

LEGAL ISSUES IN TODAY'S MARKETING LANDSCAPE

TIPS TO STAY COMPLIANT WHEN USING EXCITING NEW MARKETING STRATEGIES

- Endorsements and Disclosures
- Misrepresentation
- Privacy

ENDORSEMENTS AND DISCLOSURES

GENERAL RULE Clear and conspicuous disclosure required if any affiliation or benefit received in exchange for a review

- Employees
- Discounts
- Entry into a sweepstakes for a significant prize
- Gifts

DISCLOSURES - CLEAR AND PROMINENT

- Close in proximity to the claims to which they relate
- Font that is easy to read
- Shade that stands out against the background
- Video ads - on the screen long enough to be noticed, read, and understood
- Audio disclosures - read at a cadence that is easy for consumers to follow and in words consumers will understand
- Hyperlink generally insufficient

DISCLOSURE ISSUES ON SOCIAL MEDIA

- Employees posting from personal accounts
- Limited space or characters
- Longer posts get truncated



RECOMMENDATIONS

SOCIAL MEDIA POLICY

- Prohibit employee reviews
- Prohibit or offer clear guidelines for posting on social media if any affiliation or benefit received in exchange for a review
 - Don't Offer Incentives for Reviews
 - OR -
 - Make disclosure part of requirement to receive product, payment or promotional offer

MISREPRESENTATION

- Federal Regulations
- State Laws
- FTC Rules and Standards

**STATEMENTS FROM VENDORS &
AFFILIATES WILL BE ATTRIBUTED TO YOU**

FEDERAL REGULATIONS

LIMITED SCOPE nature of the educational program,
financial charges, employability of graduates

- Any false, erroneous, or misleading statement
- That has the tendency or likelihood to deceive or confuse
- Not necessary that the misstatement be material or intentional

STATE LAW

NO LIMIT IN SCOPE: Applies to all statements

NEGLIGENT MISREPRESENTATION:

- False statements, honestly believing that they are true, but without reasonable ground for such belief
- Intent
- Reasonable reliance
- Reliance Caused Harm

STATE LAW

NO LIMIT IN SCOPE: Applies to all statements

INTENTIONAL MISREPRESENTATION (AKA FRAUD):

- Knowingly false representation, concealment, or nondisclosure
- Intent
- Reasonable reliance
- Reliance caused harm

STATE LAW

NO LIMIT IN SCOPE: Applies to all statements

FALSE ADVERTISING:

- Untrue or misleading statement, which is known or should be known to be untrue or misleading
- Public is likely to be deceived

STATE LAW

NO LIMIT IN SCOPE: Applies to all statements

17200 CATCH ALL:

- Any unlawful, unfair or fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising
- Actual harm

FEDERAL TRADE COMMISSION (FTC)

SCOPE: "Regulates unfair or deceptive acts and practices"

WHAT DOES THAT MEAN? Almost anything that harms consumers.

EXAMPLES:

- Misrepresentation about a product or service
- Failure to disclose pertinent facts
- Deceptive endorsements
- Misleading contests and sweepstakes
- Unfair recruiting practices
- Failure to implement reasonable data security measures

FTC MISREPRESENTATION STANDARD

- Representation, omission, or practice that misleads or is likely to mislead
- Consumer's interpretation is considered reasonable under the circumstances
- Material

NOT: "known or should have known"

ASK: Can it be substantiated? What empirical data do you have that supports your claim or advertising?

MISREPRESENTATION ANALYSIS

ASK:

- Is it true?
- Can it be substantiated with actual evidence?
- Does it need to be qualified?
- Is the qualification (aka disclaimer) clear and conspicuous?

RECOMMENDATIONS

BE DILIGENT

- Have compliance or outside counsel review marketing materials
- Train employees on dos and don'ts
- Audit admissions calls and texts
- Investigate vendors prior to engagement
- Sufficient contractual protections with vendors
- Audit vendors for compliance

AVOID STATEMENTS ABOUT SALARY, EARNING POTENTIAL, AND JOB TRENDS

- Reference to BLS not enough
- Questionable even with disclaimer

BE CAUTIOUS ABOUT "SCHOLARSHIP" LEADS AND MILITARY LEADS

PRIVACY - FERPA

PROHIBITS DISCLOSURE OF STUDENT RECORDS

EXCEPTION: "Directory Information"

DEFINITION: Information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed

PRIVACY - FERPA

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent educational agency or institution attended
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user
- A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

REQUIREMENTS

- Public notice to students
- Type of information designated as "Directory Information"
- Right to restrict the disclosure of such information
- Period of time to notify the school in writing that he or she does not want any or all of those types of information designated as "Directory Information"
- Student Has Not Opted Out

CALIFORNIA CONSUMER PRIVACY ACT OF 2018 (CCPA)

NATION'S STRICTEST DATA PRIVACY LAW

PLEASE STAND BY:

- Does not go into effect until Jan. 1, 2020
- Likely to be amended by legislature
- May be superseded by Federal law

APPLIES IF:

- Annual gross revenue of \$25 million or more;
- Collect, sell or share for commercial purposes the personal information of at least 50,000 consumers, households or devices annually; or
- Derive at least 50 percent of annual revenues from selling consumers' personal information.

NEW DEFINITION OF PERSONAL INFORMATION

BROADLY DEFINED: Information that identifies, relates to, describes, is capable of being associated with or could reasonably be linked, directly or indirectly, with a particular consumer or household, and includes:

NEW DEFINITION OF PERSONAL INFORMATION

- Name
- Alias
- Mailing address
- Email Address
- IP address
- Employment
- Employment History
- Education Information
- Internet Activity
- Commercial information, including purchasing or consuming histories or tendencies
- "Inferences Drawn" form any of the enumerated categories



AFFECT ON DISCLOSING DIRECTORY INFORMATION

OPTION 1: ANONYMIZE DATA

- Free to disclose if reasonable measures in place to prevent reidentification

OPTION 2: PERSONAL DATA

- Disclose what categories of information is collected and business purposed for collection
- Disclose categories of third parties with whom info is shared
- Disclose categories of sources from whom their data is acquired
- Right to review personal data
- Right to delete personal data (with exceptions)
- Right to opt out of sale of data
- Include a "Do Not Sell My Personal Information" link on homepage if you receive any "valuable consideration" from disclosing information



Deliver Growth: Predict what people want to drive results

Emeka Nwadibia

10/11/18

The **pace of change** for consumers and technology has never been faster.

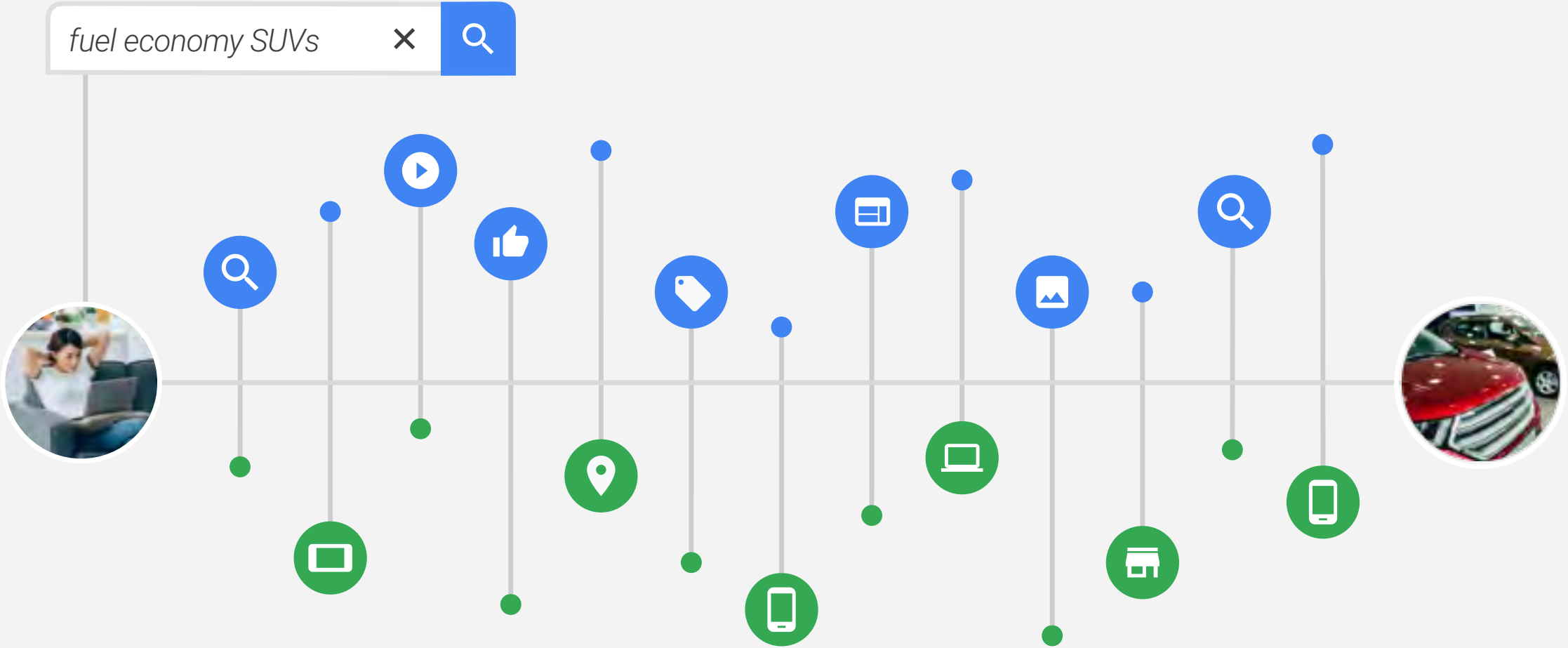
What does this mean for the future of media?

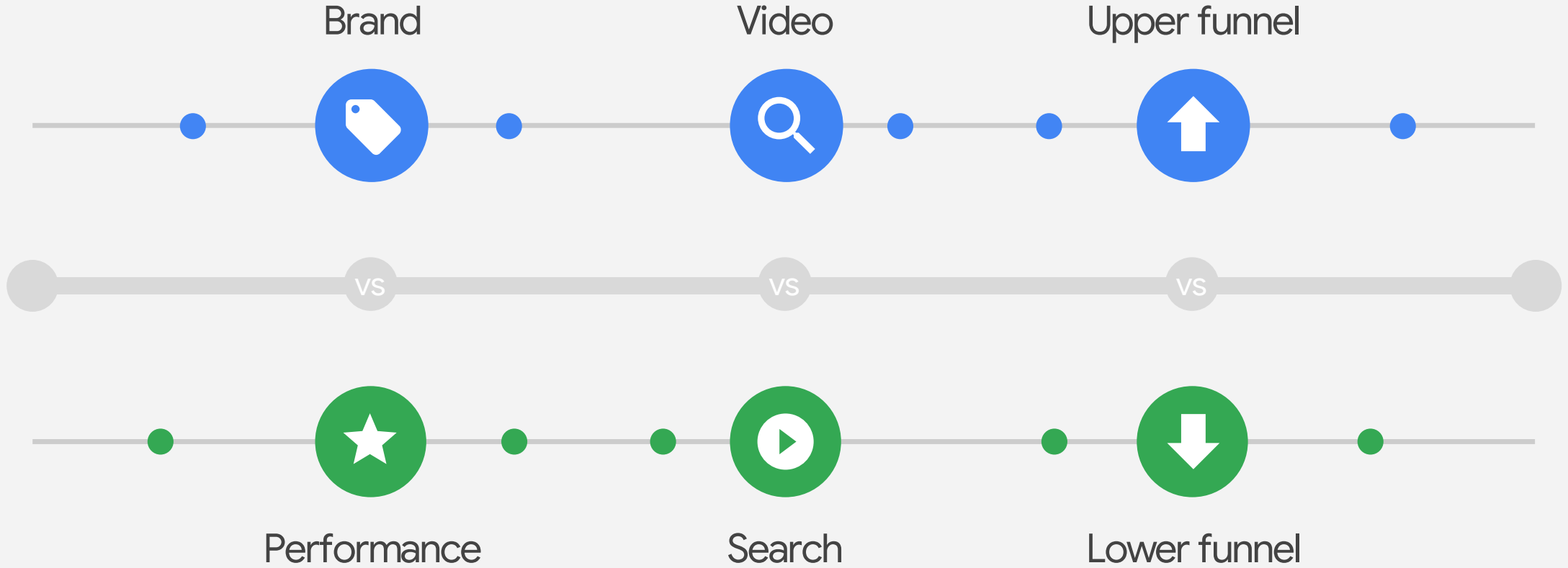


We've built the **foundation**
for the future of media

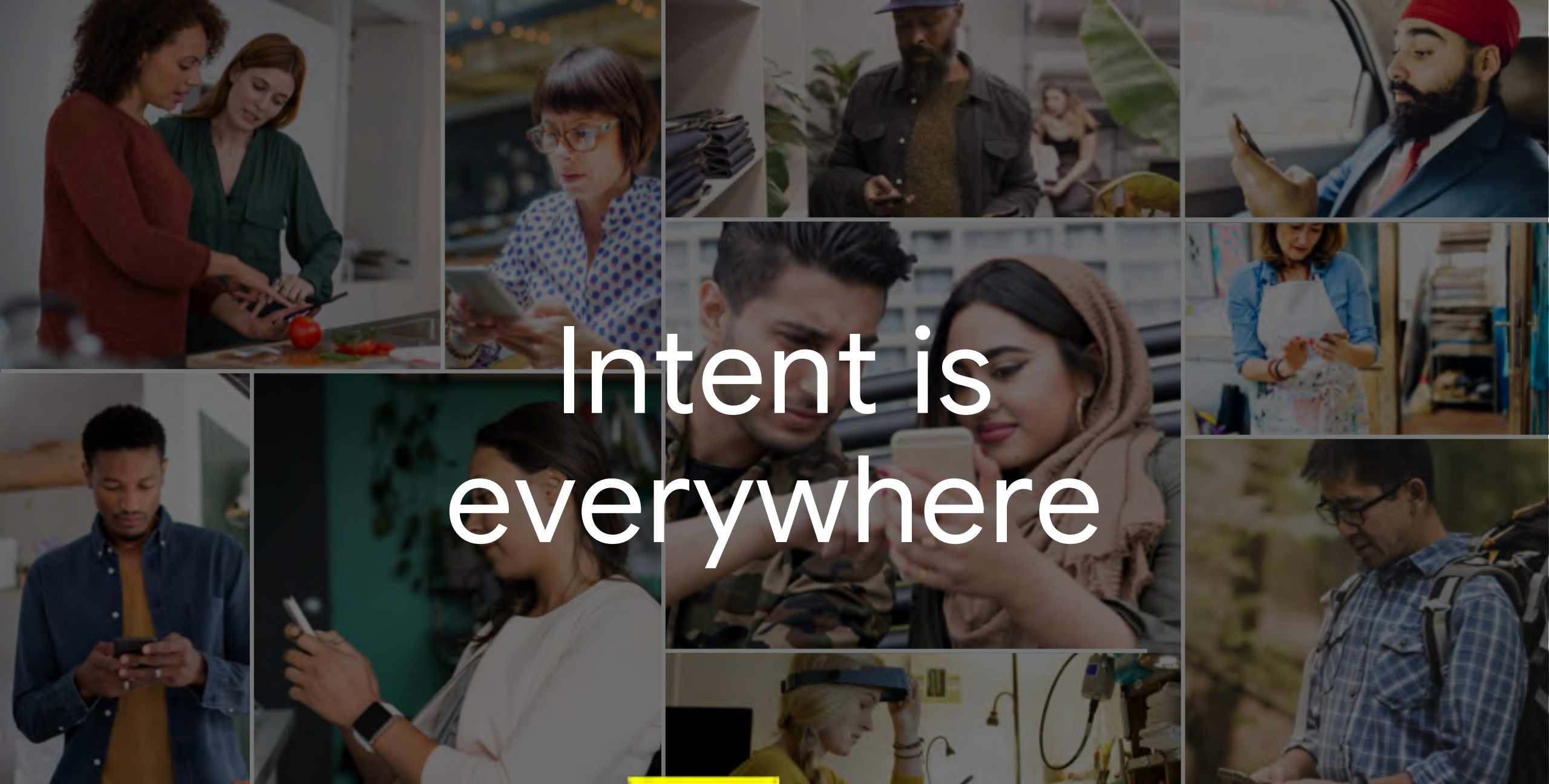
We've built the foundation
for the future of media

**Better intent
drives better results**





What if?



Intent is everywhere




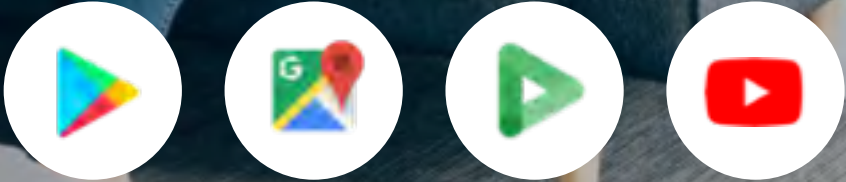
OOZLE

Duane Morris

Google

TEXT US YOUR QUESTIONS: 435-592-1437

Educational activities for kids × 





← Vacation in Hawaii...





new kitchen design



Time for change...

Stop *chasing* intent

Start *predicting* intent

A woman with short, curly blonde hair, wearing a light blue sleeveless dress, stands on a city street. She is looking down at a smartphone in her hands. The background shows a busy urban environment with tall buildings and a car. The image is overlaid with a semi-transparent dark layer to make the text stand out.

Predict intent. Drive growth.



Focus on business
outcomes

Stop marketing
to the average

Automate
Everything



Focus on business outcomes



89%

*of leading marketers use
strategic metrics to
measure effectiveness
of campaigns*



Stop marketing
to the average



They took a single and consistent LTV approach to segmentation and investment allocation in order to deliver better personalization and to engage the most valuable future prospects.

+28%

increase in enrollment after 1 year



Segmentation by value will make your media smarter

Automate Everything

Leading organizations are

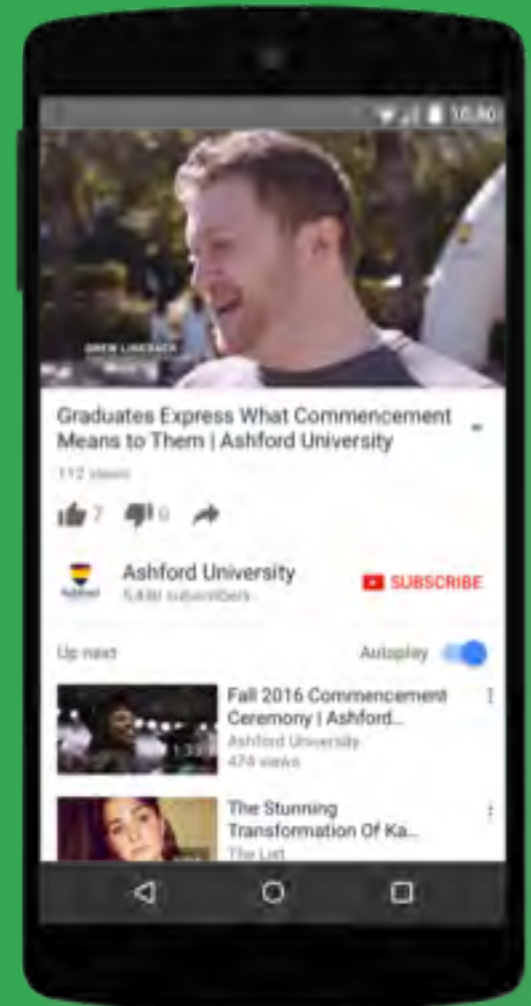
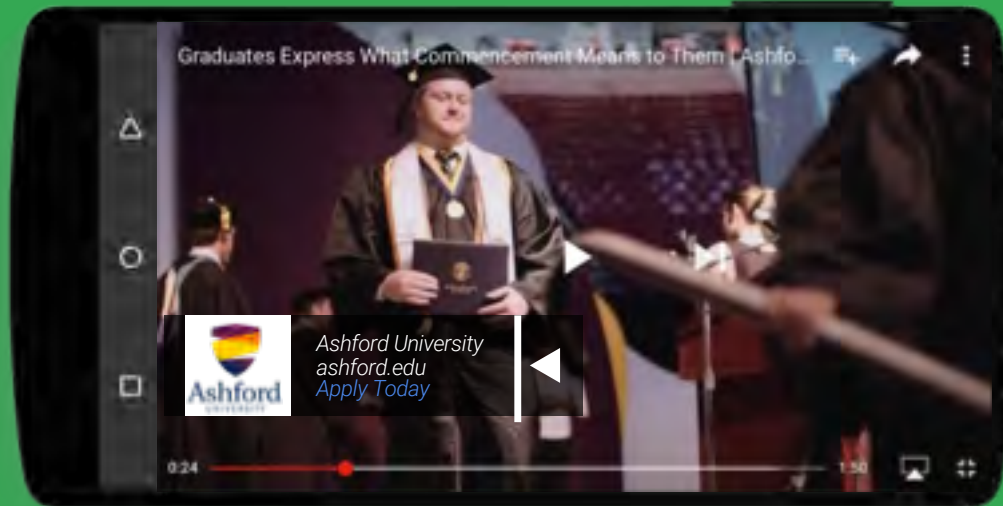
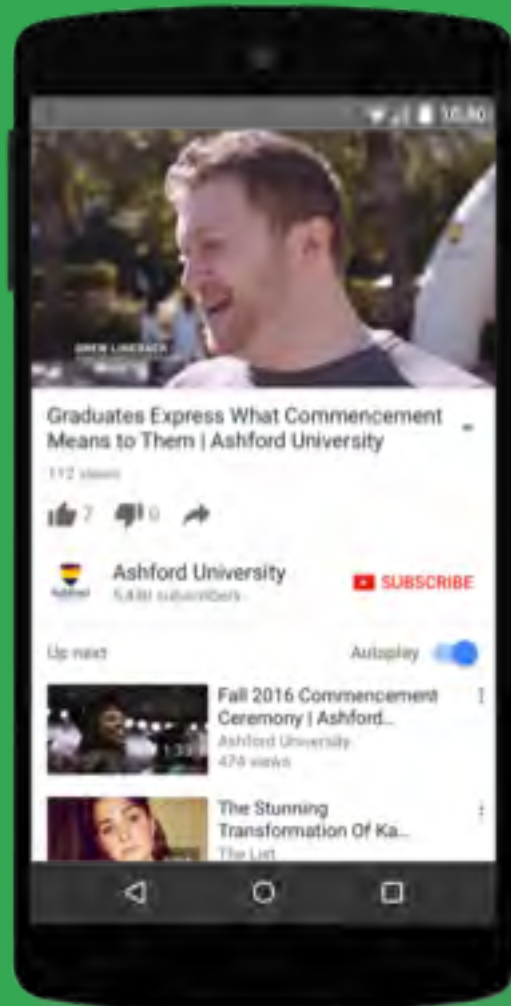
2x

as likely to invest in
automation and machine
learning to drive
marketing goals



TrueView for action

Proprietary + Confidential





80%

of prospective students who planned to attend an online university said that watching an online video influenced their application.



Focus on business
outcomes

Stop marketing
to the average

Automate
Everything

Better understanding
of our customers
drives better results



Focus on business
outcomes

Stop marketing
to the average

Automate
Everything

A woman with short, curly blonde hair, wearing a light blue sleeveless dress, stands on a city street looking down at her smartphone. The background shows a busy urban environment with buildings and a car. The text "Predict intent. Drive growth." is overlaid in white.

Predict intent. Drive growth.

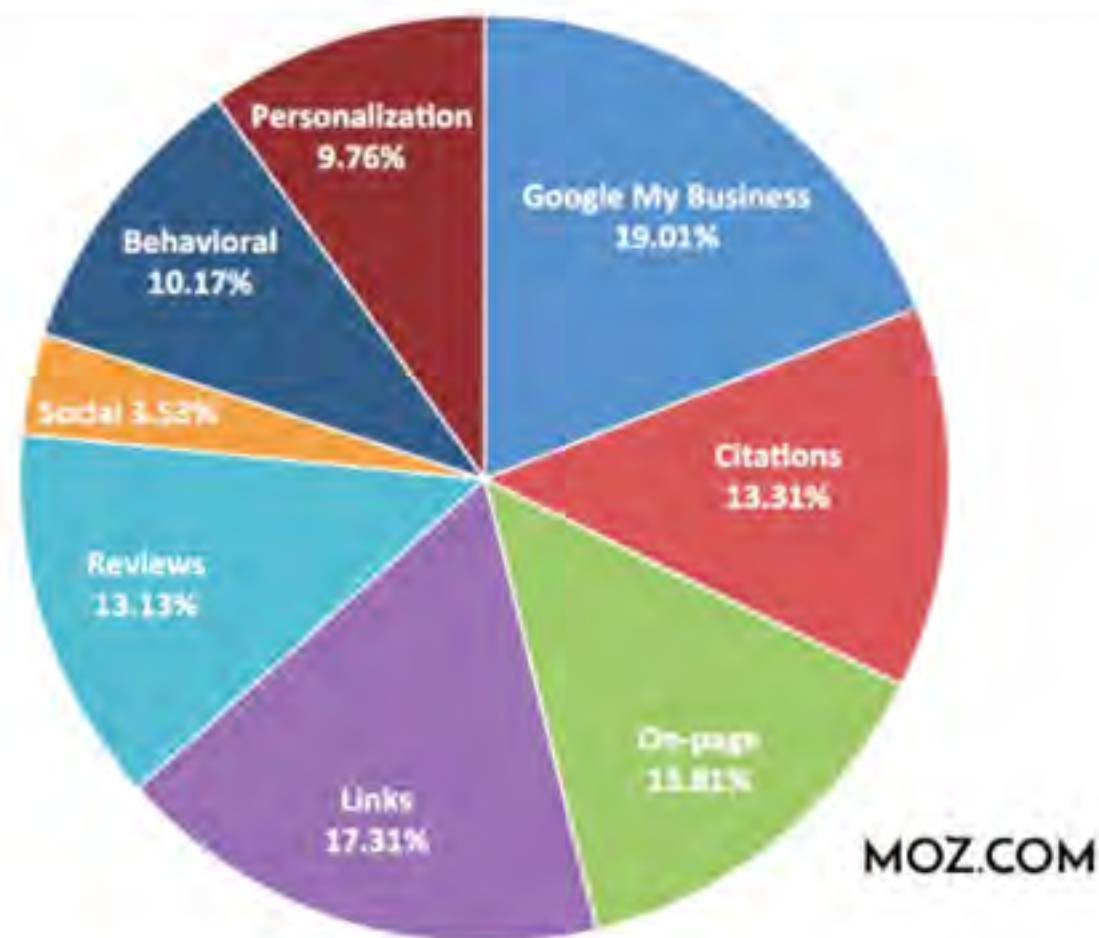


Thank you

A young woman with long brown hair and black-rimmed glasses is smiling while looking at a white smartphone. She is wearing a brown jacket and has red nail polish. The background is a blurred outdoor setting with trees and a building.

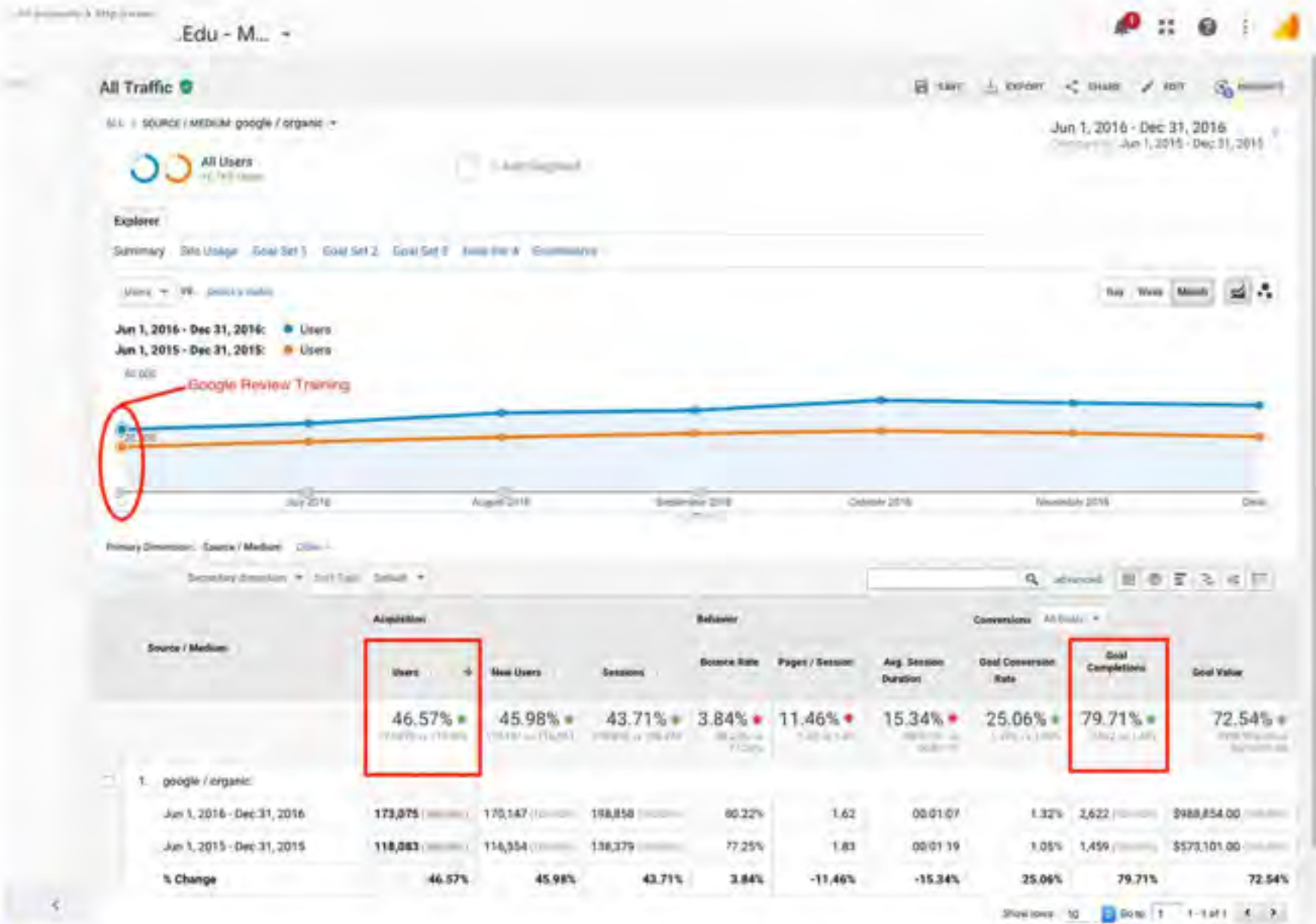
70%

LOCAL PACK/FINDER BREAKDOWN 2017



REPUTATION MANAGEMENT

- **80%** of people say reviews have impacted purchasing decision
- **90%** of people read reviews before calling a business
- **80%** of people trust online reviews as much as a personal recommendation from a friend or family member



ALL - SOURCE / MEDIUM google / organic

Dec 1, 2017 - Jun 30, 2018
Continued from: Dec 1, 2016 - Jun 30, 2017



All Users

Explorer

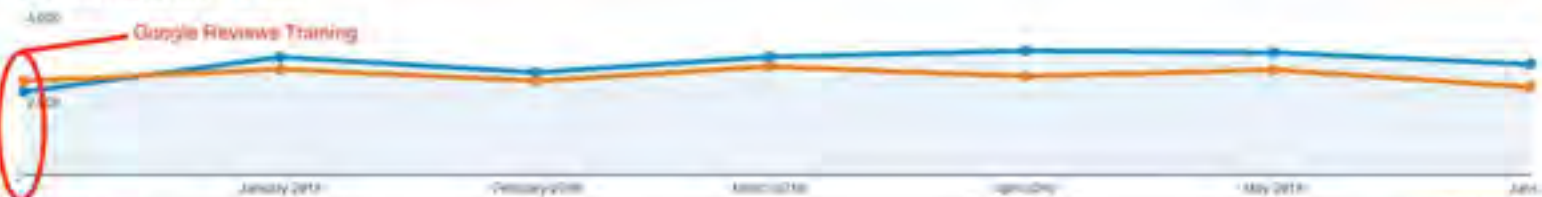
Summary Site Usage Goal Set 1 Goal Set 2 Goal Set 3

Users - VS - Select a metric

Day Week Month

Dec 1, 2017 - Jun 30, 2018: Users

Dec 1, 2016 - Jun 30, 2017: Users



Primary Dimension: Source / Medium

Secondary Dimension: Goal Type

Advanced

Source / Medium	Acquisition		Behavior				Conversions - All Goals		
	Users	New Users	Sessions	Bounce Rate	Pages / Session	Avg. Session Duration	Goal Conversion Rate	Goal Completions	Goal Value
	11.87% ↑ 17,126 vs 15,303	13.01% ↑ 15,325 vs 13,561	9.79% ↑ 25,495 vs 23,221	98.11% ↑ 98.11% vs 98.11%	27.75% ↑ 27.75% vs 27.75%	9.92% ↑ 9.92% vs 9.92%	15.54% ↑ 15.54% vs 15.54%	26.86% ↑ 2,678 vs 2,111	0.00% 0.00% vs 0.00%
1 google / organic									
Dec 1, 2017 - Jun 30, 2018	17,126 (100.00%)	15,325 (100.00%)	25,495 (100.00%)	9.26%	10.17	00:02:34	10.90%	2,678 (100.00%)	\$0.00 (100.00%)
Dec 1, 2016 - Jun 30, 2017	15,303 (100.00%)	13,561 (100.00%)	23,221 (100.00%)	13.73%	7.96	00:02:20	9.09%	2,111 (100.00%)	\$0.00 (100.00%)
% Change	11.87%	13.01%	9.79%	-98.11%	27.75%	9.92%	15.54%	26.86%	0.00%

All Traffic

SAVE EXPORT SHARE EDIT INSIGHTS

ALL • SOURCE / MEDIUM: google / organic

May 1, 2017 - Oct 31, 2017
Transitions in: May 1, 2016 - Oct 31, 2016

All Users
 13,491,458 users

1,444,444 sessions

Explorer

Summary Site Usage Goal Set 1 Goal Set 2 Ecommerce

Sessions VS. Select a metric

Day Week Month

May 1, 2017 - Oct 31, 2017: Sessions

May 1, 2016 - Oct 31, 2016: Sessions



Source / Medium	May 1, 2017 - Oct 31, 2017	May 1, 2016 - Oct 31, 2016
google / organic	13,491,458 users	13,491,458 users
google / organic	1,444,444 sessions	1,444,444 sessions

Primary Dimension: Source / Medium

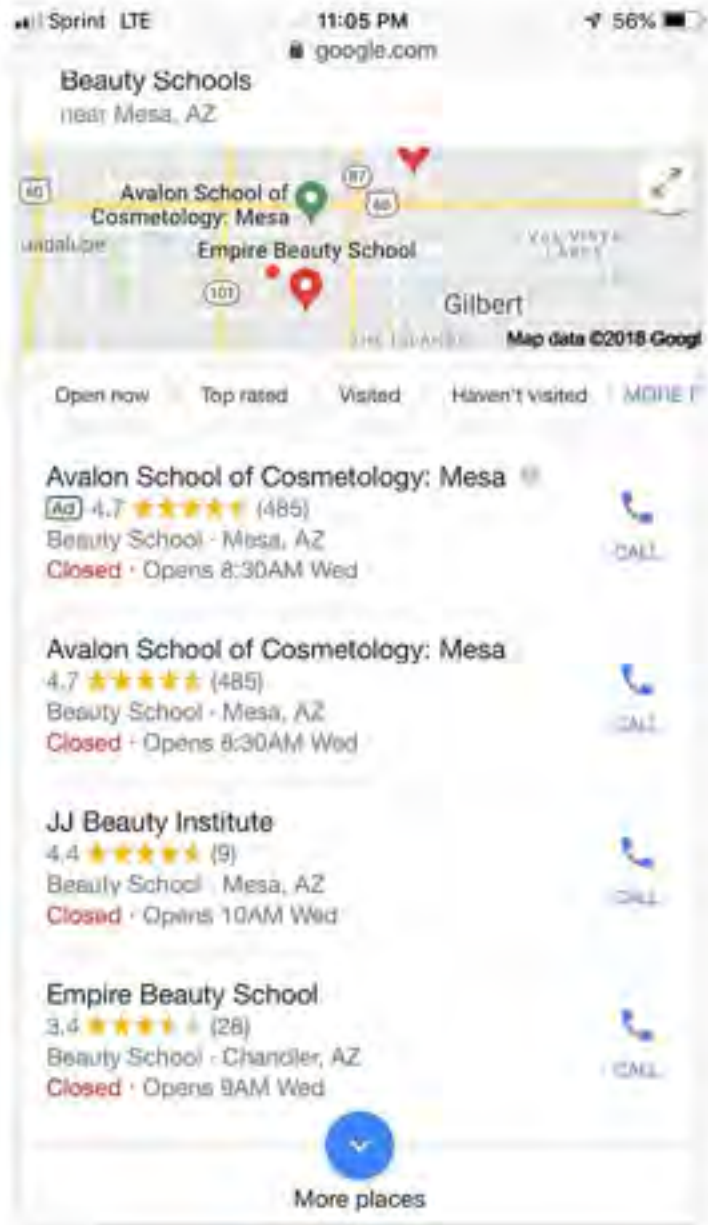
Secondary dimension: Session Type

advanced

Source / Medium	Acquisition			Behavior			Conversions		
	Sessions	% New Sessions	New Users	Bounce Rate	Pages / Session	Avg. Session Duration	Goal Conversion Rate	Goal Completions	Goal Value
1. google / organic	44.17% ↑	2.67% ↓	40.32% ↑	10.59% ↓	2.36% ↑	9.90% ↓	519.82% ↑	793.57% ↑	914.75% ↑
May 1, 2017 - Oct 31, 2017	136,009 (100.00%)	67.02%	91,160 (100.00%)	42.17%	2.43	00:01:56	3.48%	4,727 (100.00%)	\$309,500.00 (100.00%)
May 1, 2016 - Oct 31, 2016	94,342 (100.00%)	68.84%	64,968 (100.00%)	47.16%	2.37	00:01:46	0.56%	529 (100.00%)	\$30,500.00 (100.00%)
% Change	44.17%	-2.67%	40.32%	-10.59%	2.36%	9.90%	519.82%	793.57%	914.75%

KEY POINTS

- **1** Don't be connected to WIFI while leaving reviews
- **2** Be descriptive in your review
- **3** Respond to every review - good & bad
- **4** Be consistent in your reviews
- **5** Do not review gate
- **6** Quantity Matters!



auto tech schools in Pittsburgh

X



ALL

MAPS

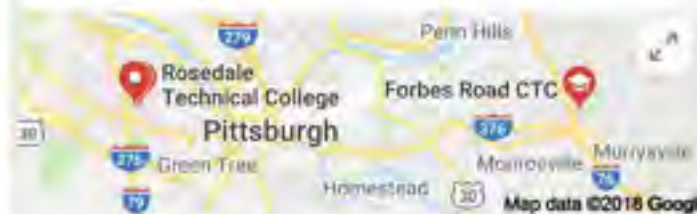
IMAGES

SHOPPING

VIDEOS

Technical Schools

near Pittsburgh, PA



Top rated

Visited

Haven't visited

MORE FILTERS

Rosedale Technical College

4.5 ★★★★★ (45)

Technical School · Pittsburgh, PA

"Phenomenal automotive class. They teachers helped build a strong ..."



CALL

Rosedale Technical College

5.0 ★★★★★ (1)

School · Pittsburgh, PA

Forbes Road CTC

3.3 ★★★★★ (3)

Technical School · Monroeville, PA

Closed · Opens 7AM



CALL

Automotive Technician Training Programs at CCAC

- Community College of Allegheny County

← beauty schools Everett wa



MAP

Open now Top rated Visited Haven't visited MORE FILTER

**Evergreen Beauty College**

4.9 ★★★★★ (631)

Beauty School - Everett, WA

Closed · Opens 10AM Wed



CALL

Paroba College

4.0 ★★★★★ (24)

Beauty School - Everett, WA

Closed · Opens 8AM Wed



CALL

AHC Barber & Beauty College

4.2 ★★★★★ (5)

Beauty School - Everett, WA

Closed · Opens 10AM Wed



CALL

Everett Community College School of Cosmetology

3.6 ★★★★★ (11)

Beauty School - Marysville, WA



CALL

Evergreen Beauty College

4.9 ★★★★★ (497)

Beauty School - Bellevue, WA



CALL

FREE GOOGLE REVIEWS TRAINING!

One school will receive a free google reviews training. **All expenses paid!**

\$2500 VALUE!

Schedule free audit to qualify

FREE GOOGLE REVIEWS TRAINING!

One school will receive a free google reviews training. **All expenses paid!**



\$2500 VALUE!

Schedule free audit to qualify

LOCAL PACK/FINDER BREAKDOWN 2017

