through privacy considerations and implications of data collection via sweepstakes and contests
- SPOTLIGHT on emerging forms of social media, such as Snapchat, and understanding how to use them for successful promotions

Don't forget to attend the popular workshop in order to design a successful sweepstakes, promotion, or contest by drafting clear and enforceable rules:

"Many Will Enter, Few Will Win:" Developing Best Practices for Sweepstakes and Promotions Rule Drafting



## In-house counsel and business executives responsible for:

- Social Media
- Digital Marketing/ Communications
  - Sweepstakes, Contests, Promotions
- Corporate Communications
- Media **Emerging Technologies**

Entertainment/Sports/

- **Brand Management** and Development
- **Crisis Communications**
- - Interactive Marketing
- Public Relations Intellectual Property
- Privacy

## Outside counsel who specialize in:

- Advertising
- Privacy
- Marketing
- Retail Law
- Entertainment/Sports/ Media
- Intellectual Property
- Technology and Digital Media



It is time for a brand, logo and language in keeping with the dynamic strides we have made as a company. It is time for a brand that will take us forward for the next 30 years.

C5 Group, comprising American Conference Institute, The Canadian Institute and C5 in Europe, will unite under one central brand image, appropriately a globe. See how bringing together the power of people and the power of information can accelerate your growth and success.

Our new brand look and language will be fully revealed soon. Stay tuned for more exciting changes.

## TOP 10 REASONS

Why Anyone Involved in Sweepstakes, Promotions, or Social Media Advertising Must Attend:

- MAKE CONNECTIONS AND NETWORK with senior representatives from the most innovative brands in the nation and the top law firms and ad agencies representing them.
- GAIN best practices at updated sessions on international social media, sweepstakes guidance, right of publicity, and copyrights for social media advertising.
- NEW focused sessions on privacy considerations, mitigating negative and viral publicity, user reviews, as well as a tutorial on using the newest and emerging forms of social media for marketing.
- FIND OUT how to navigate the murky social media waters by learning from the top brands on what you can and cannot do on social media.
- **RECEIVE** practical guidance and develop hands-on training on how you can minimize the risk of PR crises and what you can do to manage a crisis when it occurs.
- 6 MAINTAIN the integrity of the sweepstakes, promotion, or contest by ensuring the rules are clearly drafted.
  - **OBTAIN** ideas on innovative and creative options to develop brand loyalty while you adhere to the terms of use of the various social media platforms.
- 8 UNDERSTAND how live video streaming is transforming the social media and mobile marketing landscape.
- PARTICIPATE in live polling throughout the conference to help you engage more closely with the distinguished faculty and benchmark your practices against your peers — bring your smart phones!

10 EXPLORE how to comply with COPPA to launch kid-friendly promotions.

Join the Conversation 🔰 @ACIMarketing #ACIDigitalAdv

# Here are just some of the companies who have attended our past Digital Advertising Compliance conferences:

02 Media Inc. 360i **3M Company** ACORD AimClear LLC 360i **3M Company** Alticor Inc. American Eagle Outfitters Inc. American Express American Sweepstakes Co. Inc. Arrowhead Promotion Ashurst Australia AT Cross Atkins Nutritionals Inc. **Bayer** Corporation Becton Dickinson - CareFusion Belk Inc. BlitzLocal Capital One **CBS** Interactive Chick-Fil-A Inc. CARU Choice Hotels International Inc. The Coca-Cola Company Colgate Palmolive Company Creata Promotion Crown Imports LLC CSE **Deckers Outdoor Corporation** Dell Dicks Sporting Goods Inc. DIRECTV Ditto Labs Inc. Dole Food Company Inc. Dunkin' Brands Inc. **Enova Financial** Enteractive Solutions Group Inc.

ES3 **Estee Lauder Companies** Esurance Facebook FTC Feld Entertainment Inc. Ferrero USA Inc. Fisher Price Inc. Ford Motor Company Frito-Lay Inc. GAF Materials Corporation Genentech Gilt Groupe Inc. GoDaddy.com Inc. Google Inc. Hilton Worldwide Holiday Group Inc. Home Depot Inc. H&R Block Hasbro Inc. HCC Specialty Underwriters Inc. Hilton Worldwide Hofstra University Horizon Media Hotwire Inc. I4C Innovations Inc. Intel Corporation InterContinental Hotels Group International Dairy Queen Interpublic Group of Companies Intersections Inc. Jackson Family Wines JetBlue Airways John Deere & Company Kao Brands LPGA Lancaster Colony Corporation LD Products Inc.

Liberty Mutual Group LiquidThread Luxottica Group Mall of America Manwin Canada Marden-Kane Mark Anthony Services Inc. Marketing Arm Mars Advertising Marvel Entertainment Inc. MasterCard Worldwide McDonalds Corporation Mediabrands Publishing Mercedes-Benz MLB Advanced Media Moet Hennessy Monsanto Company MRY NASCAR NCAA Nature Conservancy **NBCUniversal** Nestle Purina PetCare Netflix Inc. North American Breweries **Omnicom Group Online Convergence** Orlando Magic Palm Bay International Pernod Ricard USA Post Foods LLC Procter & Gamble **RAI Services** Saatchi & Saatchi Samsung Electronics America SanDisk Corporation Pep Promotions Pernod Ricard

PMA Media Group Inc. Post Foods LLC PrizeLogic Sapient Nitro SCA Promotions SharkNinja Sony Computer Entertainment America Starwood Hotels & Resorts Worldwide Inc. Subaru Sun Products Corporation Sutter Home Winery Takeda Pharmaceuticals USA Inc. Talent Direct Target Taubman Company Texas Instruments theAudience The Clorox Company The Marketing Store LP The Nature Conservancy T-Mobile Inc. Turner Broadcasting System Twitter Tyson Foods Inc. Under Armour United States Golf Association Universal McCann University of Ibadan **US Olympic Committee** Visit Florida Wal-Mart Stores Weber Shandwick Western Digital Technologies White Castle Wildfire Interactive Zynga

a C5 Group Company Business Information in a Global Context

## DAY 1 MONDAY, OCTOBER 17, 2016

## 7:30

**Registration and Continental** Breakfast

## 8:30

## **Co-Chairs' Opening Remarks**

#### Jim Dudukovich

Former Senior Marketing, Digital & Social Media Counsel The Coca-Cola Company

## Ryan Garcia

Legal Director Dell Inc.

## 8:45 VLIVE POLLING

## **Uncovering Tips for Success in** Native Advertising for Social Media

#### Hal Hodes

Senior Staff Attorney Advertising Self-Regulatory Council -National Advertising Division (New York, NY)

#### Tori Chami

Vice President and Senior Counsel American Express Company (New York, NY)

#### Jim Dudukovich

Former Senior Marketing, Digital & Social Media Counsel The Coca-Cola Company (Atlanta, GA)

#### Terri J. Seligman

Partner and Co-Chair, Advertising, Marketing & Public Relations Group Frankfurt Kurnit Klein + Selz PC (New York, NY)

Brands are pushing the envelope to deliver exciting content to consumers to promote a positive image of the brand. Native advertising continues to see explosive growth but brands must be careful not to run afoul of the FTC's new guidance on native advertising. Featuring live polling to help attendees apply real world examples to the FTC's guidance, speakers will help you develop best practices for creating successful native advertising campaigns on social media.

- Overview of FTC's Native Advertising: A Guide for Businesses and truth-inadvertising principles
- Examining whether to use "promoted," "sponsored," or other language to distinguish native advertising from non-advertising content
- Reviewing good examples of native advertising on social media
  - Improving riskier forms of native advertising to comply with FTC guidelines

- Developing an internal compliance program to educate marketers and ad agencies on native advertising policies
- Exploring industry efforts to develop standards around monitoring and reviewing social media endorsements
- · What are the hazards and penalties when material connections are not adequately disclosed?
  - Lessons to be learned from In the Matter of Lord & Taylor, LLC

## 9:45 SLIVE POLLING

Using Selfies and Other Real Time Marketing Tactics as an **Effective Promotion Tool While** Maintaining Control over the Message

### Brian L. Heidelberger

Partner and Chair, Advertising, Marketing, and Privacy Law Practice Winston & Strawn LLP (Chicago, IL)

### Romy Horn

General Counsel 360i (New York, NY)

#### Miri Miller

VP, Sr. Managing Counsel -Global Marketing Dentsu Aegis Network (New York, NY)

#### Joe Khanna

Associate General Counsel Mastercard (Purchase, NY)

- · Defining the specific issues in user general content which may expose a brand to legal pitfalls
- Identifying the common trademark issues that arise when dealing with social media advertising and promotions
- Maintaining the conversation in real time: reposting user generated content and understanding the brand's responsibilities
  - Best practices for obtaining the rights necessary to utilize content
  - How long does the permission last?
- Structuring a sweepstakes or contest containing UGC without infringing on third party rights
- Exploring practical strategies on how to use user generated content in a compliant manner
  - Reviewing examples of good and problematic social media promotions utilizing UGC

## 10:45

Morning Refreshment Break

## 11:00

**Collaborating with Celebrities** and Influencers: The Dos and Don'ts of Endorsements

### Susan Tillotson Bunch Partner

Thomas & LoCicero PL (Tampa, FL)

### Anca Cornis-Pop

Senior Counsel Interpublic Group (New York, NY)

### Kathryn Farrara

Senior Counsel, Marketing Unilever United States, Inc. (Englewood Cliffs, NJ)

#### Ted Suzuki

Vice President & Associate General Counsel DIRECTV/AT&T (El Segundo, CA)

- How do the FTC's .com Disclosures and Endorsement Guides apply when working with celebrities and influencers for social media promotions and sweepstakes?
- · Understanding the terms that must be incorporated in agreements with influencers to ensure that the material connection is adequately disclosed
  - What are the most important provisions to include in the contract?
- Clarifying right of publicity matters when dealing with celebrities on social media
  - When is it okay to mention a celebrity on social media?
  - Can you respond when a celebrity mentions your brand?
  - Conducting a risk assessment to determine when to engage a celebrity in real time on social media
    - Delving into the factors to consider during the risk assessment

## 12:00

### Networking Luncheon

## 1:15

### Is Anything Private Anymore? **Privacy Considerations for Social** Media, Sweepstakes, and More

#### Barry M. Benjamin Partner

Kilpatrick Townsend & Stockton LLP (New York, NY)

- Examining laws, rules, and regulations, but most importantly, industry guidelines and platform rules on privacy on social media
- · Analyzing the legal and business risks and benefits for targeted advertising using consumer information
- Understanding the Dos and Don'ts of data collection via sweepstakes or contests on social media
- · Implications of collection and use of non-U.S. resident data in promotions and advertising, and on social media

## 2:15

#### Making the Grade: Rolling Out a Kid-Friendly, COPPA-Compliant Marketing Campaign on Social Media

#### Sheila A. Millar

Partner Keller and Heckman LLP (Washington, DC)

### Phyllis B. Spaeth

Associate Director Children's Advertising Review Unit (New York, NY)

- Exploring in-app purchases and parental consent
- Ensuring that parents are notified of their children making app purchases
- Understanding the legal consequences of content-sharing features of kid-appealing mobile apps and the Internet of Things
- Sweepstakes and promotions for kids, tweens, and teens: age-screening and obtaining parental consent
  - Delving into sweepstakes or contests utilizing UGC and/or collecting geolocation information, a child's image, or voice
  - Best practices for including parents, such as creating separate accounts of parents or developing a "parent's corner" on a microsite or app
- Training your contractors and other thirdparties to comply with COPPA when it comes to collecting personal information

## 3:15

Afternoon Refreshment Break

## 3:30

#### Planning and Executing Multi-Platform Social Media Sweepstakes, Contests, and Promotions

Adam Rubin General Counsel PrizeLogic (Southfield, MI)

## Andrew B. Lustigman

Partner Olshan Frome Wolosky LLP (New York, NY)

- Overview of the major social media platforms' policies on conducting a sweepstakes, promotion, or a contest
- Developing practical strategies when running a sweepstakes or a promotion across multiple social media platforms
- Exploring practical strategies to run a sweepstakes or promotion if social media platforms' policies evolve on a regular basis
- Implementing internal protocols to track updates from social media platforms

- Comprehending the major platforms' IP branding guidelines to ensure that you follow all the rules
- Choosing the appropriate social media platform to conduct the sweepstakes or promotions
  - What are the factors to consider when making your decision?

## 4:15

#### All Things Global: Exploring Legal and Business Considerations for International Sweepstakes or Promotions

#### Allison Fitzpatrick

Partner Davis & Gilbert LLP (New York, NY)

- Comparing the risks and benefits of conducting an international sweepstakes or contest
- Examining the various privacy rules in different regions that may impact a sweepstakes or contest
- How do regions outside of the United States treat the rules surrounding bloggers and influencers for endorsements and testimonials?
- Identifying common pitfalls with translation and other language requirements
- Analyzing region specific laws that may have a unique impact on sweepstakes or promotions
  - EU's General Data Protection Regulation ("GDPR"), including penalties and fines imposed for violations
- Deciphering which region's laws to use when sweepstakes or promotions are run on mobile apps

## 5:15

Conference Adjourns to Day Two

DAY 2 TUESDAY, OCTOBER 18, 2016

## 7:30

Continental Breakfast

## 8:30

Co-Chairs' Opening Remarks and Recap of Day One

## 8:45 SLIVE POLLING

Going Viral: Mitigating the Impact of Negative Reviews While Managing PR Crises

Emily Goodman Binick Vice President & Senior Counsel American Express Company (New York,

### NY)

Digital advertising can become a risky venture when you do not have an adequate policy on responding to PR crises in a timely manner. In an age where many, if not most, consumers expect a quick response from brands on social media, it is critical to evaluate the risk factors before engaging with unhappy customers in real time. Featuring live polling to help you compare your best responses against your peers', the speakers will examine how to react to PR challenges and formulate practical strategies to capture your consumers' loyalty again.

- Comparing the rights of a company and an individual on online review sites
- What can and can't you say online?
  Best practices for minimizing the negative publicity when a damaging review or social media post goes viral
  - Doing your homework: Identifying common triggers that may cause your brand's post to go viral for all the wrong reasons
  - Developing a comprehensive strategy to react to a social media crisis before it happens
- Considering the risks and benefits of engaging a social medial troll in real time
- Examining incentivized reviews and how to ensure you comply with the relevant regulatory and legal rules
  - Understanding the various platforms' policies on incentivized reviews
- Industry alert: Pinpointing privacy rules to consider when responding to a consumer review for companies in highly regulated industries, such as HIPPA or the Gramm-Leach-Bliley Act

## 10:00

## Spotlight on Emerging Forms of Social Media Platforms

#### **Claudine Wilson**

Senior Counsel, Legal & Business Affairs HBO (New York, NY)

Do you know what forms of social media millennials and Generation Z are using? Do you know how to use those social media platforms? In this interactive spotlight, you will learn about social media platforms beyond Facebook, Twitter, Instagram, or YouTube. Speakers will give you a tutorial on what makes these new forms of social media the next frontier for brands to conquer, as well as successful examples of promotion strategies. Don't forget to bring your smartphone or tablet!

## 10:30

Morning Refreshment Break

## 10:45 **CLIVE POLLING**

## Capturing Attention on the Small Screen: Making the Most of Live Video Streaming

In this interactive session, attendees will find out how live streaming has impacted the relationship between brands and consumers. Balancing the risk factors against the benefits of using live video, attendees will learn best practices for brands that are considering using live streaming for promotions.

Jamie Rubin Partner InfoLawGroup LLP (Chicago, IL)

Sara F. Hawkins Attorney at Law Law Office of Sara F. Hawkins (Phoenix, AZ)

- Exploring situations where a brand may want to promote using live streaming
- Comparing the various live streaming platforms such as Periscope, Meerkat, or Livestreaming on Facebook to understand when to utilize each platform
- Implementing practical strategies to run a sweepstakes or contest while incorporating live video streams as an element
- Understanding the pitfalls and minimizing the risk of infringement when streaming live events

## 11:30

**Employer versus Employee: Clarifying** a Company's Rights & Responsibilities When It Comes to Social Media Use In and Out of the Workplace

Benjamin Berman General Counsel KAYAK (Stamford, CT) Moderator: Tracy Richelle High

(New York, NY)

Sullivan & Cromwell LLP

Partner

Ryan Garcia Legal Director Dell Inc. (Round Rock, TX)

### Jennifer Mallov

Senior Counsel Guthy-Renker LLC (Santa Monica, CA)

- Update on current NLRB and EEOC's decisions and opinions on the use of social media in the workplace
- Assessing the employee's right to free speech while protecting the company's reputation
- Delving into examples of how employers handled an employee who made disparaging remarks on social media
- Creating internal employment policies to establish clear ownership of social media accounts
- Exploring the risks and benefits of requiring employees to have a social media account
- Developing a comprehensive training program in the workplace to train employees on the risks of social media
- Analyzing the various types of training programs that you can institute to teach employees about using social media

## 12:30

Conference Adjourns

\* A networking luncheon will be served at 12:30 pm for delegates attending the post-conference workshop

POST-CONFERENCE WORKSHOP

TUESDAY, OCTOBER 18, 2016

1:30 – 4:30 PM | Registration begins at 1:00 PM

## "Many Will Enter, Few Will Win:" Developing Best Practices for Sweepstakes and Promotions Rule Drafting

Pamela M. Deese Partner Arent Fox LLP (Washington, DC)

Shalom Stephens Promotions & Advertising Counsel **Creative Zing Promotion Group** (Orlando, FL)

Marty Glovin Chief Product Officer Marden-Kane Digital Promotions (Woodbury, NY)

A successful sweepstakes and promotions starts with clear, enforceable rules that entrants will read and be able to understand. Brands, lawyers, and the agencies representing them face unprecedented challenges to rule drafting in the age of social media. From the call to action to voting and judging the entries, companies must ensure that the rules are unambiguously published to work for tweets, mobile, and on multi platforms of social media. This hands-on workshop will analyze the specific language necessary for a sweepstakes, promotion, or a contest. Speakers will provide examples of sample language used by leading brands and address the following issues:

- Distinguishing between a sweepstakes, a contest, and a lottery
- Drilling down the different terms of use for various social media platforms (e.g., Facebook, Twitter, Instagram, Snapchat)
- · Analyzing with specificity what must be included in the rules
- Exploring the factors to consider in reviewing submissions and preserving the integrity of the promotion
- Examining live voting contests and what this may mean for your contest Notifying entrants of the rules to a sweepstakes or promotion on a social
- media platform and making sure that entrants accept the rules
- · Reviewing examples of rules leading to malcontent or legal action - Printing errors
  - Avoiding public relations backlash
    - Identifying how ambiguous rules can lead to a result contradictory to the brand's intentions
  - Failure to state necessary disclosure language (e.g., no purchase necessary)
- · Calculating the risks associated with modifying the rules after the sweepstakes or promotion has started
  - Mitigating social media crises
  - Breaching the contract by not obtaining consent
- · Informing consumers on how to claim their prizes
- · Keeping the rules current with new state or federal legislations
- · Identifying the bonding, registration, and insurance triggers
- Understanding the company and consumer tax consequences for prizes over \$600 in value
- · Comprehending your legal obligations when you may want to cancel a promotion
- Developing a brand's internal responsibilities when collecting personal information for a sweepstakes, promotion, or a contest



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American Conference Institute is pleased to offer our delegates a limited number of hotel rooms at a preferential rate. Please contact the hotel directly and mention "ACI's Digital Advertising Compliance Summit" conference

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Accreditation will be sought in those jurisdictions requested by the registrants which have continuing education requirements. This course is identified as nontransitional for the purposes of CLE accreditation.

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#### Wendy Tyler

www.AmericanConference.com/DigitalAdvertising

Director of Sales, American Conference Institute

Tel: 212-352-3220 x5242 W.Tyler@AmericanConference.com

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You must notify us by email at least 48 hrs in advance of the conference if you wish to send a substitute participant. If you are unable to find a substitute, please notify us in writing no later than 10 days prior to the conference date. All cancellations received will be subject to a cancellation fee of \$350. Delegates opting to receive a credit voucher will receive a credit for the full amount paid, redeemable against any other American Conference Institute conference in the next 12 months.

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5th Annual Summit on Digital Advertising Compliance:

Social Media, Sweepstakes & Promotions

American Conference Institute 45 West 25<sup>th</sup> Street, 11<sup>th</sup> Floor New York, NY 10010

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this year!



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5th Annual Summit on Digital Advertising Compliance:

# Social Media, Sweepstakes & Promotions

## NEW HALF DAY SESSION: WEDNESDAY, OCTOBER 19, 2016

## Master Class on Claim Substantiation

Attend this half-day seminar to delve into what consumer facing industries must be aware of when substantiating claims made for marketing campaigns or promotional materials. Examining the nuances of the claim substantiation, along with an in-depth study on how traditional forms of claim substantiation methods are impacted by the digital and social media space, this session will help you develop best practices for robust claim substantiation methods.

For more information, visit AmericanConference.com/ClaimSubstantiation.