

WDDA Website Tips & Tricks

Truth In Advertising Brought to You

Google, [truth in advertising](#) and you have a reading list that will keep you busy for a month. If you attended the WDDA Forum at GlassBuild last week, you got all you need to know. Or more likely, you now know what you don't know.

Last week the WDDA sponsored it's 2nd annual Forum, which included a wake up call from D.S. Berenson (www.BerensonLLP), Counsel to the remodeling and home improvement industry, who addressed the participants.

How is it that good people, like us, get in trouble with the law? Most often, it's truth in advertising claims.

How many times have you asked someone on your staff to whip up a flyer to advertise a window promotion? How many times do you allow an advertisement to go out without proofreading it? How many times do you create an agreement by cut and pasting from another document? Or how many times do you sign a contract with a developer, builder, architect or designer without reading the fine print or including disclaimers of your own? Well, we all do these things, all the time, and with the expectation that 2012 will continue to bring more regulations aimed at our industry, expect more legal exposure.

There's a lot to know about truthful advertising, but a good rule of thumb and a first line of defense is this. When you write advertising copy, promote your product or make promises to customers, ***use a litmus test*** to determine if your ad cries foul. Always proof read the ad and scrutinize your promises from the customer's perspective. If you are the customer, what did the advertisement suggest to you? The litmus test is to take the ***consumer's point of view***.

That's what the Federal Trade Commission (www.ftc.gov) will do if a claim is made against your company. They will take the customer's point of view. Protect yourself by putting on your consumer hat and ask yourself the following questions about your advertising or promotion.

1. Are there any express and implied claims?
2. What does my ad NOT say? Have you clarified the specific terms?
3. Did you make something *material* to the decision to buy?
4. Can you support your advertising claims with facts?

Keeping ourselves informed is a time consuming endeavor, but there are a lot of great resources out there to help us. The FTC website mentioned above provides small business tips and in-depth rules. Other useful resources include: www.consumer.gov, www.bbb.com or www.nari.org.

Remember, if you want to keep your company out of trouble you can do two simple things **first**, use the consumer perspective litmus test to review your advertising and **second**, attend the WDDA Forum next September at the Glassbuild Show in Las Vegas - where the things you need to know are brought to you.