

CARU REVIEWS SWEEPSTAKES ADVERTISING FROM UPPER DECK

Company Agrees to Modify Advertising to Better Disclose Chances of Winning, Free Means of Entry

New York, NY – Oct. 29, 2007 – The Children’s Advertising Review Unit (CARU) of the Council of Better Business Bureaus, Inc., has recommended that **Upper Deck Company**, the operator of the www.upperdeckkids.com Website, modify advertising for its “Ultimate Football Dream Trip Sweepstakes” to fully disclose the free means of entry and likelihood of winning. Upper Deck has taken steps to do so.

Print advertising for the sweepstakes, marketed by The Upper Deck Company, came to the attention of CARU through its routine monitoring of advertising directed to children. The print advertisement for the sweepstakes was featured in the *Sports Illustrated Kids* September 2007 issue.

The magazine advertisement features a young boy poised to throw a football, while men dressed in New England Patriots and Indianapolis Colts uniforms are tackling each other in the background. The headline reads: Score the ultimate goal and win the **ultimate** prize. A picture demonstrates where to find the registration code on the 2007 Upper Deck football cards. Below the picture, the following information appears:

1. Collect 2007 Upper Deck football cards and register your codes at UpperDeckKids.com
2. Every card allows you to play the **Ultimate Score Online Arcade Game**.
3. Score game points and instantly win a cool prize, like autographed equipment, video games, and much more.

Play today at www.UpperDeckKids.com

Underneath images of football cards, is a highlighted blurb, reading:

Every card registered is an entry to win **the ultimate football Dream Trip**

CARU found that there was no clear disclosure of a free method of entry or the likelihood of winning the “Ultimate Football Dream Trip. The only disclaimer language was in small type at the bottom page, which stated “No purchase necessary. Void where prohibited.” Visitors are directed to www.upperdeckkids.com for official rules and complete details.

On the promotional page of the Website, there was no clear and prominent information about a free, alternate means of entry for the sweepstakes, nor was information about the likelihood of winning the “Ultimate Football Dream Trip” clearly displayed on the Website.

CARU's *Self-Regulatory Program For Children's Advertising (Guidelines)*, notes that advertisers should recognize that children may have unrealistic expectations about the chances of winning a sweepstakes and directs that the free means of entry and likelihood of winning be clearly disclosed. CARU's *Guidelines* also address the prominence and clarity of disclosure language.

Upon receipt of CARU's letter, Upper Deck agreed to modify its advertisements to more clearly inform viewers about a free alternate means of entry and the likelihood of winning. Upper Deck included the following information in a prominent place on the promotional webpage for the Ultimate Football Dream Trip Sweepstakes:

- A statement noting that "Many will enter only a few will win"
- A statement noting that "No Purchase Necessary" along with free method of entry language directly on the main sweeps page site.

CARU recommended that any future print advertisements present the requisite disclosures in a clear and prominent manner.

The company, in its advertiser's statement said it "accepts CARU's decision in its entirety."

CARU's inquiry was conducted under *NAD/CARU/NARB Procedures for the Voluntary Self-Regulation of National Advertising*. Details of the initial inquiry, CARU's decision, and the advertiser's response will be included in the next *NAD/CARU Case Report*.

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About advertising self-regulation: The National Advertising Review Council (NARC) was formed in 1971 by the Association of National Advertisers, Inc. (ANA), the American Association of Advertising Agencies, Inc. (AAAA), the American Advertising Federation, Inc. (AAF), and the Council of Better Business Bureaus, Inc. (CBBB). Its purpose is to foster truth and accuracy in national advertising through voluntary self-regulation. NARC is the body that establishes the policies and procedures for the CBBB's National Advertising Division (NAD) and Children's Advertising Review Unit (CARU), as well as for the National Advertising Review Board (NARB) and the Electronic Retailing Self-Regulation Program (ERSP).

NAD and CARU are the investigative arms of the advertising industry's voluntary self-regulation program. Their casework results from competitive challenges from other advertisers, and also from self-monitoring traditional and new media. The National Advertising Review Board (NARB), the appeals body, is a peer group from which ad-hoc panels are selected to adjudicate those cases that are not resolved at the NAD/CARU level. This unique, self-regulatory system is funded entirely by the business community; CARU is financed by the children's advertising industry, while NAD/NARC/NARB's sole source of funding is derived from membership fees paid to the CBBB. ERSP's funding is derived from membership in the Electronic Retailing Association. For more information about advertising self regulation, please visit www.narcpartners.org.