



Why voting competitions are a nightmare!

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A recent ASA ruling about a competition to win a £10,000 wedding highlights some classic mistakes organisers can make, says Ruth Hobbs, consultant with the IPM's Legal Advisory Service.

Voting – whether it's on social media sites or by good old fashioned mail – is a potential nightmare for anyone planning to run a competition, a fact which has been underlined by a ruling issued this week by the Advertising Standards Authority, upholding a complaint against local newspaper the Halifax Courier.

The paper had run a competition offering a £10,000 wedding package as a prize. Consumers were invited to send the paper a picture of the couple getting married, with 100 words on why they should win. The paper then said an entry pack would be sent out to all entrants with full details and rules.

But a later letter sent to those selected as finalists appears to have listed significant new conditions, not the least of which was the fact that the final winner would be chosen by a public vote, which could only be made either by text message or on an official voting form cut out from the newspaper.

Finalists (it is unclear how many of the original entrants qualified as finalists) were then told they should drum up as many votes as possible, and that multiple voting – presumably from the same individual – was acceptable, so long as all votes were on the official form (no photocopies).

The complainant arranged for a friend who owned a fashion boutique to promote his entry and ask customers to vote for them, in exchange for entry into a prize draw.

The Halifax Courier received a complaint about this tactic and contacted the complainant to ask him to stop.

After the winner was chosen, the complainant challenged whether the promotion had been administered fairly, as the restrictions regarding voting tactics had not been included in the terms and conditions and because he believed other finalists, including the winner, may have used unfair tactics as well.

The Halifax Courier, unfortunately, had to admit that it did not have access to all of the information originally sent out to the competition contestants, including the competition entry pack, because the person originally managing the competition had left.

As a result, they were unable to confirm what communications had been sent to participants, including the finalists, or the full terms and conditions that had been issued.

The ASA found in the complainant's favour, largely because the paper had changed the rules and then applied those new rules retrospectively.

There's a lot more to the ruling than the above bare bones, but that's enough to highlight a number of classic and easily avoidable mistakes that the paper could have avoided with a bit of foresight and to come up with a series of key learnings from this unfortunate incident.

Firstly, and perhaps most obviously, if you are running a competition like this (or indeed any promotion) then make sure you have a copper-bottomed set of Terms & Conditions before you start.

The ASA will only accept changes to published Terms & Conditions if the promoter can demonstrate they are absolutely necessary – for example, due to unforeseen events such as computer problems or hack attacks, natural disasters or changes in the law.

And the ASA will want to see real attempts to present competitors with easy solutions that disadvantage people as little as possible.

Secondly, voting competitions need particular care, whether they are postal or online. You must make it clear who can vote, how they can vote and how many times they can vote.

If you want to allow people to vote more than once, then that's fine, so long as you make that clear in the original Terms & Conditions.

You must also state what tactics entrants can use to drum up votes and what they aren't allowed to do. In online competitions, this is particularly important as there are websites where consumers can swap votes with people in other similar competitions, or even buy them.

If you do have restrictions on who, how and how often people can vote, and on the tactics people can use to get more votes, then you have to have some way of policing the competition and identifying votes which break your rules.

It's not good enough, by the way, to expect other competitors to rat on their rivals – that's not going to deliver a positive participating experience to ordinary consumers, and it really doesn't send a positive message.

You want people to have fun and feel like they could just win – not think they have to spend every waking hour chasing votes and snooping on their rivals. And you want them to be able to look at the eventual winner and feel like they deserved it. To be honest, the Institute of Promotional Marketing Legal Advisory Service sees a lot of campaigns involving voting competitions, usually involving online or mobile votes. We try our hardest to persuade brands and agencies to avoid them wherever possible, because of the huge potential for cheating and bitterness. You just have to look at the ASA rulings on such competitions to see just how much bad blood they can cause!

If you must use a voting mechanism, then we recommend that votes can be used in a first round to select a shortlist of entrants, but with the eventual winner being chosen by a panel of judges (including, of course, at least one independent individual) based on set criteria which are clearly provided in advance.

But don't, for goodness sake, start off with half the Ts&Cs, issue more later and then try and ban things you haven't thought of when people complain!

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Promomarketing.info and is now the leading source of online news, reviews and in-depth features and analysis about all aspects of the promotional marketing industry in the UK. The aim of the website is to fulfil the needs of client marketers, agencies and suppliers to the sector. Promomarketing.info keeps readers up to date with the latest industry news, information relating to new campaigns, and features. The promotional marketing industry is all about using marketing communications to get people to do

something through a variety of channels. This can be buying a product or service, voting for a favourite act and giving to or supporting a charity.

Promotional marketing can also involve getting people to stop doing things – like smoking, for example, or eating unhealthy foods. It can be communicated through channels such as broadcast, print and digital advertising, direct marketing, in-store, shopper, experiential, coupons, competitions, value added and price promotions, and employee and retailer engagement and incentive programmes. The aim is to report on all marketing communications that include a call to action - a message that gets a target audience to commit to do something or to change behaviour in some way.

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