

■ MARKETING HANDOVER TO @LEGALDEPT

DATE OF INSTRUCTION		DUE DATE FOR LEGAL	
PROPERTY		DATE OF PUBLICATION/DISTRIBUTION	
TYPE OF MATTER (TICK ONE OF THE BELOW)			
Competition	Promotion	Indemnity	Letter
			Other

FOR COMPETITIONS/PROMOTIONS, THE FOLLOWING IS REQUIRED

Name of competition/promotion

Exact details of how a participant should enter (entry forms, Facebook, Instagram)

Duration	Where is the information desk situated?
How many entry boxes and where (exact location)?	
Exact details of prize to be won/given away	
Who can participate (i.e. minors)?	
Where can T's and C's be found?	Website
	Facebook
	Instagram
Expected date of announcement of the winner	
How will the winner be selected?	
Where do you collect the prize?	When do you collect the prize?
How will we contact the winner?	Contact telephone number
Deadline for claiming the prize	
Has internal audit been notified? i.e. Ursula and Team	
Has an independent auditor/attorney/advocate been appointed?	Yes No
Auditor/attorney/advocate Name	Fee to be Paid: R

■ CHECKLIST FOR T'S AND C'S

ITEM	REQUIREMENT	DETAILS	CHECK	
			YES	NO
1	Is the value of the prize above the monetary threshold?			
2	Has an - independent accountant, registered auditor, attorney or advocate overseen and certified the conducting of the competition?			
3	Following details to be retained for a period of 3 (three) years. Have you recorded the following:			
	(i) Details of the promoter, registration number, address and contact number, copy of signed SLA			
	(ii) T's and C's			
	(iii) Copy of the offer to participate			
	(iv) Names and identity numbers of persons responsible for conducting competition			
	(v) A full list of prizes offered			
	(vi) Representative selection of materials marketing the competition or an electronic copy thereof			
	(vii) List of all instances where the competition was marketed, including dates, the medium used and places where marketing took place			
	(viii) Names and identity numbers of persons responsible for conducting the selection of prize winners			
	(ix) Acknowledgement of receipt of prize signed by prize winner or legal guardian where applicable, and his/her identity number, and the date of receipt of prize or proof that prize was sent to the winner by post or electronically			
	(x) Declarations, under oath, by persons responsible for conducting the competition that prize winners were to their best knowledge not directors, members, partners, employees, agents or consultants of any other person who directly or indirectly controls or is controlled by the promoter or marketing service providers, or spouses, life partners, business partners or immediate family members			
	(xi) Basis on which the prize winners were determined			
	(xii) Summary to describe the proceedings to determine the winners, including names of persons participating in determining winners, date and place where determination took place and if proceedings were open to the general public			
	(xiii) Name and identity of independent person overseeing the competition			

■ CHECKLIST FOR T'S AND C'S continued

ITEM	REQUIREMENT	DETAILS	CHECK	
			YES	NO
3	Following details to be retained for a period of 3 (three) years. Have you recorded the following:			
	(xiv) Means by which the prize winners were announced and frequency thereof			
	(xv) List of names and identity numbers of prize winners			
	(xvi) List of dates when prizes were handed over to or paid to the prize winners			
	(xvii) In the event that the prize winner could not be contacted, the steps taken by the promoter to contact the winner or otherwise inform the winner of him or her winning a prize			
	(xviii) In the event that the prize winner did not receive or accept the prize, the reason for him or her not receiving or accepting the prize			

* The above is an extract from the CPA and should be adapted for each individual campaign or competition to ensure a complete record

■ GO'S AND NO'S!

- Don't run competitions without briefing @LegalDept timeously.
- Don't run competitions without Terms and Conditions.
- Don't change the Terms and Conditions without publishing and notifying.
- Don't commence competition without independent auditors/attorney/advocate.
- Don't run competition/event without Service Level Agreement.
- Don't forget to obtain insurance, to approve from a commercial perspective and to forward to legal so that we may notify insurer.
- Don't forget about record keeping.
- Don't forget that the independent auditors/attorney/advocate and MC of the event read the Terms and Conditions.
- Don't forget to liaise with the internal audit for purposes of notifying them of the competition.
- Be very aware of any event/promotion where children are involved.