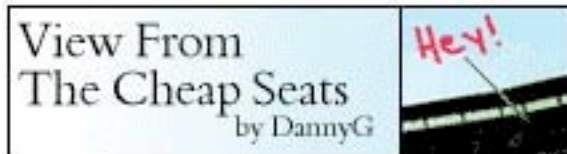


VIEW FROM THE CHEAP SEATS



04/10/2006

****This Column is Not Valid in Indiana**

What the fine print really means for marketers

"The large print giveth, and the small print taketh away." -- Tom Waits

Someone recently asked me what the official rules are for legal marks and disclaimers.

"Is it OK to put an dagger right next to an asterisk? Because if you have 2 separate disclaimers, you can't just put 2 asterisks side by side because it would be confusing, right?"

I didn't know the official rules, and if there are any, I don't want to know them. But I do know if a client has to invent new Sanskrit-like symbols to accommodate a laundry list of disclaimers or legal information, they probably have nothing interesting to advertise, or don't want an interesting way to say it.

Once upon a time, 5-point type wasn't a click in Quark or InDesign away. These days, it's simply too easy to bury the bad news at the bottom of a page.

Of course, legalese is nothing new to certain industries: financial, insurance, automotive. And contests and promotions all have strings attached, because they're trying to give something away but as we all know, there's no such thing as a free lunch.

But on the radio, it's getting ugly: There's a new trend in car dealer radio commercials—put the disclaimer up front, before the yelling and selling. Some car commercials begin in a hailstorm of fast talking legal jibberish that used to come at the end:

"Nointerestnopaymentsuntil2007onallnewmodelsseedalershipfor details...THIS WEEKEND WE'RE STACKING 'EM DEEP AND 'SELLING 'EM CHEAP!"

Apparently, talking indecipherably fast is the audio equivalent of small type. Once again, we see the mass marketer's bad habit: not speaking to customers the way we'd speak to our family and friends.

I say, make the disclaimers the same point size as the headline or the regular body copy. That way, no one—not even the client—can escape the absurdity of whatever it is they're attempting to bury in 5-point type. And whatever the deal or the promotion is, it'll be more transparent.

Don't count on that happening. In a world where "buzz marketing" means a stranger can sidle up to a bar and pretend to be your friend while selling you a new brand of vodka, perhaps all advertising, or better yet all ad professionals, should come with a disclaimer.

Because no matter what anyone in the ad industry tells you, on any given topic, some restrictions will always apply.