



Dear All,

Just a quick note to say thanks to everyone who attended the Balens CPD Event, at the Holistic Show 2012.

The event was a great success & I am sure everyone agrees that it was a worthwhile day.

As promised, I have created some extended notes from my presentation, complete with links to relevant information which can be found online. These should be used in collaboration with the PowerPoint presentation, which can also be downloaded.

These notes are abbreviated, so please do have a look at the extended articles online.

If any has any questions which they would like clarification on, regarding the ASA & advertising allowed, then please do drop me an email:

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Best regards,

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- Sept 2010 - New CAP Code from the ASA.
The new version of the CAP code can be found online
<http://www.cap.org.uk/The-Codes/CAP-Code.aspx>
- Feb 2011 - Coalition abandon plans to regulate CAM.
Outlined in a report called 'Enabling Excellence'. Can be found online
<http://www.official-documents.gov.uk/document/cm80/8008/8008.asp>
- March 2011 - ASA remit extended to digital.
Details of the new digital remit & its implications can be found here:
<http://www.cap.org.uk/Media-Centre/2010/Extending-the-Digital-remit-of-the-CAP-Code.aspx>
Further, information such as FAQs can be found here:
<http://www.cap.org.uk/CAPServices/Digital-remit-advice.aspx>

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- CAP Code is the UK Code of Non-broadcast Advertising, Sales Promotion & Direct Marketing.
 - Gives you all the rules regarding non TV advertising
 - Sales promotions are contests, coupons, freebies, loss leaders, point of purchase displays, premiums, prizes, product samples, and rebates
 - Direct marketing is flyers, sales literature, any other direct communications with potential or existing customers.

CAP Code now incorporates recent legislation;

- Consumer Protection from Unfair Trading Regulations 2008.
 - Introduce a general duty not to trade unfairly and seek to ensure that traders act honestly and fairly towards their customers
 - Basic guide can be found here: <http://www.offt.gov.uk/business-advice/treating-customers-fairly/protection>
- European Regulation on Health and Nutritional Claims.
 - Mainly concerned with food labelling. Fat free etc.
 - "Health claim": any claim that states, suggests or implies that a relationship exists between a food category, a food or one of its constituents and health;
 - A summary can be found here:
http://europa.eu/legislation_summaries/consumers/product_labelling_and_packaging/l21306_en.htm

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- Medical and scientific claims should be backed by evidence. Marketers should hold robust evidence for all claims. (clause 50.1)
- Hypnotherapists & smoking cessation
 - Meta analysis of 60+ studies prior to 2002 showed 64% success compared to 37% improvement among untreated control groups
 - Cochrane Collaboration showed no proper evidence that hypnotherapy was useful in the treatment of smoking addiction

- The ASA has not yet seen proof that smokers can stop smoking unless they are determined to do so.
The claim 'Stop Smoking' with a footnote stating 'Willpower is required' or 'Full client commitment is essential'.

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- Marketers should delete all references, including implied references, to medical conditions for which suitably qualified medical advice should be sought;
 - 90 conditions ranging from cancer to whiplash which cannot be referred to
 - A list of these can be found here:
<http://www.rebhp.org/ASAguidance.htm>
 - 120 conditions ranging from hay fever to phobias which can be referred to but ASA may ask for evidence
 - A list of these can be found here:
<http://www.rebhp.org/ASAguidance.htm>

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- ASA No No's
 - Guidance on actual advert wording can be found in the CAP code Guidance Notes here: [http://www.copyadvice.org.uk/Advice/Advice-Online-Database/~media/Files/ASA/Misc/Guidance%20on%20Health%20Therapies%20and%20Evidence%20QA%20\(Sept%202011\).ashx](http://www.copyadvice.org.uk/Advice/Advice-Online-Database/~media/Files/ASA/Misc/Guidance%20on%20Health%20Therapies%20and%20Evidence%20QA%20(Sept%202011).ashx)

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- Digital Remit of ASA
 - Further, information such as FAQs can be found here:
<http://www.cap.org.uk/CAPServices/Digital-remit-advice.aspx>

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- The Nightingale Collaboration; "challenging misleading claims in healthcare advertising and subjecting these to scrutiny by the appropriate regulatory bodies".
 - Find out more about Nightingale here: <http://www.nightingale-collaboration.org/about1/the-nightingale-collaboration.html>
 - The development of a program to help find CAM practitioners making unlicensed claims. Download FishBarrel (the Google Chrome Plug in)
<http://adventuresinnonsense.blogspot.co.uk/2011/04/fishbarrel-easy-way-to-report.html>

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- The General Regulatory Council for Complementary Therapists (GRCCT) official response
 - Full press release can be found here: <http://www.touchstones-therapies.co.uk/blog/2011/11/23/GRCCT-Notice-on-the-ASA-Important-info-for-all-Therapists.aspx>
 - CNHC Guidance sheet: <http://www.cnhc.org.uk/assets/6-063.pdf>
 - Aromatherapy guide can be found here: http://www.aromatherapycouncil.org.uk/guide_3.pdf

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- What ASA Actually Do...
- Homeopathic websites – too many complaints lead to ASA ruling that it would be individually prosecuting website owners.
 - Homeopathic = contacted marketers of homeopathic treatments and services about whom we've received a complaint and advised them to avoid making efficacy claims for treatments where robust evidence is not held to back them up.
 - Monitoring these particular websites
 - Working with marketers.
 - Working on a collaborative model where they give advice to help promotion....
 - Information regarding this can be found here: <http://www.asa.org.uk/Resource-Centre/Hot-Topics/Homeopathy-complaints.aspx>

Slide 11

- Trade Description Act 1968.
 - Failure to comply with the Trade Description Act is a criminal offence and therefore those who breach it will be trialled through the British justice system.
 - At a magistrates court the maximum fine that can be imposed upon anybody found guilty of breaching the Act is £5,000.
 - 2 years in prison for crown court judgements.
- Name & Shame
 - The ASA can provide details of an advertiser and the non-compliant marketing communication on an enhanced section of the ASA website.
- Google Collaboration:
 - ASA paid-for search advertisements.
 - Removal of paid-for search advertising.
 - Have also reached agreement with most ISPs in UK to be able to block viewing of websites.

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- Legislation Presents Opportunities.
 - Lots of markets work in a controlled market. All manage to exist.
 - Legislation may remove some elements of cottage industry in place at present....
- Reduces comp –
 - people may retract after ASA warnings.
 - Out of business due to lack of promotion.
 - Decide not to go into business as 'lifestyle choice'.
- Reduces noise – less people competing for same size market...
 - Advertising (tri-media campaign of print, radio, and television ads),
 - promotional activities,
 - PR/public relations
 - collateral materials and activities such as point-of-sale.
- Barriers to entry:
 - obstacles that make it difficult to enter a given market - hindrances a firm faces in trying to enter a market
 - Requirements for licenses and permits raises the investment needed to enter a market.

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- Be Savvy – Ways Round the ASA
 - Breakdown of promotional methods to follow....

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- Weasel Words
 - Great list of terms which can be used to describe your business can be found on the CNHC website. See here: http://www.cnhc.org.uk/pages/index.cfm?page_id=86
 - Methods used in advertising: <http://home.olemiss.edu/~egjbp/comp/ad-claims.html>
 - Do not forget that you are not able to specifically mention most illnesses....
 - Always put that anything treated should be used in conjunction with conventional medicines.

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- PR Articles
 - Potential topics for news worthy articles:
 - New building / offices.
 - 1000th customer.

- New employees.
- Charity sponsorship
- A good guide for writing can be found here:
<http://www.journalism.co.uk/skills/how-to-write-the-perfect-press-release-for-journalists/s7/a535287/>

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- Charity sponsorship & professional membership

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- Case Studies & Testimonials
 - A good guide as to what you can with testimonials see here:
<http://www.businessknowhow.com/marketing/custtest.htm>

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- Corporate Identity
 - Core values: Nurturing, Innovation, Value, Diversity, Reliability, Trust, Positive outlook, Affordability, Integrity, Knowledge, Quality
 - Thousands of companies disappear every year. So why has your company survived?
 - Why do your customers still buy your product?
 - Why do people come to work for your company?
 - Why do you work for your company?
 - Every message should be grounded in facts - Careful of product / performance gaps...
 - Areas to think about when forming your corporate id:
http://shackitdesign.com/brand_identity/

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- Networking
 - Elevator speech: You have no more than 20 seconds - perhaps just 10-15 seconds - between floors to explain, and to make such an impressive impact that the person asks for your contact details.
 - Be concise. You will demonstrate consideration and expertise by conveying your most relevant points in as short a time as possible. Need to mention: your name, your business name, based and covering where, your personal specialism and/or offering, and your aims. Load your statements here with special benefits or qualities. Be positive, proud and ambitious in your thinking and expression of what you do.
 - Be different: Differentiate yourself. Aim high. Be best at something. Your aims should also suggest what you are seeking from business networking

- Help others: Always prioritise helping and giving to others ahead of taking and receiving for yourself. You must give in order to receive. Be helpful to others and you will be helped in return. You could think of this as Karma in business.
Good deeds and helpfulness tend to produce positive effects. They are usually remembered and often repaid. The giver builds reputation and trust. Referrals tend to result.
- Relevant Targeting: Going directly to potential customers or looking for referrals? Relevance can be according to several different things, for example: Geography, Size, Sector, Social grouping (e.g., ethnic, gender, age, seniority, etc), Political or religious grouping, Trade or society grouping, Academic or technical grouping, Other common interest (e.g., social enterprise, environmental, Fair Trade, etc)
- Follow up: Follow up is a matter of relevance and commitment: If a contact or referral is not relevant, then say so, which avoids any expectation of follow up. If there is relevance, follow it up, in whatever way is appropriate for the situation.
- Be positive: Use positive language. Smile. See the good in people. Be known as a really positive person. It rubs off on others and people will warm to you for being so. Speak ill of no-one.
- Allow time...Networking is not all that tangible.
- Further advice can be found here:
<http://www.businessballs.com/business-networking.htm>

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- Word of Mouth

- The voice of the customer
 - * A natural, genuine, honest process
 - * People seeking advice from each other
 - * Customers talking about products, services, or brands
- Works because: people who don't stand to gain personally by promoting something put their reputations on the line every time they make a recommendation
- House in order – can be counter productive: If people are happy they tell 3 people / if unhappy they tell 9
- WoM works on its own & is always present. But you can manipulate it & encourage your customers to be more vocal.
- Organic WOM occurs naturally when people become advocates because they are happy with a product and have a natural desire to share their support and enthusiasm. Practices that enhance organic word of mouth activity include:
 - * Focusing on customer satisfaction
 - * Improving product quality and usability
 - * Responding to concerns and criticism
 - * Opening a dialog and listening to people
 - * Earning customer loyalty
- Amplified WOM occurs when marketers launch campaigns designed to encourage or accelerate WOM in existing or new communities. Practices that amplify word of mouth activity include:

- * Creating communities
- * Developing tools that enable people to share their opinions
- * Motivating advocates and evangelists to actively promote a product
- * Giving advocates information that they can share
- * Using advertising or publicity designed to create buzz or start a conversation
- * Identifying and reaching out to influential individuals and communities
- * Researching and tracking online conversations

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- Product Augmentation
- Core = not tangible but the exact benefit of the product. Actual = the physical product. Augmented = consists of lots of added value – may or may not pay more for this.
 - If done correctly then they can add to WoM
 - Customer service: txt to remind of appt.
 - Finance: credit card payments. Monthly payment plans.
 - Guarantee: timely efficient service / wait no longer than 10 minutes in waiting room.
 - Comp products: free & paid for.
 - Accessibility – How customers obtain the product can affect its perceived value depending on such considerations as how easy it is to obtain
 - Personnel: polite, trained, uniformed,
 - After sales: email address for questions, follow up call to see if customer is happy & potential for another booking.

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- Hire an agency
- Removes bias – you may think you are the best person to know your business & market, but it may be that you are missing certain segments.
- Save time – you should be busy doing what you do best.
- Save money – you may be placing adverts in wrong place / lower printing prices / low cost hosting / some IT advice etc.
- Optimize resources – may be initial charges for artwork etc. But then onwards costs are low – only bill per hour if it takes that long.... Example resized logos, email addresses
- Develop consistent message – make sure all promotions / communications are in line with corporate identity.
- Looks professional
- Accurate – will be up to date with legislation such as ASA
- Reduce stress – let someone else worry about print deadlines, copy deadlines, laws, effectiveness etc.