

# The new ad plan

How to utilize technology to market your business efficiently and legally **Interviewed by Troy Sympson**

**N**o matter how amazing, affordable or beneficial your product is, if people don't know about it, it's not going to sell. You need advertising to promote and present your wares to the public.

A simple black-and-white newspaper ad or corny radio jingle just doesn't cut it in today's fast-paced business world. You need fast, effective communication that's highly accessible and highly visible. Which is why many companies are utilizing technology — online marketing, e-mail, fax and telemarketing — to reach their target audiences.

"Today's advertising technologies are fast, inexpensive and effective," says Mary Ann Wymore, an Officer in the Litigation Practice Group at Greensfelder, Hemker & Gale, P.C.

"But," adds Wymore, "companies need to be keenly aware of federal, state and local laws when considering a viral marketing campaign."

*Smart Business* spoke with Wymore about advertising technologies and how to effectively — and legally — implement them.

## Why have new advertising technologies become so prevalent?

There are two main reasons. One, it brings mass marketing to companies of all sizes. In the past, many companies — particularly smaller ones — simply could not market themselves well. They didn't have the time, means, money or resources to create a truly effective marketing campaign, and even if they did, it was difficult to figure out what advertising mechanism was most effective. With today's advertising technologies, any company can create a mass marketing campaign, and it's easy to track the efficiency and effectiveness of it. The second reason advertising technologies are growing in popularity is that the entire business community is becoming an e-commerce-oriented world. In today's business world, companies need to be able to instantly reach current and potential customers. If you don't keep up with technology, you quickly will be left behind.

## When implementing an ad campaign, what does a company need to be aware of?

First and foremost, you have to know the laws that regulate the various forms of electronic advertising, such as e-mail, Web sites,



**Mary Ann Wymore**  
Officer, Litigation Practice Group  
Greensfelder, Hemker & Gale, P.C.

faxing and telemarketing. Besides knowing the ins and outs of the Telephone Consumer Protection Act (which governs the conduct of telephone and fax solicitations) and the CAN SPAM Act (which covers e-mail and online marketing), you have to stay on top of the various state and local regulations. Regulations vary, so just because you're fully compliant with the federal laws, doesn't mean you're complying with all the state and local laws. Many businesses have no idea about these laws, so you need to be fully aware. Other than complying with any law that may affect your marketing campaign, you have to ensure you choose the right advertising mechanism for your company's needs and wants.

## What are the pros and cons to the different advertising technologies?

As I mentioned, there are many laws that govern advertising, so no matter what technique you use, make sure your ad campaign won't cause more harm than good. Each method offers pros and cons.

■ **Telemarketing** — Telemarketing is a relatively low-cost way to have direct contact with consumers. With a print ad, you don't know who's reading it or when they're read-

ing it. With telemarketing, you know when you're accessing people. But, it's heavily regulated. If your company doesn't pay close attention to do-not-call lists and customer requests to be removed from marketing lists, you can face a litany of fines and lawsuits.

■ **Faxing** — Faxing offers an even lower cost than telemarketing, and it allows you to reach a large number of people quickly, and virtually at the same time. If you're new to an area, faxing can get your message out to the entire town and region. Some companies have grown their businesses by as much as 36 percent thanks to effective fax campaigns. The drawback with faxes is that if you send a fax without the recipient's prior request or permission, you can run afoul of federal and state laws that regulate faxing. An unsolicited fax could draw a fine as high as \$1,500. One class-action suit resulted in a \$12 million judgement against a popular restaurant chain that sent four unsolicited faxes.

■ **E-mail/online marketing** — E-mail can be win-win for both sides of an advertising campaign. It's inexpensive and easy to both send and receive an e-mail. When a customer receives a fax, there can be a minimal cost involved with it; when they receive an e-mail, it's free. The problem with e-mail is that the customer may be wary about the legitimacy of the e-mail and who it's from. It takes time to build e-mail trust. Another thing to consider with any advertising campaign are laws concerning copyrights and trademarks. You have to be absolutely sure you don't infringe on someone else's intellectual property, and at the same time, you have to make sure you're not infringing upon.

## How can a company stay on top of all the rules and regulations?

Be educated, know all the rules and regulations that exist and have a lawyer at hand with whom you can bounce your advertising ideas off. Always be mindful of what you are marketing, who you are marketing it to and how you are marketing it. Cover your bases — be prepared for anything and everything. Review your ad campaign and make sure it's legal and compliant before you start, not after. <<

**MARY ANN WYMORE** is an Officer in the Litigation Practice Group at Greensfelder, Hemker & Gale, P.C. Reach her at (314) 516-2662 or [m1w@greensfelder.com](mailto:m1w@greensfelder.com).

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