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Revised FCC Contest Rule Requirements

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The FCC recently amended its requirements (47 C.F.R. § 73.1216) concerning station-conducted¹ contests to allow stations to post contest rules online rather than announce them over the air. The revised FCC requirements permit, but do not mandate, online disclosure of contest rules.

If a station chooses online posting of contest rules, the following restrictions apply:

- The rules must be posted on a publically accessible website that does not require registration.
- The homepage of any website that hosts the contest rules must have a “conspicuous link or tab” that connects users directly to the contest rules.
- Broadcasters that disclose contest rules online must broadcast an on-air announcement about how to find the rules (*e.g.*, “for contest rules go to [wxyz.com](#) and then click on the contest tab”).
- Contest rules must remain online for at least 30 days after the conclusion of the contest. Past contests must be timely labeled to make it clear that the contest has ended and the date that a winner was selected.

¹ The FCC’s contest rule applies to licensee-conducted contests that are open to the general public in which the general public is asked or permitted to participate. The FCC’s contest rule does not permit noncommercial stations to advertise contests conducted by for-profit entities.

The Commission declined to specify a minimum number of daily broadcast announcements about how to find the contest rules online. The requirement is simply that the announcements must be made “periodically” and that frequency of announcements should increase with an increase in contest promotions.

If changes in contest rules occur after the initial online announcement of the rules, the licensee must revise the online rules, make an announcement *within 24 hours* after the rules have changed, and make periodic on-air announcements of the change thereafter.

Revisions to the contest rules change *how* contest rules can be disclosed but not *what* those rules must disclose. The FCC continues to require that contest rules must include all “material terms” of the contest. Material terms include the following:

- ✓ how to enter the contest;
- ✓ eligibility restrictions;
- ✓ entry deadline dates;
- ✓ whether and when prizes can be won;
- ✓ information concerning the nature and value of prizes;
- ✓ the time and means by which a winner will be selected; and
- ✓ any tie-breaking procedures.

If a broadcaster makes both online and over-the-air disclosures of contest terms, all material contest terms disclosed on air and online must be consistent. The FCC will construe any ambiguities against the station.

Regardless of whether the station makes contest disclosures solely over-the-air or refers the public to a webpage, the information provided about contests it conducts must be complete,

accurate, and timely. Rules may not be misleading or deceptive. Most importantly, the contest must be conducted substantially as described.

The FCC's revisions to its contest requirements became effective on February 12, 2016.

This article was written for Greater Public, greaterpublic.org. The article contains information of a general nature and should not be regarded as legal advice. The firm will be pleased to provide additional details and to discuss matters contained in this memo as they may apply in specific situations.

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