

Guidelines for use of Advertising in Social Media Nebraska Real Estate Commission (December 2021)

The Commission's regulations define advertising as "all forms of identification, representation, promotion, and solicitation disseminated in any manner and by any means to the public for any purpose related to licensed real estate activity" (NAC, T. 299, Chapter 2, Sec. 003). **Basically, if you are promoting yourself as an agent or broker, your brokerage, your services, or a property or properties for sale or lease, it is advertising.**

When an agent uses social media to send a message like, "I have a great new listing at 3425 Maple St." (property for sale) or, "Come see me for all of your real estate needs"

(promoting your services), or "Big-O Realty, now the largest broker in Phelps County" (promoting brokerage), it is advertising.

Social media is designed to be quick and easy to use, that is even reflected in the names of many of the applications, "Instagram", "Snapchat", but when you use it as a promotional tool for your real estate activities, you must follow the advertising rules found in the Nebraska Real Estate License Act, and that may require a little more care and a few extra steps.

The basic advertising rules are that the advertising be under the direct supervision of your broker (check to see if your broker has a social media policy), not be misrepresentative or deceptive, that it be done with the permission of the owner if listing property, and, the one we are focusing on here, that the advertising displays the name the brokerage does business under and that name is adjacent to and as or more prominent than any affiliated salesperson, associate broker, or team name used in the advertising.

To meet the broker prominence **the brokerage name should be in the first public facing page or display of the advertising when used in social media, there is no "one click away" rule in Nebraska.** Audio needs to name the brokerage in the advertisement, video needs to name or show the name of the brokerage prominently. There may be different formats depending on the media being used for advertising, more information provided below.



Compliant Advertising on Instagram



Facebook—Facebook Posts

Right: “Charlene Beauchamp--Compliance Realty—Come check out my first listing at 2341 Sycamore”

Wrong: “Charlene Beauchamp—Real Estate Agent-- Come Check out my first listing at 2341 Sycamore”

Hint: *Create a Facebook Page with your name and Brokerage Name in your signature line if you are using a Facebook Account for Advertising, then you won’t have to worry about typing it in on each advertising post. If you create a post on your business page and repost to your personal page, identify your brokerage in the body of the repost.*

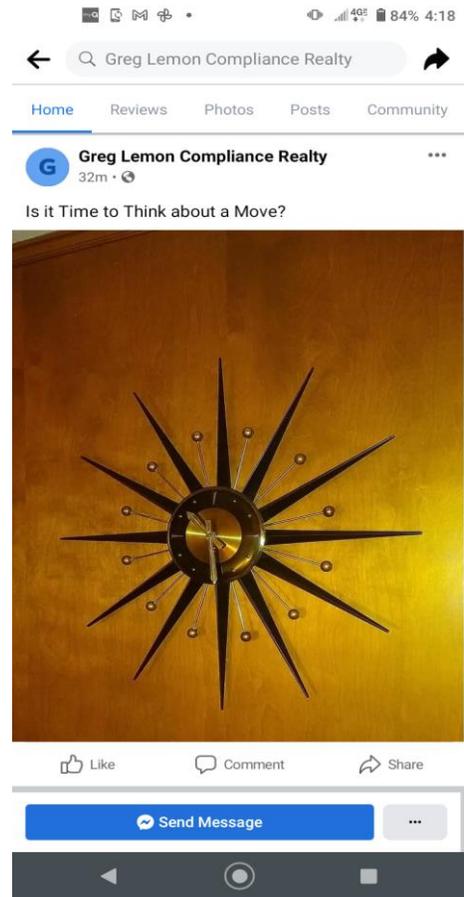


Twitter--Tweets

The name the brokerage does business in should be in the Tweet, not found on a page from a link contained in the tweet. Now that Twitter has gone to 280 characters this should be easier

Right: “Several lots for sale in the desirable Rocky Shores neighborhood, Chester Branson, Stayinoutatrouble Realty, LLC

Wrong: “Several Lots for sale in the desirable Rocky Shores neighborhood <https://www.Rockyshoreslistings.com>” even if link goes to listings that contain the brokerage name .



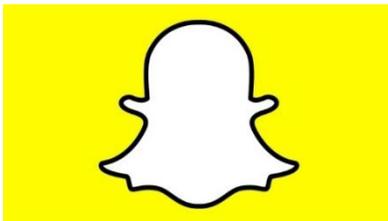
Compliant advertising on Facebook



Instagram

Advertising rules Apply to Instagram as well, the brokerage name should be prominently displayed in all advertising.

Hint: Use the “create” button in the camera function in your Instagram app to add text to pictures or create a caption with your brokerage name in the post.



Snapchat--Chats

Advertising Rules apply to Snapchat posts, they may not be around for long, but they still need to be in compliance.

Hint: When posting pictures use the Text “T” button at the top right of the screen in your camera app to create a caption with your brokerage name.

General Posts, Photos and Tweets

We have defined advertising as promoting yourself, your brokerage, or your brokerage’s services. Many licensees send out information about the real estate market, or other housing or marketing information. Whether this is advertising or not will depend on the particular post and the context it is sent out in. Obviously, a simple cat or dog video from a personal page is not advertising, but if it relates to promoting your business, treat it as advertising, prominently display the brokerage name, and stay out of trouble.

Conclusion—We can’t possibly cover every social media app and its possible uses for advertising, but the rules stay the same no matter what app you are using. The important thing to remember is that if you are promoting properties, your brokerage, or your services, include the brokerage name in the first screen or shot the recipients see on their device. If the app doesn’t easily lend itself to working within the rules, either figure out a way to make it work, or use another application that allows for compliance.

Finally, you may report potential violations to the Commission, or you may want to discuss them with the person using the advertising. Please be constructive and considerate when discussing potential violations with other licensees.