

## Advertising Law

Readings for first class (8/24).

Please note that readings for second class (8/26) and all subsequent classes will be posted on TWEN.



## Did @BPGlobalPR Violate Twitter's Impersonation Policy?

**BP Says It Didn't Ask Parody Feed to Change Name; Followers Offer Up Plenty of Creative Suggestions**

By Kunur Patel

*Published:* June 08, 2010

Did @BPGlobalPR just run afoul of Twitter's impersonation policy?

Well, it's not clear. BP claims it has not challenged the anonymous account's right to exist. But how, then, to explain the following update from @BPGlobalPR on Tuesday night: "Not sure what we've done wrong, but we've been asked to change our name/profile to indicate that we're 'fake.'"

The anonymous author, who has gone by the name Leroy Stick, has entertained thousands (141,325 to be precise) since May by parodying BP's attempts to contain the Gulf of Mexico oil spill.

BP spokeswoman Heidi Feick said the company had not asked anyone to change the name or profile of the feed in any way. This answer came after Ms. Feick conferred with colleagues who knew about the feed, because she said she was unaware of the existence of @BPGlobalPR when initially reached. She also said was part of a new communications team brought in to relieve those who had been there for the past few weeks.

"We're fine with the parody sites as long as they don't interfere with the residents of the Gulf and their ability to get in touch with us to get the resources they need at this time," Ms. Feick said.

Twitter's impersonation policy notes that it doesn't "proactively reach out to account holders." The policy reads: "Impersonation is a violation of the Twitter rules and may result in permanent account suspension," though "Twitter users are allowed to create parody, commentary or fan accounts." It provides suggestions of how to distinguish parody from impersonation by including the words "not" or "fake" in the bio, name or username of such accounts. If a company finds its name misused, Twitter asks that company to file a complaint under its trademark policy.

After its initial tweet about changing its name, @BPGlobalPR tweeted: "Wait, wait, wait ... I see the confusion here. We need to clarify what BP stands for ... any ideas?" and launched a hashtag #BPrebrand and invited its many followers to submit what they think "BP" should stand for. So far, tweeters have renamed the company zingers such as Bendover Planet, Bring Papertowels, Broken Promises, Blackened Pelicans and Barely Penitent.

At 8 p.m., BPGlobalPR tweeted: "We at BEYOND POLLUTION Global PR are unhappy to announce yet another \$10,000 donation to @healthygulf."

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## Government Reins in Drug Promotion on Facebook

**Novartis Warning Indicates Social Media Will Be Tough Arena for Pharma**

By Edmund Lee

Published: August 10, 2010

NEW YORK (AdAge.com) -- In a sign that internet advertising is coming under more regulatory pressure, the Food and Drug Administration recently warned drug company Novartis that one of its Facebook promotions violated government policy.

The FDA urged the Switzerland-based drug maker to take down a Facebook sharing widget for its Tasigna product -- a drug used in the treatment of leukemia -- on its website. A common feature on many websites, Facebook widgets, or buttons, allow any user to share a piece of content by posting it to the newsfeed of their friends on Facebook. In the case of Novartis, its Tasigna post appeared on Facebook with a link and a short line of text explaining the use of the drug. But that was a violation of FDA requirements for disclosing all risk information about a drug.

"The shared content is misleading because it makes representations about the efficacy of Tasigna but fails to communicate any risk information associated with the use of this drug," the FDA letter states. The government agency went on to clarify that any links to outside landing pages that do outline risk information is not a sufficient solution. "For promotional materials to be truthful and non-misleading, they must contain risk information in each part as necessary to qualify any claims made about the drug," the FDA warning states.

Drug advertising generally comes under stricter guidelines than other forms of advertising, as evidenced by the sometimes overwrought page-length notices in print ads, as well as the quickly narrated voiceovers on TV commercials. Online advertising is not exempt from such practices, which suggests that the government agency's ruling has much wider implications for online advertising at large.

As more marketers find ways into increasingly popular social platforms such as Twitter and Facebook, they're also having to squeeze their messages into tight character constraints. Even Google paid searches are limited in size.

"This is their first shot across the bow about what the FDA is going to be looking for and what they're going to be expecting from pharmaceutical advertisers," explained Terri Seligman, a partner at law firm Frankfurt Kurnit Klein and Selz, where she specializes in advertising and marketing law. Ms. Seligman said this is part of a wider government trend of keeping watch over developments in online marketing. "Government is looking at advertisers and saying just because you're in this brave new world doesn't mean all bets are off," she said.

Internet advertising revenue from the pharmaceutical industry reached \$22.7 billion for 2009, almost half of which comes from search advertising, according to a report from PricewaterhouseCoopers and the Interactive Advertising Bureau.

Google recently proposed a new standard format for sponsored links from pharmaceutical search advertising. A document prepared by Google executives Mary Ann Belliveau and Amy Cowan showed a mock-up of Google paid search links that included a short warning sentence followed by a "More info" link.

But according to the FDA's latest warning to Novartis, such a proposal wouldn't meet its threshold for including all risk information in any promotional material. Google declined to comment. Facebook would not return calls and e-mails seeking comment.

In a statement, Novartis said it "will continue to have active discussions with the FDA to understand fully all of the concerns. We also will assess all of our web assets and materials based on these concerns."

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# NAD takes issue with Charmin toilet tissue

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12 August, 2010 05:00:00

The National Advertising Division (NAD) of the Council of Better Business Bureaus has recommended that Procter & Gamble modify certain ad claims made about Charmin Ultra Strong bath tissue. NAD determined that the advertiser can support certain claims. NAD, the advertising industry's self-regulatory forum, examined broadcast and Internet advertising for the product following a challenge by Kimberly-Clark Global Sales, LLC, maker of Cottonelle Ultra.

**Claim at issue included:**

- \* Charmin Ultra Strong "leaves fewer pieces behind than the Ultra Ripple Brand [Cottonelle Ultra]."
- \* "Charmin Ultra Strong holds up better [than the Ultra Ripple Brand] ... with fewer pieces left behind than the Ultra Ripple Brand"

Following its review of the evidence, which included wet tensile strength testing, NAD determined that the advertiser's evidence, although imperfect, provided a reasonable basis for the claim that Charmin Ultra Strong "Holds Up Better."

In support of the claim that Charmin Ultra Strong "leaves fewer pieces behind" than Cottonelle Ultra, the advertiser relied upon rub testing, during which dry tissue was rubbed across black felt, and consumer-use testing. NAD determined that the advertiser provided a reasonable basis for the claims Charmin Ultra Strong left "fewer pieces behind" than Cottonelle Ultra.

NAD next addressed the challenged product demonstrations, offered in an online video and in broadcast advertising, to convey the claim Charmin Ultra Strong left "fewer pieces behind" than Cottonelle Ultra.

In the online demonstration, stacks of Charmin Ultra Strong and Cottonelle Ultra Ripple are moistened, placed under weights on a felt surface, and then dragged along the surface via a mechanical device. The Ultra Ripple Brand left behind large, visible pieces of toilet paper, in contrast to Charmin Ultra Strong which appeared to leave no pieces behind.

NAD determined that the demonstration overstated the extent of product superiority and did not accurately reflect the results that consumers typically see and experience. As such, NAD recommended that the demonstration be discontinued.

NAD also observed that in the advertiser's commercials, which feature animated bears, a bear has numerous pieces of toilet paper left behind prior to using the advertised product, but is toilet paperfree

after using the product.

Although a voiceover states that Charmin Ultra Strong leaves “fewer” pieces behind, NAD determined that the language is directly contradicted by the visuals, which depict no pieces left behind. NAD recommended that the advertiser avoid in future advertising depictions or language that convey the message that Charmin Ultra Strong leaves no pieces behind.

Procter & Gamble responded and said it is “disappointed that NAD found that the product demonstration overstates the substantial difference between the two products, and that the demonstration, along with the animation depicting the before and after bears hindquarters, delivers an absolute message of ‘no pieces left behind.’”

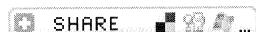
Nevertheless, P&G said it “agrees to comply with NAD’s recommendation to discontinue the challenged demonstration and to modify future advertising consistent with this decision.”

NAD's inquiry was conducted under NAD/CARU/NARB Procedures for the Voluntary Self-Regulation of National Advertising.

The National Advertising Review Council (NARC) was formed in 1971. NARC establishes the policies and procedures for the National Advertising Division (NAD) of the Council of Better Business Bureaus, the CBBB's Children's Advertising Review Unit (CARU), the National Advertising Review Board (NARB) and the Electronic Retailing Self-Regulation Program (ERSP).

**RBR-TVBR observation:** Indeed, we've all seen the commercials and probably don't concern ourselves with "pieces left behind." Nonetheless, when advertisers make claims that directly challenge their competition, they had better be correct in their claims. If not, there are non-legal remedies available, as demonstrated here, that may save both parties a lot of legal fees.

**Have an opinion on this article? Post your comment below.**



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- [KRKO-AM towers standing again](#)
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# AdvertisingAge.

## The Pants That Stalked Me on the Web

**Imagine Persistent, Pestering Ads That Just Won't Quit -- They're Here, and a Federal 'Do Not Track' List Could Be Next**

By Michael Learmonth

Published: August 02, 2010

There's a lonely section on old Route 66 between Seligman and Kingman, Ariz., where re-creations of once-ubiquitous Burma-Shave signs fly by: You Can Drive A/ Mile A Minute/ But There Is No/ Future In It.

Those ads know where you're going, and they know where you've been. I thought of them this week as I was stalked by a pair of pants. Short pants, actually, and several of them.



The Criteo ads are keeping my shorts "top of mind," but at what cost to Zappos, whose brand is emblazoned across the ads themselves?

There's a heatwave in New York City, as you may have heard, and I found myself in need of shorts appropriate for polite company, and not just painting the kitchen. I hate trying on clothes at stores, so I surfed over to my favorite apparel website, Zappos, now a part of Amazon.

After a few clicks, Zappos' recommendation engine went to work and started offering me the selections that people who looked at the same shorts I did ultimately bought -- a cool idea and a feature that has been useful to me in the past.

Then, I abandoned the search and did something else. That's when the weirdness started.

In the five days since, those recommendations have been appearing just about everywhere I've been on the web, including MSNBC, Salon,

CNN.com and The Guardian. The ad scrolls through my Zappos recommendations: Hurley, Converse by John Varvatos, Quicksilver, Rip Curl, Volcom. Whatever. At this point I've started to actually think I never really have to go back to Zappos to buy the shorts -- no need, they're following me.

I realize I'm considered by marketing folk to be at some place they call the "purchase funnel," if you can

really say that with a straight face about a \$55 pair of shorts. As a media professional covering online advertising, among other things, I know why I'm getting these ads. But as a consumer I'd be creeped out by it, and definitely a little annoyed, kind of like the morning my Facebook connections started popping up on sites around the web.

It so happens these ads are some of the most transparent I've ever seen on the web. There's a "Why are you being shown this banner?" link on the bottom, which takes you to the source, [Criteo](#), which takes you to a comprehensive opt-out page. Criteo is a re-targeting firm whose pitch to e-commerce sites is "re-engage with lost prospects via personalised banners across the internet." They charge on a per-click basis, so Zappos/Amazon are only paying for clicks, not on a CPM basis. Since I've leaved through my recommendations a couple times, Criteo earned a few pennies from re-targeting me.

The Criteo ads are keeping my shorts "top of mind," but at what cost to Zappos, whose brand is emblazoned across the ads themselves? As tracking gets more and more crass and obvious, consumers will rightfully become more concerned about it. There's a big difference between serving an auto ad to someone who's visited Edmunds.com in the last month and chasing them around the web with items once in their shopping cart. (For the record, I was just browsing and never even loaded a cart).

If the industry is truly worried about a federally mandated "do not track" list akin to "do not call" for the internet, they're not really showing it. As ads become more persistent and more customized, consumers are going to demand one place to opt out of everything, and not to have to check boxes at Criteo, Yahoo, Google, Blue Kai or whoever else is targeting them that day.

Those ads on Route 66 are retro novelty, but imagine a web where you're just pestered by persistent ads. If that's where we're headed, I'll be taking the next exit.

#### ABOUT THE AUTHOR

**Michael Learmonth** is digital lead at Advertising Age. Yes, he's on Twitter at <http://www.twitter.com/learmonth>.

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# AdvertisingAge.

## Meet the Big Online Marketing Firm That Wants 'Do-Not-Track' Legislation

**Consumers Should Be Able to Opt Out of Targeting, but Websites Should Also Be Able to Block Those Who Do**

By Steven Vine

Published: August 12, 2010



Steven Vine

It may surprise some to see a leading online marketing technology company ask for legislation, but that's just what we're doing. The online marketing industry should encourage Congress to pass do-not-track legislation this year. And as I will suggest below, if this legislation includes a few minimum conditions, we can get something done soon that will benefit consumers and, we think, marketers as well.

### Why We Support Do-Not-Track

Our industry should support do-not-track legislation because:

- First and foremost, it is the right thing for consumers. Many consumers just do not like being tracked. We should respect this, and let them opt out.
- Second, done right, legislation will incentivize innovation, as well as the adoption of best practices.
- Third and far from least, a good law, by making consumers feel safe, will help big brands feel comfortable spending online.

Nearly every day someone argues that targeted advertising improves the consumer experience. David Moore, chairman of 24/7 RealMedia Inc., said in a recent Wall Street Journal series, "When an ad is targeted properly, it ceases to be an ad, it becomes important information." If we really believe that, then let's give consumers control. Control requires more than just the option to be tracked or not. True control gives consumers Meaningful Choices.

### Meaningful Choices

A global opt-out is a sledgehammer. While a sledgehammer is exactly what a few consumers are looking for, most would prefer a scalpel. Look at Google's Preference Manager, where "compared to the

number of people who choose to opt out entirely, four times more people merely edit their categories, while ten times more people do nothing at all."

A network opt-out might work if consumers cared who delivers an ad. They don't, though, and once a global do-not-track is available, network opt-outs will become redundant.

Meaningful choices are options that consumers can understand, like adjusting preferences according to their feelings about particular advertisers, and to apply their preferences across networks, so they can set their preferences once.

At the end of the chain -- after the publisher, ad network, ad server, ad technology, data provider, demand side platform, and agency, have all contributed their piece to the ad delivery puzzle -- there is the advertiser. It is on the advertiser's behalf that everyone else acts. Advertisers pay the bills, and will pay more for granular data and sophisticated targeting. Without those tools, many take their business elsewhere. Only by giving consumers the tools to hold the advertiser responsible will consumers gain a meaningful outlet for dissatisfaction. Only those tools will give the advertiser the incentive to engage in the best privacy practices. Requiring advertiser-level choices will lead to increased trust, an improved experience and innovation in cross-network preference management.

### **Limited but Important Conditions**

A few clear conditions should be part of any do-not-track law. Broadly, the do-not-track should apply only to tracking users through a collection of individual behaviors across third-party websites for the purpose of delivering advertisements targeted at an individual user. More specifically, any do-not-track legislation should encourage adoption of the industry's Self-Regulatory Principles. Good intentions and a lot of hard work by our industry's leading organizations prompted the development of the Self-Regulatory Principles for Online Behavioral Advertising. An enhanced-notice requirement will be important, and will address many legitimate consumer concerns, such as the use of sensitive data.

- Do not limit first-party tracking and targeting. First-party tracking and targeting drive great consumer experience online, and are already transparent. It would be a mistake to require Amazon.com, for example, to disable its useful on-site recommendation engine for those who join a do-not-track registry.
- Do not limit tracking for other purposes, such as analytics. Analytics, measurement, and attribution do not raise the same privacy issues as behavioral profiling, and are needed to support the basic business operations of online services. If the scope of do-not-track limits activities beyond behavioral tracking and targeting, it will trade substantial harm to the industry and consumer experience for a marginal enhancement of privacy.
- Subsequent express permission must be allowed to override a previous do-not-track request. Targeted advertising is and will remain essential to support most of the web's content and services. Web sites supported by targeted advertising should be free to deny consumers access unless the consumers give permission to be targeted. The ability to make this tradeoff clear will inspire the development of multiple online business models. Just as with do not call, companies must be able to obtain an individual's subsequent permission to override a previous do-not-track request.

### **Support Do Not Track Now**

Our collective inaction on privacy has left a void that Congress is ready to fill. If we work with legislators and regulators, our self-regulatory efforts can be made more powerful. It should be our goal to develop a simple legislative and regulatory solution that works with industry for the collective benefit of consumers and our industry. Do-not-track legislation, done right, is the best opportunity we will have to achieve that goal.

**ABOUT THE AUTHOR**

**Steven Vine, Esq.** is Datran Media's chief privacy officer.

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## Financial Firms Could See More Ad Curbs

**New Law, Regulatory Body Likely to Mean New Rules for Marketers**

By Katie Kuehner-hebert

Published: July 30, 2010

SAN DIEGO (AdAge.com) -- Financial marketers, brace yourselves: Your advertising leeway may soon be further curtailed, thanks to the new Bureau of Consumer Financial Protection created by the recently enacted financial-reform law.

The new federal agency's future rulemaking on a host of ambiguous issues -- such as drafting a definition for "abusive" advertising practices or mandating how much information must be included in ads -- could result in overly cumbersome, cost-prohibitive and possibly even onerous requirements, according to industry watchers.

Then again, many of the actual rules promulgated might not result in the radical changes that some in the financial industry fear. The new law is an ambiguous outline of Congress' intentions; regulators have yet to hone the actual rules, which could be very stringent or very slack.

"There's going to be a need for more clear disclosures -- no question about that," said Susan Weinstock, financial-reform campaign director for the Consumer Federation of America. The new law requires that ads clearly describe the costs, benefits and risks of a particular financial product or service, written in "plain language" with an "easily readable type font." "But I'm not sure how much the new law will translate into wholesale changes in the advertising of these products," Ms. Weinstock said.

Regardless, financial advertisers should count on making room for more rules on their compliance plate. "It's clear that since Congress has spent so much time getting this legislation passed, the bureau is going to be watched very closely, and so regulators are going to feel pressured to get something out of the gate -- which means more regulation," said Dan Jaffe, exec VP-government relations for the Association of National Advertisers.

For now, financial marketers themselves are keeping mum. JPMorgan Chase & Co., Citigroup, Regions Financial Corp., SunTrust Banks, Zions Bancorp., Wells Fargo & Co. and Fifth Third Bancorp declined to be interviewed for this article, saying it's too soon to comment. Bank of America Corp., U.S.

Bancorp, PNC Financial Group, BB&T Corp. and Capital One Financial Corp. did not return phone calls.

Dan Marks, CMO of First Tennessee Bank, the banking unit of First Horizon National Corp., responded in an e-mail, "First Tennessee and many regional banks have a great reputation for customer loyalty because we offer easy-to-understand products and transparent customer service. Once the head of the bureau is selected, we will be able to more reasonably begin assessing the likely impacts."

And a spokesperson for KeyBank responded in an e-mail: "Key supports strong consumer protection and the creation of the Financial Stability Oversight Council. We are hopeful that the Oversight Council and the new independent Consumer Financial Protection Bureau will work together to ensure the best protection for consumers, while not placing undue financial burdens on the financial services industry. Key will continue to work closely with regulators and monitor the legislative process. Key will continue to advocate for reforms that enhance consumer protections while also ensuring a stable financial services industry."

The anticipated rules come on the heels of the new Credit Card Accountability, Responsibility and Disclosure Act and the changes in overdraft-protection rules by the Federal Reserve, which have left the financial industry struggling to adjust. In response to restrictions on interest-rate hikes in the credit-card law that went into effect last year, many financial marketers have raised late fees and cash-advance fees.

The new overdraft-protection rules go into effect Aug. 15. In advance of that date, banks are required to ask their customers if they want to continue to opt into their overdraft-protection programs, or else face fees for insufficient funds when they overdraw their accounts, because banks will no longer pay for their drafts. Many banks will likely continue to advertise overdraft-protection products after August, to assuage angry customers who were confused about the new rules and want their drafts paid.

### New responsibilities

For the new bureau, created by the Dodd-Frank Wall Street Reform and Consumer Protection Act this month, first on the agenda is the nomination by President Barack Obama of someone to lead it. Liberals are heavily advocating for the selection of Elizabeth Warren, a Harvard law professor who has been chairman of the congressional panel that oversees the government's handling of the Troubled Asset Relief Program. Financial-industry officials, on the other hand, would prefer that Obama nominate someone from within the industry who they claim better understands the complexity of the issues.

Once Treasury Secretary Timothy Geithner transfers consumer-protection powers to the bureau (which could take as few as six months or as many as 18 months), the agency would oversee a host of existing consumer-protection laws, such as the Truth-in-Lending Act, the Real Estate Settlement Procedures Act, the Home Mortgage Disclosure Act and the Home Ownership and Equity Protection Act.

But the new bureau also has the power to make rules on consumer issues not covered by these laws, such as requiring more detailed information in ads or restricting the types of rates charged on payday loans, and observers say it could be some time before the extent of the bureau's reach would be known.

One thing is certain: Regulators will have to grapple with defining what exactly constitutes an "abusive" practice, a term introduced in the new law that expands the current ban of false, deceptive and unfair advertising practices, Mr. Jaffe said.

"'Abusive' means something over and above what has been unfair and deceptive in the past," Mr. Jaffe said. "It's a much more elusive concept, and it's going to have to be parsed out by the regulatory

agencies -- and also by the courts."

One looming question is how far regulators can stretch the ban, banning entire products, for example, Mr. Jaffe said.

Some observers are speculating that regulators might not try to define "abusive" in terms of the language in ads, but possibly the method with which financial marketers advertise their products and services. Regulators could deem methods "abusive" if they are considered overbearing or at times hostile -- but Mr. Jaffe said it was too soon to speculate on what those methods could be.

In any event, if advertisers or marketers are found to be abusive, the new law calls for civil monetary penalties. Moreover, the rules and regulations about unfair and deceptive practices in ads that are already on the books -- such as misleading or unclear information about the interest rate offered on car loans -- will likely be enforced to a greater extent, now that the bureau has been created specifically for that purpose, said Alan Kaplinsky, chairman of the consumer financial services group at Ballard Spahr in Philadelphia.

"The federal banking agencies have also had the right to enforce Section 5 of the FTC Act, but they have had a lot of things on their plate, and so they have not been as focused on deceptive advertising as much as the new bureau will be," Mr. Kaplinsky said.

Robert Cook, a partner at law firm Hudson Cook in Hanover, Md., said that the new bureau could also require financial companies to include an extensive list of the costs in any advertisement of consumer products, particularly those that have been heavily targeted by consumer-advocate groups, such as payday loans, tax-refund-anticipation loans and overdraft-protection products.

"The sheer volume of information that could be required could either make the ads too expensive or unattractive, or both," Mr. Cook said.

There is also concern that the actual rule-making process itself might change, said Clark Rector, exec VP-government affairs for the American Advertising Federation.

Currently, the Federal Trade Commission conducts a thorough investigation of industry practices before making any rule pertaining to advertising, a process that also allows for the industry to cross-examine third-party witnesses, Mr. Rector said. The FTC also has to detail the potential economic impacts of any of its proposed rules.

But the new bureau could adopt a rule-making process already prevalent among banking regulators that would limit the industry's response in a comment period before final rules are promulgated, he said.

"There is some concern that when the bureau does get up and running, the process may not be as open as we would prefer," he said.

Dick O'Brien, exec VP-director of government relations for the American Association of Advertising Agencies, believes that reputable financial companies that historically have been very careful when advertising their products should not have to worry too much about how the new bureau will come down on them.

"The intent of the new law is to prevent bad guys from doing bad things -- companies who dupe the public in order to take advantage of them," Mr. O'Brien said. "If you're an honest company who can

deliver on your promises, then you should be OK."

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# AdvertisingAge.

## Is Your Detergent Stalking You?

**Brazil's Omo Uses GPS to Follow Consumers Home With Prizes**

By Laurel Wentz

*Published:* July 29, 2010

NEW YORK (AdAge.com) -- Unilever's Omo detergent is adding an unusual ingredient to its two-pound detergent box in Brazil: a GPS device that allows its promotions agency Bullet to track shoppers and follow them to their front doors.



Starting next week, consumers who buy one of the GPS-implanted detergent boxes will be surprised at home, given a pocket video camera as a prize and invited to bring their families to enjoy a day of Unilever-sponsored outdoor fun. The promotion, called Try Something New With Omo, is in keeping with the brand's international "Dirt is Good" positioning that encourages parents to let their kids have a good time even if they get dirty.

Omo accounts for half of Brazil's detergent sales and is already found in 80% of homes there, so Unilever's goal is more to draw attention to a new stain-fighting version of Omo and get it talked about rather than looking for a big increase in sales.

That made the idea of doing a promotion where the prize finds the consumer, rather than the consumer having to look for the prize -- and maybe not bothering -- appealing.

Fernando Figueiredo, Bullet's president, said the GPS device is activated when a shopper removes the detergent carton from the supermarket shelf. Fifty Omo boxes implanted with GPS devices have been scattered around Brazil, and Mr. Figueiredo has teams in 35 Brazilian cities ready to leap into action when a box is activated. The nearest team can reach the shopper's home "within hours or days," and if they're really close by, "they may get to your house as soon as you do," he said.

Once there, the teams have portable equipment that lets them go floor by floor in apartment buildings until they find the correct unit, he said.

Of course, Brazil has a high crime rate, and not everyone is going to open the door to strangers who claim to have been sent by her detergent brand to offer a free video camera. Bullet has thought of that. If the team tracks a consumer to her home but she won't let them in, they can remotely activate a buzzer in the detergent box so that it starts beeping. And if the team takes too long to arrive, and the consumer has already opened the box to see if she's a winner or just do laundry, she'll find, along with the GPS device and less detergent than expected, a note explaining the promotion and a phone number to call.

"Anything can happen," Mr. Figueiredo said. "We have to be innovative, but we don't know what reaction to expect from consumers."

In a big web component, the site [experimentealgonovo.com.br](http://experimentealgonovo.com.br) (Portuguese for "try something new") goes live in August, and will include a map showing roughly where the winners live, pictures of each winner and footage of the Bullet-Omo teams hunting down the GPS-enabled detergent boxes, knocking on doors and surprising consumers.

"It costs more than a traditional promotion and is riskier because it's never been done before, but it's worth it," Mr. Figueiredo said. The technology aspect of the promotion costs less than \$1 million, out of Omo's overall marketing budget of about \$23 million.

"We believe in using new technology for promotional marketing," Mr. Figueiredo said.

Plus Bullet just likes figuring out how to ingeniously embed stuff in products. Two summers ago, sales of Unilever's Fruttare Popsicles soared when Bullet disguised 10,000 iPod Shuffles as popsicles and popped them in freezer cases. The agency's creatives had noticed while reading their iPod instruction manuals that an iPod can operate at temperatures below freezing. They immediately began freezing their own devices as a test, then constructed a fake ice-cream bar case that mimicked the popsicle but fit an iPod, and a wildly successful summer ice cream promotion was born.