

Nativo, Inc. Content Guidelines

Nativo reserves the right (but has no obligation to) to decline to run or link to any advertiser-provided content, assets, products, services or campaign (or any component thereof) (collectively, the “Content”), without notice, in our sole discretion. This may include Content that does not follow federal or state law, FTC guidance, Nativo’s own brand guidelines (including these Content Guidelines), or publisher guidelines. These Content Guidelines are subject to change at any time.

Nativo is not responsible for securing or enforcing the copyright, trademark or other intellectual property rights in any Content a client provides for distribution through a Nativo campaign. Further, all Content must reflect best practices in truth-in-advertising and consumer protection standards, as more specifically outlined in [Nativo’s Native Advertising Guidelines For Advertisers](#). For example, Content must not be false, misleading, or deceptive, and an advertiser must have a reasonable basis to support all advertising claims in the Content.

This is not an exhaustive list of prohibited or restricted content on the Nativo platform. This list does not constitute, and should not be used as a replacement for, legal advice. Each brand is solely responsible for determining the legality of its ad content.

If you have any questions about legal issues related to your Content, including with respect to clearance obligations or Nativo truth-in-advertising requirements, you must consult your own legal counsel.

Prohibited Content. *The following types of Content are NOT permitted on the Nativo platform.*

1. Children under 13

Content made to appeal to children under 13-years-old

2. Dangerous Items

Sale or promotion of weapons, firearms, ammunition, knives, brass knuckles, etc.

3. Defamation and Libel

Content that is defamatory, libelous, contrary to public policy, or otherwise unlawful

4. “False News”

False material being portrayed as legitimate. Does not apply to satire, parody, or opinion that would be obvious to a regular reader

5. Fear or Scare Tactics

Fear or scare tactics, such as falsely suggesting a negative consequence will occur if a consumer doesn’t buy a product or service from an advertiser (e.g., exaggerating risk of computer viruses, identity theft or privacy, risk of property loss)

6. Free Streaming Sites

Sites that offer free streaming or downloads of live TV, sports, movies, etc.

7. “Get Rich Quick” Pyramid Schemes

For example: “make \$10,000 a month from your bedroom”

8. Hateful Content

Discriminatory or “Anti” concepts, including any hate speech, or negative Content against a protected class, minority, or disadvantaged individual or group (e.g., gender, sex, religious affiliation, race or ethnicity, socio-economic status, or disability)

9. Herbal or Homeopathic Remedies

Marketing herbal or homeopathic remedies as curing a disease or condition

10. Illegal Activity

Any Content that promotes illegal activity, infringes on the legal rights of others or is advice not permitted by law

11. Illicit Drugs

Illegal drugs such as ecstasy, MDMA, heroin or other synthetic opiates, cocaine, anti-depressants, designer drugs, or any derivatives thereof

12. Illicit Drug Paraphernalia

13. Name or Likeness of an Individual

An individual’s name, likeness, or other personal attributes cannot be used without that person’s permission (includes celebrities as well as ordinary people)

14. Online Poker / Gambling

Online poker, casino gaming, or gambling; “gaming” that looks like online gambling or any gambling other than legally licensed brick and mortar

casinos (see Restricted Content #3). This Section 15 does not apply to gambling ads geo-targeted to United Kingdom consumers* or sports betting ads (see Restricted Content #23).

15. Pay Per Call (900 numbers)

16. Politics & Religion

Overtly controversial or polarizing political or religious Content

17. Pregnancy and Fertility Related Products

No behavioral targeting (see Prohibited Content #20 for the restrictions). This excludes condoms and birth control (see Restricted Content #7)

18. Psychics

Psychics and others offering to tell the future

19. Replicas

Products that are replicas or imitations of designer goods

20. Sensitive Health Topics

- a. All conditions predominantly affecting or associated with children that are not treated by over-the-counter medications
- b. Examples of sensitive health topics: drug addiction, sexually-transmitted diseases, abortion, cancer
- c. No Behavioral targeting
- d. EXCEPTION to this section #21: This does not apply to “first party marketing” (i.e., serving an ad based on a user’s current web viewing behaviors at the time the ad is

served, also known as contextual advertising)

21. Spam and Mail Fraud

Content promoting spam, mail fraud, or investment opportunities

22. Surveillance Equipment

Excluding general purpose photo, video or audio recorders; pet or baby monitors; or security equipment

23. Tobacco

Any tobacco products (this includes tobacco-free, nicotine-only products)

24. Third-Party Rights Violation

- a. Including rights related to publicity, personality, or privacy; trade secrets or other property; trademark; or copyright
- i. A brand’s use of another’s name, logo, or media is generally not permitted by law

Restricted Content. *The following types of Content will be flagged for further review by Nativo.*

1. Adult Content, Products, or Services

- a. Served only to 21+ site list.
- b. Cannot include: pornography, nudity, partial nudity, content including depictions of sexual acts, gore, violence or other graphic material.

2. Alcohol

- a. Served only to 21+ site list
- b. Complies with self-regulatory advertising standards:
 - i. Cannot make health benefit claims
 - ii. Cannot appeal to individuals below 21 (No depictions of children, cartoon characters, or models under 25 (or anyone appearing under 21))
 - iii. Cannot portray irresponsible drinking; no excessive drinking, drunkenness
 - iv. Not suggestive that drinking will result in social, professional, educational, or athletic success or status

3. Brick and Mortar Gambling & Gaming*

- a. Age restrictions: 21+ site list and cannot feature anyone who is or appears to be under 25
- b. Cannot mislead as to likelihood or odds of winning; omit material information
- c. Cannot be advertised as a career or “get-rich-quick” method
- d. Significant conditions or limitations must always be prominently featured within the body of Content
- e. Must include risk and responsible gambling statements

- f. Must be geotargeted to states and regions in which such gambling is permitted

4. Cannabis (Canada only)

- a. Served only in Canada*
- b. Cannot promote Cannabis or Cannabis accessory or any service related to Cannabis:
 - i. By communicating information about its price or distribution
 - ii. By doing so in a manner that could be appealing to young persons
 - iii. By means of a health or medical claim
 - iv. By means of testimonial or endorsement;
 - v. By means of depiction of a person, character or animal, whether real or fictional
 - vi. By presenting it or any brand elements in a manner that associates it or the brand element with, or evokes a positive or negative emotion about or image of a way of life such as one that includes glamour, recreation, excitement, vitality, risk or daring

5. CBD

- a. Served only in the United Kingdom*
- b. Complies with the following requirements:
 - i. Hemp derived
 - ii. Does not contain any THC (0%, pure)
 - iii. Does not contain a CBD flower or CBD bud

- iv. No medical/health claims (including testimonials)
- v. Ad is not attractive to children

6. Claim Substantiation

The Ad should not make any claims that the advertiser is not able to substantiate

7. Contraceptives

- a. Cannot in any way convey sexual pleasure or enhancement
- b. Target to 21+ only

8. Cryptocurrencies

- a. Generally allowed: cryptocurrency trading platforms, cryptocurrency wallet services, educational information where no cryptocurrency products are offered, blockchain technology information
- b. Not allowed: cryptocurrency initial coin offerings (ICOs), cryptocurrency token sales
- c. May be subject to Restricted Content #12.

9. Dating Services

Dating ads with a sexual emphasis aren't compliant. Other types of dating services require approval by Nativo.

10. Diamonds and Jewelry

Must be a clear and conspicuous disclosure about the source of the stones (mined vs. lab created)

11. Endorsement and Testimonials

Either the results in the ad must be typical of what other consumers can expect to achieve or the ad must clearly and conspicuously disclose what the typical results are. Must be authentic and based on actual use of the product

or service and reflect representative results of use of product or service; if it reflects better than average results, the average results must be clearly disclosed

12. Financial Services

- a. Must clearly disclose any fees and terms and conditions of any financial offer
- b. Cannot promote rates or terms without disclosing credit or other necessary qualifications
- c. No suggestion of governmental affiliation
- d. Cannot guarantee automatic qualification for a loan or other “free money” type offers

13. Flashing GIFs

GIFs that animate and “flash” with rapidly changing background, text or colors.

14. Green Products

i.e. Environmentally-friendly products
Please see the FTC's [Green Guides](#) for more information.

15. Loan companies

- a. Direct-response advertisers, payday or short-term loan companies
 - i. No competitive references; No use of fear or scare tactics, deceptive or misleading statements, false claims or suggestion of unlikely results from using a product: must be based in fact and include clear risk statements

16. Made in USA Products

- a. For a product to be called Made in USA, or claimed to be of domestic origin without qualifications or limits on the claim, the product must be "all or virtually all" made in the U.S.. In addition, final assembly or processing of the product occurs in the United States and all significant processing that goes into the product occurs in the United States.
- i. "All or virtually all" means that all significant parts and processing that go into the product must be of U.S. origin. That is, the product should contain no foreign Content

17. Online Pharmacies

Only online pharmacies licensed within the United States are permitted

18. Personally Identifiable Information (PII)

- a. If the advertisement requires the user provide PII, the following requirements must apply:
 - i. There must be a clear presentation of how the information collected is being used.
 - ii. Advertisers must provide instructions within their privacy policy for how to opt-out of any future unsolicited promotional communication—e-mail or otherwise.
 - iii. Any follow-up communication from the advertiser resulting from the PII collected the advertisements must contain an explicit opt-out (this applies to every single piece of unsolicited promotional email).
 - iv. The advertiser must be in compliance with the CAN-SPAM Act of 2003.

19. Pharmaceutical and Medical Procedures

- a. No experimental or other non-FDA approved medicines or procedures (if they would ordinarily require FDA approval)
- b. OTC drugs and therapies are permitted

20. Political

- a. Anything political related is subject to approval. Content relating directly to political candidates as well as "issue advocacy"
- b. Must comply with FEC and state labeling and disclosure guidelines
- c. No New Jersey, New York, Nevada, Washington or Maryland state or local political ads

21. Profanity

- a. Only mild profanity (e.g., "damn" or minimal use of other non-sexually derived expletives) or the use of symbols in place of letters is acceptable
 - i. For mild profanity, a disclaimer is encouraged: *"The following editorial/content/video contains strong language which may not be suitable for all audiences."*

22. Rehab Providers

Only providers accredited with the National Association of Addiction Treatment Providers, The Joint Commission or [LegitScript](#)

23. US Sports Betting*

- a. The advertisement shall NOT:
 - i. Target territories where the advertiser is not authorized to operate

- ii. Depict minors or be designed to appeal to those below the legal age for sports betting
- iii. Target prohibited participants, minors, or self-excluded persons
- iv. Misrepresent the frequency or extent of winning in any sports contest advertisement
- v. Glorify gambling or misrepresent the benefits of participation
- vi. Promote irresponsible or excessive participation in sports betting or encourage individuals to play beyond their means
- b. The advertisement SHALL:
 - i. Contain a responsible gaming message, along with a toll-free help line number where practical

24. Software

- a. The advertisement shall NOT:
 - i. Automatically trigger downloads
 - ii. Present download dialog boxes that do not require user initiation via a click to perform a download. The user must be notified that the download will take place upon user initiation via a click. Complete and accurate information about what the software does and how to remove the software must be easily available to the user.
 - iii. Pretend to know details about a user's computer/system, including what is/is not installed, whether it has discovered viruses, worms, corrupted files, etc.
 - iv. Promote or contain viruses, worms, corrupted files, cracks or other materials that are intended to or may damage or render inoperable software, hardware or security measures of the user or the applicable publisher.

- v. Contain content that facilitates and/or promotes, whether directly or indirectly, the sale or use of the following:
 - 1. Software whose purpose is to collect demographic and usage information from a user's computer without the user's express consent.
 - 2. Software that "sneaks" onto a user's system and performs activities hidden to the user.
 - 3. Software bundled as hidden components of other software, whether free or for fee.
 - 4. Software that may—in any way—alter, harm, disable or replace any software installed on a user's computer without express permission from the user.

25. State Lotteries*

Lottery ads must comply with that state's laws and only target people in that state

26. Supplements

- a. Dietary/herbal only
- b. Any results-based advertising must accurately state the average results to a common consumer (i.e., no false claims or suggestion of unlikely results from using a product, like misleading before and after photos, or unrepresentative claims about mental or physical benefit)

27. Weight Loss Claims

- a. Brands must be able to substantiate all objective weight loss claims (see also Restricted Content #11 and #26b), and Nativo prohibits any claims similar to the below examples

that the FTC advises are most likely false. Please see the [FTC's Reference Guide](#) for more information

- i. Causes weight loss of two pounds or more a week for a month or more without dieting or exercise;
- ii. Causes substantial weight loss no matter what or how much the consumer eats;
- iii. Causes permanent weight loss even after the consumer stops using product;
- iv. Blocks the absorption of fat or calories to enable consumers to lose substantial weight;
- v. Safely enables consumers to lose more than three pounds per week for more than four weeks;

- vi. Causes substantial weight loss for all users; or
- vii. Causes substantial weight loss by wearing a product on the body or rubbing it into the skin

*Geo targeting is determined by the inferred location of a user based on the user's IP address collected just before the ad is delivered. Such inferred locations are **not always accurate**, however, and natural spillage may occur, resulting in the serving of impressions outside the specified geo. **Any reliance on geo targeting settings is at your own risk.** Please consult with legal counsel before using geo targeting settings as a means to comply with location-specific laws.