

# **Digital Communications Standards Australia and New Zealand**

Effective 1 June 2020

# DIGITAL COMMUNICATIONS STANDARDS

Digital Communications are electronic transmissions (generally by computer or mobile device) of text data, images, video, voice, and other information including, without limitation, any posts or publications made available within the digital space, such as emails, videos, live streaming, digital events, podcasts, blog posts, mobile applications (apps), advertisements, forums, webpages, and through any social media or messaging platform, e.g., Facebook®, YouTube®, Instagram®, Twitter®, WeChat®, WhatsApp® or Snapchat®† (“Digital Communications”).

## COMPLIANCE OBLIGATIONS

IBOs must comply with the Rules of Conduct (“Rules”), the Quality Assurance Standards (“QAS”), and these Digital Communications Standards (“DCS”), with respect to all Digital Communications regarding the Amway opportunity, Amway products, or Amway services (directly or indirectly), or when the Digital Communications constitute Business Support Materials (BSM) as defined in the Rules. IBOs must always follow all applicable laws as well as the terms and conditions of use of the digital platform they are using.

IBOs must be truthful, accurate and not misleading. Amway may require an IBO to remove, recall, retract, delete, amend, or take other actions in relation to his/her Digital Communications.

Please note, the examples provided in this document are examples only and do not cover all the situations that are allowed or not allowed.

## PROHIBITED COMMUNICATIONS - SPAM

IBOs must never engage in Spam communications. Spam is defined as Digital Communications sent to individuals with whom the IBO does not have a personal, pre-existing relationship (i.e. mutual and direct interactions between the IBO and individual that occur before introducing the Amway business opportunity or Amway products). Spam also includes communications sent to those who have not opted in to receive the communication or sent to individuals who have opted out (i.e. specifically asked to be removed from future communication). “Opt in” is when individuals search to find and willingly choose to follow, like, engage, subscribe, or otherwise demonstrate a desire to receive Digital Communications.

## BUILDING ONLINE COMMUNITIES

Online communities are groups of individuals who use Digital Communications to discuss interests or topics. IBOs can build online communities to discuss the Amway opportunity by using Push or Pull communications. Using the Push and Pull communication approaches described below can help IBOs avoid Spam communications. Under no circumstances shall an IBO, directly or indirectly, solicit, assist, attempt to induce, or encourage, another IBO within or outside his/her community to request a change in position in the Line of Sponsorship (LOS).

### **Building Your Online Community Using Pull Communication**

IBOs are allowed to post content in a public or private environment that creates the opportunity for individuals to find the content and opt in. This is known as pull communication. A pull communication approach is when an IBO creates or uses content on digital properties they solely own or control so that individuals must search to find and willingly choose to follow, like, engage, or subscribe, or otherwise show a desire to receive Digital Communications and, therefore, opt in. When building your community, this ensures individuals who are viewing the content are not receiving Spam communications and have made a choice to connect with an IBO.

#### **Pull Examples:**

- (a) An individual finds an IBO's blog about the Amway® business and makes a comment. The IBO is **allowed** to communicate with the individual because the IBO owns or controls the digital property, the individual found it, and the individual opted into his community by choosing to comment on the blog.
- (b) An IBO creates a public Facebook® page for her Amway business. This is **allowed** because the IBO owns or controls the digital property, and an individual would have to opt into her community to see further posts.
- (c) An IBO creates the hashtag #LifewithAmway and an individual finds the IBO through a search on Instagram. This is **allowed** because the IBO owns or controls the digital property where they posted the hashtag and an individual found it and demonstrated an interest in the IBO's community on Instagram® (i.e. opted in).
- (d) An IBO tweets about the Artistry® Light Up Lip Gloss on her public Twitter® profile. An individual searches on Twitter® and finds and likes the tweet. The IBO follows up with the individual by tweeting at her. This is **allowed** because by liking the tweet, the individual demonstrated an interest in the IBO's community, i.e. opted in.
- (e) An IBO posts a link promoting his Amway® website in the comments on a public YouTube® video. This is **not allowed** because the IBO does not own or control the digital property (YouTube® channel) on which he is commenting.

### **Building Your Online Community Using Push Communication**

A push communication approach is when an IBO directly contacts individuals or pushes content on digital properties. When building your community, there are two types of Push communication; one is allowed, and one is not allowed.

**Push Communication - Allowed:** An IBO is allowed to send digital content to individuals with whom he/she has a personal, pre-existing relationship because they are already a part of the IBO's community. In addition, an IBO may push Digital Communications to individuals who have opted in and expressed interest to join the IBO's community.

**Push - Allowed Examples:**

- (a) An IBO direct messages about Nutriway® products to an individual who follows him on Instagram. This is **allowed** because the individual opted in by following the IBO on his Instagram community.
- (b) An IBO posts beauty tips on her Facebook®† page, an individual finds and likes the post, and the IBO direct messages the individual to discuss the products. This is **allowed** because the individual opted into the community by liking the Facebook®† post.
- (c) An IBO meets an individual at a charity event and follows up with a private message through WhatsApp®† about the Amway opportunity. This is **allowed** because, through the meeting, the IBO has a personal, pre-existing relationship with the individual.
- (d) An IBO is the sole owner of a Facebook®† group devoted to boating interests and posts content about Amway® products to clean boats. Providing the rules of the owner's digital property are followed, this is **allowed** because the IBO has a pre-existing relationship with the members of the Facebook®† group and are in his/her community.
- (e) An individual on an online group seeks a referral by posting "Looking for Amway distributor." A member of the group provides the name of an IBO who subsequently follows up with a private message. This is **allowed** because by asking for a referral, the individual has opted-in and the IBO is allowed to contact the individual.

**Push Communications - Not Allowed:** An IBO is not allowed to send Digital Communications to individuals with whom he/she does not have a personal, pre-existing relationship, or to individuals who have not opted in to receiving communication. This is considered Spam and is not allowed because they are not part of the IBO's community.

**Push - Not Allowed Examples:**

- (a) An IBO sends a message to an individual he found on a group discussion board. This is **not allowed** because the IBO does not have a personal, pre-existing relationship with that individual nor did that individual opt in to the IBO's communications or community.
- (b) An IBO who is a member of a large, professional engineering organisation, acquires an email list of all the members, and invites them via email to a prospecting meeting. This is **not allowed** because membership in a professional organisation and the acquisition of a mailing list does not constitute a personal, pre-existing relationship and does not imply the individual has opted into the IBO's community.
- (c) An IBO direct messages a member of an alumni group who she does not know about the Amway opportunity through LinkedIn®††. This is **not allowed** because the IBO does not own or control the LinkedIn group and does not have a personal, pre-existing relationship with the individual and, therefore, is not part of the IBO's community.

**Content for Private, IBO Only Environment:**

IBOs are allowed to post or send the following types of content privately to IBO communities:

- Lists of available, authorised BSM.
- IBO education system promotion information, including without limitation, event dates and ticket pricing.

**Prohibited Content for any Environment**

IBOs are not allowed to post the following types of content in private or public communities:

- LOS information.
- Confidential and/or business sensitive materials including, without limitation, pre-launch product information, management changes, plant closings, acquisitions, etc.

**Communication Within A Community**

Once an individual has opted into an IBO's community, all communications with that individual are allowed regardless if they are Push or Pull, as long as they are compliant with the Rules, QAS, and DCS. However, the Push or Pull communication approaches must be used when building IBO communities and must comply with the sections below.

**INTRODUCING THE AMWAY OPPORTUNITY**

An IBO may prospect and introduce the Amway opportunity to customers and prospective IBOs, including the use of a call-to-action, on digital properties the IBO owns, or controls provided the individual has opted in (Pull Communication). Alternatively, an IBO may prospect an individual with whom he/she has a pre-existing relationship (Push Communication).

**User-Generated Content**

IBOs are allowed to promote the Amway business opportunity and products by posting user-generated content including video, audio, images (including images of a product, people and selfies with or without Amway® product or other images), provided the post including any accompanying text is truthful, accurate, and not misleading. However, user-generated content containing only Amway™-owned trademarks (product or brand names/logos), or Amway® product images may not be used in profile pictures, cover photos or similarly visible area on the digital property.

**Prospecting Examples:**

- (a) An IBO posts a selfie on their Instagram account holding an Amway® product and adds a call-to-action, "Direct message me to learn more about the Amway opportunity." This is **allowed** because the IBO owns or controls the digital property and those who choose to message the IBO are opting in to receive additional information.

(b) An IBO retweets a post from Amway’s official Twitter®† account regarding becoming an Amway business owner. In the retweet, the IBO mentions the benefits of being a business owner and asks her followers to contact her to register. This is **allowed** because those who choose to follow up are opting in to receive more information about the business.

(c) An IBO posts a video about recruiting for his Amway® business on a friend’s blog. This is **not allowed** because the IBO does not own or control the digital property and, therefore, the individuals on the blog have not opted in to his communication.

## **SELLING/COMMERCE**

An IBO may promote products for sale to customers and prospects, including the use of a call-to-action, on digital properties the IBO owns or controls, provided the individual has opted in to the IBO’s community. The IBO may complete the actual sales transaction through:

- His/her Personal Retail Website (PRW)
- A third-party platform\* authorised and supported by Amway.

An IBO can always complete the actual sales transaction off-line.

\*Currently, no third-party platform is available for online sales transactions. However, Amway will provide notice when a solution becomes available.

### **Pricing**

An IBO may not include pricing information (product price or any discounts to the product price) in any digital property or digital communications except within:

- Person to person digital communications such as texting, direct messaging, e-mail, etc.
- A direct link or post shared from an official Amway digital property.
- His/her Personal Retail Website (PRW).
- A third-party platform\* authorised and supported by Amway.

\*Currently, no third-party platform is available for online sales transactions. However, Amway will provide notice when a solution becomes available.

### **User-Generated Content/Product Placement**

IBOs are allowed to sell in compliance with these DCS by posting user-generated content including video, audio, images (including images of a product, people and selfies with or without Amway® product or other images), provided the accompanying text is truthful, accurate, and not misleading. However, user-generated content containing only Amway®-owned trademarks (product or brand names/logos), or Amway® product images may not be used in profile pictures, cover photos or similarly visible area on the digital property.

## **Unauthorised Selling**

IBOs are not allowed to sell or promote Amway® products or services in any retail digital property which has the primary purpose of selling products and services to the public including, without limitation, Amazon®, eBay®, Taobao®, and Etsy®†††. No Amway® product or service is allowed to appear in these properties even if the products or services are not for sale. Selling on these retail digital properties compromises the competitive environment and may jeopardise the service IBOs provide to customers and the reputation of Amway and its brands. These selling platforms are not authorised by Amway®.

IBOs are not allowed to utilise or authorise non-IBOs (key influencers, customers, third-party resellers, etc.) to sell or merchandise Amway® products and services, on their behalf, including the use of any misleading tactics to increase sales or the popularity of their digital properties.

### **Selling Examples:**

- (a) An IBO posts an image promoting Amway® products on Facebook®† asking individuals to contact him if they are interested. This is **allowed** because the IBO owns and controls the digital property where he has posted the call-to-action and the individuals who have reached out to the IBO have opted in.
- (b) An IBO posts a call-to-action on the Amway World Headquarters Facebook®† page encouraging people to buy from her. This is **not allowed** because the IBO does not own or control the Amway World Headquarters Facebook®† page.
- (c) An IBO lists an Artistry® product for sale on Amazon®†. This is **not allowed** because Amazon®† is an unauthorised online store. Selling on these unauthorised websites compromises the competitive environment and may jeopardise service from IBOs to customers and the reputation of Amway and its brands.
- (d) An IBO utilises a YouTube®† vlogger to sell Amway® products. The vlogger is **not allowed** to sell Amway® products because she is a third party acting on behalf of the IBO and she is not authorised to sell Amway® products.

## **BLENDING AND LEVERAGING OTHER COMMUNITIES/BUSINESSES**

A blended digital property combines multiple personal interests or businesses on an IBO's personal digital property. IBOs are allowed to blend and leverage their Amway® business with their other social communities and businesses. This means, on blended digital properties the IBO owns or controls, he/she may leverage his/her non-Amway communities and businesses, promote, recommend and sell Amway® products, and prospect contacts made through that business or community. This also means that in the same blended digital property, the IBO can leverage his/her Amway community, promote, recommend and sell non-Amway® products, and prospect contacts made through that Amway community, **provided the IBO does not abuse their influence over downlines.**

***\*Abuse includes but is not limited to stating or implying that an IBO must purchase any recommended or promoted non-Amway products in order to have a successful business. Sponsors and upline IBOS shall not encourage, pressure or require downline IBOs to purchase non-Amway products as a condition of receiving support or assistance in building their Amway Business.***

The IBO's blended digital property may not be dedicated to a single, commercial business or used for the purpose of online retailing, e.g., an e-commerce transactional digital property. The IBO may not use official Amway digital properties or his/her own Amway-dedicated digital properties to prospect IBOs or customers for membership, services, or products in his/her non-Amway® business. Conversely, the IBO may not use his/her non-Amway business dedicated properties to promote, recommend or sell Amway products or services, or promote the Amway opportunity. A blended digital property must comply with the terms and conditions of that property, community, or business.

**Exceptions:**

IBOs may not blend, leverage, promote, recommend or sell the following:

- Products or competitive business opportunities from direct selling or multi-level marketing (MLM) businesses;
- Products or services which are prohibited from being sold online or which require licensing or permits to sell, e.g. loans, financial investments, legal services, medical services, etc.;
- Controversial businesses or lifestyles, e.g. pornography, tobacco, politics, alternative medicine, religion, gambling, investment schemes, etc.;
- Services including mentorship, lifestyle coaching, marriage counseling, spiritual advising, public speaking or entrepreneurial development; and
- Services which are used as a pretense primarily for attracting people to Amway but offer products, services or interests other than Amway products or the Amway opportunity.

Additionally, IBOs may blend, leverage, promote or recommend products that directly compete and are functionally interchangeable with products in the Amway product portfolio. However, IBOs may not sell the products on or through the blended digital property, nor can they receive any monetary compensation in exchange for the blending, leveraging, promotion or recommendation of such products.

Within blended communities, sales transactions of Amway® products must be independent of the transactions of non-Amway® products. IBOs are not allowed to bundle Amway® products with non-Amway® products as part of a promotion or sales offer.

**Blending and Leveraging Other Communities/Businesses Examples:**

(a) An IBO is a road biking enthusiast who uses her personal, non-retail digital property to discuss and share ideas with other biking enthusiasts. She also uses the digital property to promote a healthy lifestyle using Nutriway® products and to sell bike accessories. This is **allowed** because the IBO owns and controls the digital property, it does not solely exist for the purpose of online retailing, and anyone who would view the content would have opted in.

(b) An IBO posts on her blog a listing of her top five favourite lipsticks including one from Artistry®. This is **allowed** because the digital property is owned and controlled by the IBO, and she is allowed to blend, leverage, promote or recommend other products directly competing with Amway™ products as long as she does not also sell them on or through the digital property, or receive monetary compensation for posting about the competing products.

(c) An IBO posts information about his Amway® business on his restaurant's business Instagram®† account. This is **not allowed** because the digital property is solely used for the restaurant, a single commercial business.

(d) An IBO is a musician who operates a web site to promote and sell her music. The IBO uses her Amway-specific business page on Facebook®† to livestream information about her upcoming tour dates and encourages IBOs to purchase tickets. This is **not allowed** because the IBO used her Amway-specific digital property to request prospects to purchase tickets for her non-Amway® non-retail business.

(e) An IBO creates a website promoting their lifestyle coaching business. An individual finds the website and meets with the IBO only to discover the IBO is using the website to recruit individuals to be Amway Business Owners. This is **not allowed** because the business is included on the list of businesses/services that can't be blended.

(f) An IBO posts for sale on her blended Facebook®† profile that she is selling her homemade soap. This is **not allowed** because her soap directly competes and is functionally interchangeable with Amway's soap.

**ADVERTISING AND PROMOTION**

IBOs are allowed to advertise using non-paid search engine business listings, including the use of a call-to-action, within their geographic area.

IBOs are not allowed to advertise using paid advertising, including without limitation, boosted, sponsored, displayed, or search engine ads because these ads create an unfair advantage among IBOs and may directly compete with Amway. Paid or non-paid advertising, including without limitation, classified advertising services, e.g., Craigslist®††††, Facebook®† Marketplace, etc., auction sites, ‘coupon & deal’ sites, online garage sales, buy/sell groups, fund raising sites, e.g., GoFundMe®††††, and trade or direct selling sites is not allowed. Advertising on these sites may jeopardise service from IBOs to customers and the reputation of Amway and its brands.

### Advertising Examples:

- (a) An IBO creates a Google®† My Business listing to advertise his Amway® business. This is **allowed** because it’s a non-paid search engine business listing site and uses the IBO’s geographic area. In addition, an Amway-approved template must be used.
- (b) An IBO creates a sponsored Artistry Supreme LX® ad on Facebook®†. This is **not allowed** because sponsored ads create an unfair advantage among IBOs and may directly compete with Amway.
- (c) An IBO creates an advertising campaign on Google®† Adwords by purchasing keywords. This is **not allowed** because these ads could compete with Amway’s advertising efforts, and it may create an unfair advantage among IBOs.
- (d) An IBO creates a Craigslist®†††† post to advertise XS™ Energy Drinks. This is **not allowed** because Craigslist®†††† is a classified advertising service and could damage the reputation of Amway and its brands.

### VIDEO, AUDIO, AND LIVE STREAMING

Video, audio, and live streaming (which includes video and/or audio [“Live Streaming”]) within Digital Communications generally do not require prior written approval by Amway if they are on properties the IBO owns or controls. IBOs always have the option to submit videos and audios to Amway for consultation and review before posting, refer to “Submitting for Authorisation” section at the end of the document. Content must comply with the Rules and QAS.

Video, audio, and Live Streaming may not include the following:

- Content created by Approved Providers (as defined in the Rules of Conduct) or education system.
- LOS information.
- Unauthorised claims concerning Amway products, services or its business.
- Listing of available BSM and pricing
- Confidential and/or business sensitive materials about Amway including, without limitation, pre-launch product information, management changes, plant closings, acquisitions, etc.
- Any other material that violates the Rules.

Live Streaming when not saved/memorialised may include the following:

- Amway IBO Sales and Marketing Plan information, with any required disclosures, including without limitation how to make money and receive earnings and qualifications, awards, and bonuses through Amway.
- Authorised BSM for prospects.
- IBO education system promotion information, including without limitation, event dates and ticket pricing.
- However, prior written approval is required for video and audio, including saved/memorialised Live Streaming that are made available for distribution, sale or use at offline meetings.

In addition, video, audio, and saved/memorialised Live Streaming containing the following items also require the IBO to obtain prior written approval from Amway:

- Plan – Content used to depict the Amway IBO Sales and Marketing Plan information including, without limitation, how to make money and receive earnings and qualifications, awards, and bonuses through Amway, either for use with prospects or training IBOs how to show the Plan.
- Product claims – Content that deviates from approved Amway product claims.
- Prospecting – Content related to the teaching of prospecting, recruiting, and sponsoring techniques.
- Income representations.
- Third-party intellectual property (IP) including, without limitation, music, signs, logos, graphics, and images (also requires approval from the third party).

## **WEBSITES, MOBILE APPS, PODCASTS AND BLOGS**

Websites, mobile apps, podcasts and blog concepts generally do not require prior written approval by Amway if they are on properties the IBO owns or controls. IBOs always have the option to submit websites, apps, podcasts and blog concepts to Amway for consultation and review before posting, refer to “Submitting for Authorisation” section at the end of the document. Content must comply with the Rules and QAS.

Websites, mobile apps, podcasts and blogs may not include the following:

- Content created by Approved Providers (as defined in the Rules) or education system.
- LOS information.
- Unauthorised claims about Amway products or services.
- Listing of available BSM and pricing (including ticket prices).
- Confidential and/or business sensitive materials about Amway including, without limitation, pre-launch product information, management changes, plant closings, acquisitions, etc.
- Any other material that violates the Rules.

- Amway IBO Sales and Marketing Plan information, with any required disclosures, including without limitation how to make money and receive earnings and qualifications, awards, and bonuses through Amway.
- Authorised BSM for prospects.
- IBO education system promotion information, including without limitation, event dates and ticket pricing. However, prior written approval is required for video and audio, including saved/memorialised Live Streaming that are made available for distribution, sale or use at offline meetings.

In addition, websites, mobile apps, podcasts and blogs containing the following items also require the IBO to obtain prior written approval from Amway:

- Plan – Content used to depict the Amway IBO Sales and Marketing Plan information including, without limitation, how to make money and receive earnings and qualifications, awards, and bonuses through Amway, either for use with prospects or training IBOs how to show the Plan.
- Product claims – Content that deviates from approved Amway product claims.
- Prospecting – Content related to the teaching of prospecting, recruiting, and sponsoring techniques.
- Income representations.
- Third-party intellectual property (IP) including, without limitation, music, signs, logos, graphics, and images (also requires approval from the third party).

## **DIGITAL EVENTS**

IBOs are allowed to host digital or virtual events in connection with the IBO's business, provided the IBO complies with the Rules and QAS and the digital event is on properties the IBO owns or controls. "Digital Events" means those events held in a virtual environment for a set period of time, with a common theme and a specific group or community. Digital Events on properties IBOs do not own or control are allowed with prior written approval from Amway and permission from the event host.

All Digital Events must meet the following requirements:

- If products are being sold, they must be consistent with the theme of the event.
- Any online sales made during the event must be conducted through the IBO's PRW or through third-party platforms which are Amway supported solutions. Sales may also be made offline.
- Amway must preapprove all materials that will be used or otherwise made available during the event.
- Listing of available BSM and IBO education system ticket and event promotion is allowed only in an IBO only community.
- If Amway IBO Sales and Marketing Plan information will be provided in a non-IBO

community, you must submit to Amway for authorisation.

- Content from a third party may not be used without prior written approval from that party and from Amway.

### Digital Events Examples:

- An IBO creates a virtual Artistry® party on Facebook®†. This is **allowed** because it is on a property the IBO owns or controls.
- An IBO creates a public Facebook®† event invitation to promote his upcoming Amway® cooking event. This is **allowed** because the IBO owns or controls the digital property.
- An IBO is invited to be interviewed on a podcast to discuss her experience with the Amway business and Amway products. This is **allowed** with prior written approval from Amway because it is not on a property the IBO owns or controls.
- An IBO joins a virtual beauty Facebook®† party on a friend’s public group and starts to promote her Amway® business. This is **not allowed** because the IBO did not get prior written approval from Amway or an approval from the host because the event is on a property the IBO does not own or control.

IBOs are allowed to record, and post video and audio of live Amway sponsored events provided the content complies with the Rules, QAS, and DCS.

### CLAIMS ABOUT AMWAY

Claims about the Amway IBO Compensation Plan, opportunity, products or services offered through or by Amway must be truthful, accurate, and not misleading.

Claims for Amway products and services must use language specifically approved by Amway and may not be altered. Claims available to be made in Australia New Zealand can be found at [www.amway.com.au](http://www.amway.com.au) / [www.amway.co.nz](http://www.amway.co.nz) – Education / Product & Brand Resources

IBOs are allowed to post or share about Amway products available for sale in international Amway markets regardless of whether they have an Amway business in those markets. However, if the post includes product claims, even claims specifically approved by Amway, one of the following disclaimers needs to be included in the post:

- If the IBO has an Amway business in the Amway international market where the product is available for sale, a statement must be included to signal that the post is intended for that international market audience (for example, “For my customers in the Malaysian Market)
- If the IBO does not have an Amway business in the Amway international market where the product is available for sale, this statement must be included: “This product is not available in the Australia / New Zealand Market

## **Income and Lifestyle**

All direct and indirect income representations must provide realistic, not exaggerated, income potentials and lifestyle expectations. Earnings, lifestyle, and IBO Compensation Plan materials that show how money is made in the Amway business may require the use of appropriate disclosures, as detailed in the Rules of Conduct or as provided by Amway from time to time.

**Income and Lifestyle Example:** An IBO posts on Instagram a photo of the check he earned from Amway and states he has reached one of his goals for this year and is pleased his hard work was recognised. This is **allowed** as an IBO can post about his own personal experience if the statements are truthful, accurate and not misleading.

## **Endorsements and Testimonials**

Endorsements and testimonials must reflect the honest opinion, belief, or experience of the endorser. An endorsement or testimonial may not be used to make a claim that Amway couldn't legally make.

IBOs may not provide any form of compensation in exchange for an endorsement, testimonial, or positive review with the exception of providing product samples. IBOs may not provide any form of compensation for the purchase of followers or likes.

If a material connection exists between the person providing the endorsement or testimonial and Amway, and that material connection is not known to or expected by the audience, the connection must be disclosed. For example, a material connection may include the fact that the person received free product samples in exchange for providing the endorsement or testimonial, or the person providing the endorsement or testimonial is an IBO. Disclosures must be clear, conspicuous, prominent, legible, and close to the claim.

### **Endorsement and Testimonial Examples:**

- (a) An IBO retweets a customer testimonial about how great his hair looks after using a free sample of Satinique™ shampoo. This is **allowed** because the disclosure of the free product was included in the tweet, and the customer received no additional compensation.
- (b) An IBO provides a vlogger with two cases of SA8™ in exchange for positive reviews on her vlog. This is **not allowed** because the amount of product (two cases) would be considered more than a sample.

## **Before and After Images and Videos**

Before-and-after images and videos are a form of testimonial, regardless of whether the before-and-after images or videos depict the IBO or someone else. A testimonial may not convey a claim that Amway could not legally make.

IBOs must obtain prior written approval from Amway on any before and after images or videos involving Amway® products or their use. However, the following before and after images or videos do not require prior written approval:

- Amway-provided before and after image or video, including any required disclosures
- Application of Amway makeup to one's self or others (makeup does not include skin care products). The image or video may not include any caption, text, or audio that exceeds the scope of any claim that Amway makes for the product. The image or video may not feature, display, or mention third-party products.

If a material connection exists between the person providing the endorsement or testimonial and Amway, and that material connection is not known to or expected by the audience, the connection must be disclosed. Disclosures must be clear, conspicuous, prominent, legible, and close to the claim.

### **Product Demonstrations**

Product demonstrations are presentations of Amway® products that involve the actual use of the product to show its function or a result that can be obtained from using the product.

IBOs must obtain prior written approval from Amway on any product demonstrations involving Amway® products. However, the following product demonstrations do not require prior written approval:

- Those using Amway-published instructions that are strictly followed.
- Amway-provided product demonstrations.
- Application of Amway makeup on one's self or others (makeup does not include skin care products).
- Those that depict IBOs using Amway cookware products in accordance with their intended use (i.e. to prepare and cook food).

No product demonstration may include any caption, text, or audio that exceeds the scope of any claim that Amway makes for the product. Product demonstrations cannot feature, display or mention third-party products.

## **INTELLECTUAL PROPERTY**

Intellectual Property is a creative work to which one has rights, including those for which one may apply for a patent, trademark, etc. An IBO may only use intellectual property owned by Amway or someone else for which they have secured the rights to use. Intellectual Property can include music, images, audio, video, text, trademarks, logos, or other works.

### **Copyrighted Material**

Copyrighted materials, include without limitation, music, books, magazines, articles and other writings, including excerpts and translations, speeches, photographs, artwork, including

online images, websites, blogs, and other social media posts, videos, movies, plays, sculptures, buildings, 3D forms, and computer software.

### **Use of Materials Created by Amway**

An IBO may not use copyrighted materials produced by Amway without first obtaining permission, unless the IBO has obtained them from approved sources as specified by Amway. For example, material made available for IBO use is found on [amway.com.au/www.amway.co.nz](http://amway.com.au/www.amway.co.nz) in the Business / Business Resources section. An IBO may use those un-manipulated resources without seeking prior approval from Amway.

An exception to this would be the featuring of materials that have otherwise been approved for use by IBOs, including Amway-produced content featured on Amway-owned digital properties, when creating Stories on IBO-owned digital properties. Adding Stickers, Text, GIFs, etc. is allowed, so long as IBOs maintain the integrity of the assets. IBOs do not need to obtain permission to share or link from official Amway digital properties. Any other materials will require written permission from Amway.

### **Use of Materials Created by Amway Examples:**

- (a) An IBO shares an image from Amway's official Facebook®† page promoting the L.O.C. brand on his page. He is **allowed** to share the post because he does not need to obtain permission to share from official Amway digital properties.
- (b) An IBO right clicks and saves or screen shots an image from the product section of [Amway.com.au](http://Amway.com.au) and posts it to her Twitter®† profile. This is **not allowed** because the rights to the image may only pertain to the company website (e.g. models featured in website photography) and may not extend to IBO usage. In addition, the quality of the image may be compromised. The IBO should obtain an image from an approved Amway source to ensure that the IBO is using a high-quality, authorised image.
- (c) An IBO obtains an Artistry® image from the Resource Center. She adds stickers to the image, along with her own text to promote the Artistry brand along with her Amway Business, and posts to her Instagram Story. In doing so, she maintains the appearance and substance of the underlying image, which maintains the integrity of the asset. This is allowed because IBOs are **allowed** to edit or enhance resources from Amway without prior approval when creating Stories on digital properties owned by the IBO.

### **Use of Materials Created by Third Parties**

An IBO may not use copyrighted materials from a third party without first obtaining a proper written assignment, license, or other permission from the copyright owner, or unless the use is otherwise permitted by applicable laws. An IBO must retain any written permission they obtain for the use of copyrighted materials and produce them to Amway upon request. The IBO must comply with all copyright laws in their Digital Communications.

Sharing a link or using the share button to an article, blog post, or social media post written by a third party is allowed provided anything accompanying the posted link does not include references to Amway® products or the Amway opportunity. In addition, comments on the posted link must not include references to Amway® products or the Amway opportunity.

### **Use of Materials Created by Third Party Examples:**

- (a) An IBO reads an online USA Today article discussing a potential link between fish oil and the reduction of risk for heart disease. The IBO shares the article to his Facebook®† account with the following text: “Really interesting article on the potential link between fish oil and heart disease.” This is **allowed** because the IBO’s comments do not include references to Amway® products.
- (b) Forbes®†††† posts on its official Facebook®† page a link to an article on its website. An IBO shares the article with his Facebook®† followers. If Forbes®’ original post contained a “Share” feature, Amway will not prohibit the IBO from sharing that post. This is **allowed** so long as any commentary added by the IBO is in compliance with other sections of these DCS. For example, the content should not suggest that Forbes®†††† is promoting or is in any way affiliated with the IBO or Amway.
- (c) An IBO shares a third-party article that features Amway® products to her Twitter®† account and comments, “Check out this article.” This is **allowed** provided the IBO comments do not include references to the Amway® products or business.
- (d) An IBO subscribes to Forbes®†††† magazine, sees an article in it discussing the Amway opportunity, and shares photographs of the cover and pages from the article on Instagram®†. This is **not allowed** unless the IBO first obtained written permission from Forbes®††††.
- (e) An IBO sees a video on YouTube®† created by another IBO. The IBO downloads the video and then uploads it to Facebook®†, sharing it with all of her followers. This is **not allowed** unless the IBO received written permission from the original owner.
- (f) An IBO shares an online New York Times article to her Facebook® account with the following text: “Really interesting article on the potential link between Vitamin D and depression. Contact me if you want more info about the new Nutriway® Vitamin D supplement!” This is **not allowed** because the post includes a reference to an Amway® product and it creates an implied claim that Nutriway® Vitamin D supplement does or could reduce the risk for depression. Amway does not have substantiation for such a claim.
- (g) An IBO copies an image of a best-selling book cover from Google®† images and posts it on a social media site. This is **not allowed** because the IBO does not own the rights to the image.

### **Music**

Music reproduced, altered, played, performed, recorded, broadcast or streamed via the Internet cannot be used without a proper written assignment, license, or other permission of the owner or through applicable laws that permit the use. MORE THAN ONE LICENSE IS OFTEN REQUIRED

**WHEN USING RECORDED MUSIC.** Any written permission obtained shall be retained by the IBO and provided to Amway upon request.

Amway provides Signature Tracks music to IBOs for use in their Amway® businesses. This music may be used because licenses and permissions have been obtained for IBO use. These tracks can be found on Amway’s website under, Business / Business Resources ‘Music Library’.

### **Music Examples:**

- (a) An IBO records a time lapse video of himself cleaning a kitchen with Amway Home® cleaning products. Before posting to Instagram®†, he selects background music from Signature Tracks and edits the video to include that music. This is **allowed** because the music available on Signature Tracks is licensed for an IBO to use in this manner.
- (b) An IBO records a 20 second makeup-application demonstration featuring Artistry® products. Before posting to Facebook®†, she adds 20 seconds of a popular song as background music. Unless the IBO has obtained the appropriate license(s) for that track, the post is **not allowed**.
- (c) An IBO takes a 30 second video of a live music performance at an Amway event and posts it to Facebook™. Unless the event coordinators have explicitly approved this activity, or the IBO independently secures the rights to use the performance in that manner, this is **not allowed**.

### **Rights of Publicity**

A person’s “right of publicity”, where applicable, is the person’s right to control and profit from commercial use of his/her own likeness, including his or her name, image, voice or other aspects of his/her identity. An IBO is expected to respect others’ rights of publicity and comply with all applicable laws related to the IBO’s Digital Communications and comply with individuals’ requests to stop using their likeness. An IBO is not allowed to use another individual’s rights of publicity to promote his/her business without first obtaining written permission from that individual.

Amway prohibits an IBO from posting content that contains a celebrity’s likeness or that prominently features a third party unless the IBO has obtained written authorisation from the person(s) appearing in the content or Amway has otherwise approved that content.

An IBO may not post content in any Digital Communication in a way that falsely suggests an affiliation or sponsorship between the IBO or Amway and any third party.

### **Rights of Publicity Examples:**

- (a) An IBO is at the beach, and takes a selfie holding up a can of XS™ energy drink. A group of people can be seen in the background, but the camera is focused on the IBO and aspects of the identities of the background people cannot be easily determined. The IBO posts this photo with the caption “Great day at the beach powered by XS™ brand! See link

in bio for more info on how to get your XS™ products!” This is **allowed**; however, Amway requires that the IBO take the post down if the people are recognisable in the photo and have asked that the post be removed.

(b) An IBO takes a selfie where a well-known author, who is paid to speak and sign books at an Amway event, is highlighted in the background. This is **allowed** provided the event guidelines allow photography of this author at the event. If allowed, the IBO may not imply that the author is affiliated with or endorses Amway.

(c) An IBO re-tweets a photo of a famous snowboarder drinking an XS™ energy drink with the caption “Check this out! Top athletes swear by the XS™ brand!” This is **not allowed** unless the IBO has obtained written authorisation from the snowboarder.

(d) An IBO is at the beach, and takes a selfie holding up a can of XS™ energy drink. Two random people photobomb the IBO, both giving him the thumbs up sign. The IBO posts this photo with the caption “Great day at the beach! Everyone loves XS™ energy drinks! See link in bio for more info on how to get your XS™ products!” Unless those two people provided consent to the IBO, this is **not allowed** and gives the impression that those people are promoting XS.

### **Trademark Use**

An IBO is not allowed to copy, distribute or use in any other manner any trademarks of Amway or Alticor Inc. (“Alticor”) without prior written approval from Amway. Amway or Alticor corporate-owned trademark and logo artwork, product photos, and corporate-related images may be obtained only from approved sources as specified by Amway.

An IBO is not allowed to copy, distribute or in any other manner use trademarks of a third party without proper written assignment, license, or other permission by the trademark owner.

### **Amway’s Trademarks**

Amway’s trademarks – including Amway™, Nutriway®, Artistry®, XS™, and other brands, logos, or names it currently uses or may adopt in the future – are of great value to Amway.

Amway expects the IBO to respect its rights by only using Amway-owned trademark and logo artwork, product photos, and corporate-related images that the IBO has obtained from approved sources as specified by Amway. An IBO may use unedited resources found in the Download section of the Amway website without seeking prior approval from Amway.

When creating a digital property (such as a Facebook®† or Instagram®† account, or website), an IBO may use an Amway-owned brand name (in text only) to describe the IBO’s connection to Amway as appropriate in the “about,” “bio,” or similar relevant area on the digital property without prior approval. An IBO may not use Amway-owned trademarks (product or brand names), brand logos or product images, in the domain name, account username, handle, account name, display name, page name, email address, profile pictures, cover photos or backgrounds or similar relevant area on the digital property, unless you have written permission from Amway.

Except for assets obtained from the approved sources and as otherwise described in this section, an IBO is not allowed to copy, distribute or in any other manner use trademarks of Amway without prior written approval from Amway.

### Amway’s Trademarks Examples:

- (a) An IBO creates a Facebook®† page and the bio section reads, “Amway Independent Business Owner. Passionate about BodyKey and weight management. Direct message for more info.” This is **allowed** because Amway brand can be used in the bio section.
- (b) An IBO creates an Instagram®† account with the username @amwayking. This is **not allowed** because the IBO used “Amway” in the username.
- (c) An IBO creates a Twitter®† account with the display name “My Nutriway Account.” This is **not allowed** because the IBO used an Amway owned brand, Nutriway, within the display name.

### Third-Party Trademarks

The IBO is responsible for not violating the trademark rights of third parties in its Digital Communications. An IBO may not feature or use a third-party’s trademark in a digital communication in a way that falsely suggests an affiliation or sponsorship between the IBO or Amway and that third party.

### Third Party Trademark Examples:

- (a) An IBO posts an image with her education system logo on her Instagram account. This is **allowed** provided the education system approves use of the trademarked logo.
- (b) An IBO posts a video to Facebook®† demonstrating (in full compliance with product claims rules) how Amway products are used in the kitchen. The IBO has a Betty Crocker®††††† cookbook propped up on the counter next to the Amway products and is wearing a shirt with the Betty Crocker®††††† logo embroidered on the chest. This is **not allowed** because posting this video could be interpreted as suggesting an affiliation between the IBO and Betty Crocker®†††††and/or between Amway and Betty Crocker®†††††.

### Submitting for Authorisation

BSM are often thought of as books, brochures, CDs, etc. used to support, train, motivate, and educate IBOs, prospects, and customers (see Rules of Conduct Section 7). BSMs can also include digital assets such as apps, websites, podcasts, and videos. All digital BSM must comply with the Rules and QAS.

Under the Rules, BSM must be submitted to Amway for review and approval prior to use. Digital Communications that are BSM but that are spontaneous in nature will not require prior approval unless specifically set forth in these DCS. The following is a list of Digital Communications that require prior written approval from Amway prior to use:

- Amway, Alticor, and third-party intellectual property.
- Before and after images and videos (user generated; except for color cosmetics).
- Blogs. (Note: Only the “concept/theme” of the blog needs to be reviewed).
- Digital events with use of third-party intellectual property.
- Digital events on non-IBO owned or controlled properties.
- Digital events with use of Amway IBO Sales and Marketing Plan information in a non-IBO community.
- Mobile apps.
- Podcasts.
- Product demos (user generated; except for color cosmetics, cookware, and cooking).
- Video, audio and saved/memorialised Live Stream containing: Plan, Product Claims, Prospecting, Income Representations, and Third-Party IP.
- Websites.

IBOs must send all requests for review and approval to Business Conduct and Rules. Requests must include IBO name and number, content and intended use. Please submit through your Upline Approved Provider or by emailing **anz-legal&rules@amway.com**.

† Facebook® is a registered trademark of Facebook, Inc.; YouTube® is a registered trademark of Google LLC.; Instagram® is a registered trademark of Instagram, LLC; Twitter® is a registered trademark of Twitter, Inc.; Wechat® is a registered trademark of Tencent Holdings Ltd.; WhatsApp® is a registered trademark of WHATSAPP INC.; SnapChat is a registered trademark of SNAP INC.

††LinkedIn® is a registered trademark of LinkedIn Corporation

††† Amazon® is a trademark of Amazon Technologies, Inc.; eBay® is registered trademark of eBay Inc.; Taobao® is a registered trademark of Alibaba Group Holding Limited; Etsy® is a registered trademark of Etsy Inc.

†††† Craigslist® is a registered trademark of Craigslist, Inc.; GoFundMe® is a registered trademark of GoFundMe Inc.

††††† Forbes® is a registered trademark of Forbes LLC; Betty Crocker® is a registered trademark of General Mills, Inc.