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PUBLIC SPEAKING

Nonpartisan Lessons in Nonverbal Communication From the 2016 Presidential Candidates

It's said that if you listened to the 1960 Richard Nixon–John F. Kennedy debate on radio, you'd have picked Nixon as the winner; had you watched it on television you'd have declared Kennedy victorious. Nixon's verbal content was strong and played well on radio. On the visual medium of television, however, the VP appeared nervous; JFK was viewed as handsome, fit and cool. It's an axiom in the restaurant business that people eat with their eyes. Apparently we pick our politi-

cians that way, too. Need more proof about the importance of nonverbal communications? A 2013 study from **University College London** showed people, including musical experts, focus more on a musical artist's stage presence than his or her musical prowess when judging a performance.

As digital strategist Jonathan Rick of **The Jonathan Rick Group** notes, "What your body says is as important as what your mouth says." For Donald Khoury, a widely quoted non-

Continued on page 4

IMAGE PATROL

BY KATIE PAINE, CEO, PAINE PUBLISHING

Sharapova Sponsors and Whole Foods' Oranges: Brand Crisis in the Fast Lane

For decades, academic PR researchers have analyzed crises and advised speed and authenticity as the best responses. For years it seemed that all their advice fell on very deaf ears, but in recent months, and to a large extent due to the immediacy of social media, more and more major brands have been heeding their advice.

When tennis star Maria Sharapova recently admitted that she had failed a drug test in preparation for this year's Australian Open, memories of the Lance Armstrong debacle were clearly top of her sponsors' minds. Even though the offending drug, meldonium, only had been added to the banned list on Jan. 1, 2016, **Nike**, **TAG Heuer** and **Porsche** quickly declared

"zero tolerance" and distanced themselves from Sharapova. Watchmaker TAG Heuer decided to end its talks to renew the Russian's endorsement contract, which expired at the end of 2015. Nike and Porsche issued milder rebukes, as both brands suspended ties to Sharapova pending rulings on her case from the body that oversees tennis. The three brands' coordinated messaging combined with their rapid response effectively distanced them from any negative spillover from Sharapova's admission. [Tips from the Sharapova incident can be found on page 8.]



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ANALYTICS

A Measurement Framework to Help You Improve Your Data Competency

Admit it, we all want to leverage data in the most sophisticated ways, and do it yesterday. But “you can’t get there overnight,” says Michael Fein, VP, measurement & insights, **Edelman**. “You have to phase and build” your data competency and avoid “biting off more than you can chew.”

An example is shown in the first graphic below. A firm just beginning to leverage data would start in the Level I column, with a basic reporting of common metrics as its objective. As the firm’s data capability matures it moves rightward to Level II and beyond. [Note: BI= Business In-

telligence, BU= Business Units, IAT =Inter-Agency Team].

The lower table looks at owned and earned social data and is brand specific. KPIs are at left and communications’ roles are in the top row.

Looking at social CRM in the lower table (left, top), which is essentially customer service, volume of concerns is followed by question types and how they might be changing. The final KPI looks at response times. ■

Contact: @DigitalStats

Analytics Maturity Model

	Level I Initial Solve	Level II Long Term Solution Success	Level III Additional Value Opportunities	Level IV Breathing Social Data	Level V Competing on Analytics
Objective	A basic reporting solution with common metrics	Reporting that provides actionable insight	Leverage social data to solve business challenges across BUs	Automation & Data Visualization	Predictive Modeling the business case
Goals	<ul style="list-style-type: none"> - Develop a Measurement Roadmap for the next phase of Brand 	<ul style="list-style-type: none"> - Implement reporting for various stakeholders - Layout framework for campaign database 	<ul style="list-style-type: none"> - Influencer & detractor IDing - Social psychographic trends - Social observational data streams 	<ul style="list-style-type: none"> - Work across IAT to create an integrated solution - Data visualization, Increased automated - Social data shared across the business 	<ul style="list-style-type: none"> - Building predictive models - Social data integration in MMM - Prove out the business value of social vs. other channels
Requirements	<ul style="list-style-type: none"> - Alignment on Roadmap so we can transition to Phase II - Agreement of reporting elements 	<ul style="list-style-type: none"> - Consistent team usage of Tag Strategy - IAT collaboration for campaign database 	<ul style="list-style-type: none"> - BI support allowing for hypothesis testing 	<ul style="list-style-type: none"> - Technology Stack evaluation - Closer integration with various data providers 	<ul style="list-style-type: none"> - Data science and organization investment in measurement

2016 PR / Social Media Measurement Framework

Role of Comms	Social CRM	Build Brand Favorability	Brand Protection	Promote Engagement
How many? 🗣️	Volume of Concerns	Grow Mentions of Objectives (e.g. STEM)	Volume of Positive & Negative Mentions	Mentions of Specific Initiates
How engaged? 🔄	Category/Types of Questions	Specific Owned Channel Impressions	Overall Brand Sentiment Ratio	Specific Owned Channel Content Eng.
How long? 🕒	Response Times	SOV within specific conversation		
Secondary KPIs	Media Mix of Questions	Adjectives to describe Brand	Fans across channels	High Value Media Placements
Key	Owned Social Data	Earned Social Data	Blend of Data Sources	May Require New Tool

Whole Foods Failed to Listen in Oranegate Crisis

Similar fast action on the part of **Whole Foods** actually may have extended negative coverage of #orangegate, a crisis that erupted on Twitter when an advertising copywriter posted a snarky tweet about the grocery chain's new offering of pre-peeled oranges. In this case, the tweet went viral and thousands of people noted the excess use of plastic packag-

ing contradicted Whole Foods' sustainable brand image.

Whole Foods responded within hours with a mea culpa, and pulled the product from its shelves. While Sharapova's sponsors were lauded universally for their quick action, Whole Foods continued to be slammed on Twitter (#orangegate) both by those who reject plastic packaging

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Nike, TAG Heuer, Porsche

Criteria	Grade	Comments	Advice
Extent of coverage	F	In an Olympics year, and after a period of revelations and accusations of doping, particularly among Russian athletes, it was not a surprise that Sharapova's admission of guilt and abject apology was a global story the moment it broke. Her sponsors' swift reactions provided sufficient fodder to keep the story on global front pages for another day.	When crisis hits any organization in your industry, expect a "spillover effect"—i.e. all companies in the industry may well be included in the negative coverage. Research shows that the best response is to be proactive and distance your brand as far from the crisis as possible.
Effectiveness of spokespeople	B	All three sponsors issued statements that either suspended their deals with Sharapova or put future negotiations on hold. Although none actually was answering questions from the media, the statements expressed surprise at the news and clearly distanced themselves from Sharapova and doping.	In some cases, a simple statement may be more effective than an interview, particularly when you are trying to put space between your brand and a crisis.
Communication of key messages	A	The clear message from the sponsors was "zero tolerance" for doping, which was included in almost every story.	If there are other organizations involved in the spillover of a crisis, a coordinated response and a single, clear message is highly effective.
Management of negative messages	A	None of the brands suffered any negative pushback on their actions.	In a spillover crisis, the ultimate definition of success is not being mentioned at all.
Impact on stakeholders	B	While stock prices of Nike and Porsche initially fell in the aftermath of the Sharapova revelations, once they distanced themselves from the athlete, both rebounded. TAG Heuer is owned by LVMH but its stock, too, has been gaining in the days since it announced it ended negotiations to renew Sharapova sponsorship contract.	The greater distance you create between your brand and a scandal, the less likely you'll suffer long-term consequences.
OVERALL SCORE	B-	All three brands managed to avoid guilt by association by forcefully acting—and speaking out on their actions as soon as possible.	Fast action combined with effective messaging and if possible, effective coordination between other brands, will help minimize any tarnish on your brand.



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Public Speaking Tips From Trump and Sanders

verbal communications expert, “Gestures communicate confidence” or the lack thereof. Confidence also is key for Saptosa Foster, managing partner of **135 St Agency**. Referring to the business executives, she says, “We all know our subject, but when it comes to public speaking other things come into play.”

Considering how the presidential primaries are occupying the country’s zeitgeist, we decided to examine some of the presidential hopefuls’ body language. We’ll emphasize what PR pros can learn from the White House aspirants about public speaking and media training. As Rick notes, “there’s nothing like using examples from current events to make points about public speaking. The debates are almost a weekly case study for public speaking.”

Two Who Are Crashing the Party: That said, however, there’s a caveat. Just as this primary season has been non-traditional in many ways, two presidential hopefuls are breaking cardinal rules of nonverbal communications.

When others are speaking during the debates, Donald Trump squints, smirks and scowls. And “he’s constantly playing with the microphone,” Rick says. In addition, Rick and Khoury note Trump’s use of his right hand when he speaks. Both describe in detail how he curves his thumb inward and bunches his fingers, using his closed hand to slice through the air, as if literally hammering home a point.

The other example of unorthodoxy is Sen. Bernie Sanders. Traditionally, public speaking, like theater, is considered a presentational sport. As such, speakers are urged to look their best. Yet Sanders sometimes fails to comb his hair fully before appearances and his wrinkled, ill-fitting suits have led to calls for his tailor’s head. And his gestures? Look on Twitter two weekends ago to find myriad tweets about Sanders’ finger wagging and arm waving. “He’s making serious points [verbally],” Rick says, “but his hands and arms are flailing... he’s hunched over...purely on his body language he’s saying ‘I’m not presidential material.’ He seems more interested in being right than on winning the election.”

Yet Trump and Sanders remain viable. “[They] are getting away with things [PR pros] would almost never encourage executives to do,” Rick says. They’re also the two hopefuls who haven’t hired a lot of consultants, so “you’re getting unpredictability and, as we see, it can work,” Rick notes. Trump and Sanders, Rick says, are the rare exceptions that prove the rule. “There are very few Donalds and Bernies out there...9 out of 10 times most [PR pros and media trainers] counsel executives to follow the Sen. Ted Cruz and Hillary Clinton [traditional] playbook” to stand erect, look and act dignified and strong “and dress for the job you want,” he says. “If not, you run the risk of your clothes and mannerisms becoming the story instead of your ideas.”

On the flip side there was unanimous agreement that the nonverbal communications of Cruz are trained, stiff and unnatural. “More than any of the others he uses gestures he’s been trained to use and doesn’t come across as very authen-

tic,” Khoury says of Cruz. All our experts noted Cruz leans back instead of in, for example. There seems to be a veil over Cruz as a result of all the coaching, Foster says. “It’s hard to tell if he’s passionate.” Khoury takes issue with Clinton’s facial expressions. “They betray her,” he says. A subconscious cue of honesty is a wrinkling around the eyes when someone smiles, he says. Perhaps it’s Botox or plastic surgery, “but when she smiles it seems fake because there’s little or no wrinkling.” So, PR pros, urge your execs to steer clear of facial plastics and Botox. Seriously, Khoury says “you can train people to amplify honesty.”

Authenticity Reigns: OK, so why are Trump and (to a lesser extent) Sanders succeeding? The answer goes to another key component of nonverbal communication, our experts agreed: The gesticulating, smirking, air punching, unkempt hair and tattered outfits are wildly authentic to these two hopefuls. Sanders is even more authentic than Trump, Khoury says. Adds Foster, “You can totally see why Sanders appeals to younger voters. He’s like a nutty professor, talking with his hands, arms flailing, bad clothes. Millennials see these gestures as anti-establishment and counterculture.” Says Rick, Trump’s air punching works because it’s “an assertion of his authority and it’s in keeping with his brand of overwhelming braggadocio. It’s who he is.” Adds Foster, “he exudes confidence...control...and a certain level of ‘I really don’t care what you think of me...’ he really believes in his movement and what he’s doing.”

Khoury agrees, advocating that authenticity and a deeply held belief in what you are saying are paramount for speakers. In fact, he nearly dismisses the premise of our story, arguing that training in nonverbal tactics can go only so far. “[PR people] can [media] train executives...and a lot of [political candidates] are trained...but usually they are not as well trained as actors and so when they’re not being authentic things bleed out” in their gestures.

Basketball Hands and Other Tips: Speakers should avoid rubbing or circling their hands, Khoury says. “Don’t have any barriers in front of you...President Obama is a master at this. It looks like he’s holding a basketball...he never rubs his hands together.” And keep your podium free of notes and papers, Foster counsels. Another trick: place your hands on your chest; “people will want to believe you and listen to you,” Khoury says. Although finger pointing works for Sanders, our group urges speakers to avoid it. “It looks too aggressive,” Rick says. “Be aware of your body, your gestures and your breathing...this all comes from practice and rehearsing,” Foster notes. To avoid flailing arms hold the sides of the podium a la Trump; “it will keep you grounded,” she says.

[For Subscribers: For more public speaking tips, please see the Subscriber section of our site.] ■

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as environmentally unsound and by those in the disability community who were angry that the product had been pulled from the grocer's shelves. Peeled oranges provide easy access to a popular fruit that is difficult for those with limited dexterity to enjoy.

Had Whole Foods taken a little more time and listened to the conversation more, what it heard might have shaped its response to better navigate between the two camps. ■

CONTACT: measurementqueen@gmail.com @queenofmetrics

Whole Foods

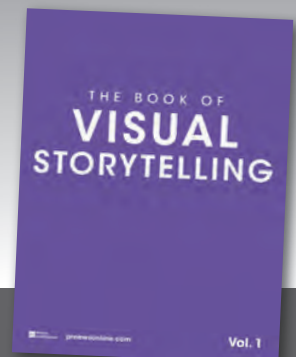
Criteria	Grade	Comments	Advice
Extent of coverage	D	The initial kerfuffle surfaced on Twitter, but soon spread to mainstream media. As a result, fast action failed to limit the extent of coverage. A subsequent tweet inserted humor into the debate by featuring a photo of oranges in mason jars, further prolonging the controversy.	Pulling a product or reacting quickly may not always be the best way to limit the extent of a crisis. Whenever possible, brands should use data from past crises to determine the best approach.
Effectiveness of spokespeople	C	Whole Foods initially responded from its Twitter account, and when the controversy continued to roil on Twitter, a spokesperson was made available to the media. But neither of those corporate voices was effective in mollifying the complainers.	Too often corporations continue to use official spokespeople and effect a corporate tone. Research shows that most complainants want to be heard and responded to by a real human being.
Communication of key messages	C	Whole Foods is an iconic brand that stands for sustainability, and the author of the initial tweet specifically cited that as the reason she posted the photo. In its response, Whole Foods acknowledged her point, but ignored all the supporters with disabilities who were delighted that the product was available, missing out on an opportunity to cultivate advocates.	When individuals become engaged in discussions around your brand, they have the potential to become advocates if they feel understood and appreciated. Responding too quickly may limit your ability to engage in further discussion to move them along the path from simple engagement to advocacy.
Management of negative messages	D	As with most crises, the controversy provided the media an opportunity to bring up past examples of Whole Foods' missteps.	Any highly visible brand is bound to make a mistake, and chances are good that the media will remember it and bring it up at every opportunity. Plan for that eventuality and you may be able to turn the negatives into a positive.
Impact on stakeholders	A	Clearly investors didn't care. Whole Foods' stock price has been gaining steadily ever since.	When you're wrapped up in a crisis, keep your perspective. Take time to pause and think of the big picture, such as business outcomes, not just the minutiae and nuance of the response.
OVERALL SCORE	C	Had it waited and listened longer, Whole Foods might have turned this into a win/win. Instead it became embroiled in a controversy that is lasting a whole lot longer than the grocery chain wanted it to.	Sure, speed and response time are critical in a crisis, but make sure you listen to the chatter long enough to get a full picture of what the controversy or crisis is really about.

VISUAL STORYTELLING GUIDEBOOK

PR News' Visual Storytelling Guidebook is packed with how-to's and case study examples on how to use visuals to tell new stories about your brand and connect with new audiences and customers. You'll learn how visuals can enhance and complement the stories your brand has to tell, discover what tools and resources are available to you and connect with new audiences—audiences that increasingly expect and consume visual information on digital channels.

Chapters include:

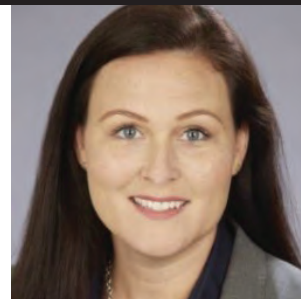
- Getting Started
- Creating Great Images
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Questions? Contact Laura Snitkovskiy at laura@accessintel.com
www.prnewsonline.com/visual-storytelling-guidebook

How to Create an Editorial Plan to Write Simply About Complex Issues



We've all been there. You are asked to write a newsletter article, a speech or op-ed about a topic that is very complicated and technical. The piece is intended for an audience that is unfamiliar with the subject matter and its jargon. How do you explain your ideas in a way that can be easily understood?

At **Toshiba America Medical Systems Inc.**, we were faced with this very challenge when the 2010 Patient Protection and Affordable Care Act was passed into law. As more of our healthcare provider customers began asking what the new Act would mean to them, it quickly became apparent that we could empower our sales team to help answer this question. We did so through an internal newsletter that broke down complicated healthcare legislation into concepts that were easy to digest and share with others.

The most efficient way to go about tackling complicated topics is to have a plan in place that allows you to learn about the topic, explain it simply, and then test your copy before it's published. Following the steps below will help you when writing about healthcare legislation or any other equally hard-to-understand topic.

1. Use Company Knowledge Experts

You cannot effectively write about a subject until you fully understand it yourself. One of the best ways to learn is by going straight to the subject-matter experts at your company. These are the people who live and breathe what you need to write about. Unlike reading about a topic, this gives you the chance to ask follow-up questions to make sure that you fully grasp the topic. Internal experts will also be able to tell you why this information should matter to your audience, and what call to action should be made.

2. Do Additional Research to Fill in the Blanks

While the knowledge experts can explain a subject, it's still useful to do some additional reading on your own. This will give you a chance to verify any figures you've been provided and locate places you can direct readers for more information.

If you find additional information that wasn't covered by the knowledge experts the first time, you may find it necessary to speak with them again.

3. Write in an Easy-to-Read Format

We have found that using a question-and-answer format works best for our audience. This allows us to simplify the topic by breaking it into individual concepts, focusing on key points.

Make sure that you provide answers not only to the questions you want your audience to be able to answer but also to questions they might be wondering about.

For example, we made sure to provide answers about

what the most important changes in new legislation will be for our industry. We followed this up by answering our audience's question: "What does this mean to me and my customers?"

“One of the best ways to learn about a topic is by going to subject-matter experts at your company. These experts will be able to tell you why certain information should matter to your audience, and what call to action should be made.”

4. Use Simple Language

When you find yourself submersed in a topic, this can be a hard step to follow, but it's an important one. In healthcare, as in other industries, we use acronyms and words that almost make up a secret language. To help avoid a lack of understanding due to this pitfall, change or explain words in your copy that are not commonly used outside of your industry.

The simpler you make the explanation, the easier the concept will be for your audience to grasp.

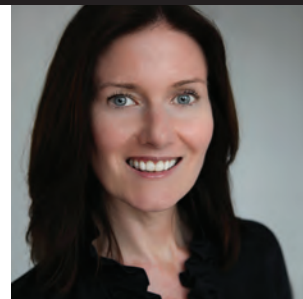
5. Have Others Unfamiliar With the Topic Review it

Once you feel you have answered every possible question for your readers using simple language, it's time to test your copy. Have someone who doesn't know the subject matter read your piece and tell you if there is anything that they don't understand. Ask them if there are any questions left unanswered. If someone unfamiliar with the topic can read the piece and understand it, then you have done your job well.

Now that you have a plan, the next time you are asked to write something about a complex topic, it should be easier to do. Perhaps more important, your copy will be easier for your audience to understand and share with others socially. ■

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5 Tips to Help Communicators Adjust to Disrupted Commercial Sectors



This article examines the implications for communicators resulting from myriad changes in America's healthcare system. Yet the lessons can be applied to any sector undergoing rapid change. Since disruption is all around us, it's likely communicators in many fields, not only in healthcare, will need to adapt their methods and points of view.

Healthcare in the U.S. has changed dramatically since the passage of the Affordable Care Act. This is not because more people have health insurance. We've seen a change where payers offer various insurance types; hospital reimbursement is reduced for patients who are readmitted too soon; public discussion and concern about drug prices are at an all-time high; and, of course, the emergence of Martin Shkreli momentarily captured everyone's attention and shone an even more negative light on the industry.

These regulatory and environmental changes mean we in healthcare PR need to reconsider the ways we communicate. Released earlier this year, a *Finn Futures* poll emphasized several things communicators should think about.

1. Expect to Build New Relationships Constantly and Think Like a Bridal Magazine Editor: Americans change primary care doctors as often as they change insurance companies: roughly every three years. Whether your brand is a pharmaceutical company, provider or payer, the patient likely is changing his or her medical affiliation frequently. This health-system version of musical chairs shifts the burden of remembering health information to patients and their families. While some medical conditions, like rare diseases or cancer, lead to the patient and family becoming nearly clinical experts, most conditions are not lifelong patient priorities. In many ways, healthcare communicators need to think more like editors of bridal and pregnancy magazines. There is a moment when a person joins the community, a clear journey, and then a move to the next chapter in life.

2. Avoid Driving Market Share to the Competition: Many pharmaceutical PR campaigns have relied on a formula: Create disease awareness through data and a celebrity or stunt, and drive patients to ask their doctor for information and a prescription. It worked for years. Today the same campaign could result in sales diverted to the competition. Formulary status matters. When patients arrive at the pharmacy and are confronted by a high co-pay, or hoops to go through for a prior authorization, half take an easier, cheaper path. Oh, and that celeb campaign? 55% say celebrities fail to influence them when it comes to medication selection. PR campaigns need to shift to ensure the right patient receives the right medication, as opposed to driving competitors' business.

3. Consider All Influencers:

The acronym HCP is popular among healthcare communicators. It stands for healthcare provider, but has often been used as a synonym for primary care provider, aka PCP. The new world of healthcare makes the broader term more important than ever. Consumers report pharmacists recommend a different medication at the counter 43% of the time, and patients accept it more than half the time. In addition, convenience and cost are kings. People love the convenience of using walk-in care centers rather than scheduling an appointment with their primary care physician. Communicators need to consider all influencers in the healthcare space and how they interact with patients.

4. Price Means Different Things to Different Parties:

There was a time when price was not an obstacle for healthcare PR pros. Even marketers of expensive, ultra-orphan medications could speak of price to patients, rather than total cost. Payers and providers were comfortable with prices, as they were but a small percentage of their budgets. Those times are gone. Payers now bundle all specialty medications and politicians discuss total societal costs. Yet healthcare communicators often still argue that the out-of-pocket cost is what really matters when it comes to access. That argument is not acceptable anymore. For every message about broad access to any medication, there is a responding payer message about evidence-based medicine leading to the right medication for an individual. Communicators need to embrace the total price discussion and engage early. Patients are price-sensitive, rather than brand-loyal.

5. Go Where the Audience Is, Don't Ask it to Come to You:

"If you build it, they will come" is a myth in healthcare. Just 8% of patients visit a drug website. 8%! That's it. Yet, it's where co-pay cards generally are housed. Patients report trusting HCPs about medications significantly more than other sources, so we need to educate physicians, nurses and pharmacists about meds as they will be the primary information sources. In addition, people now expect to have insurance questions answered on social media. We need to help payer clients navigate social media and respond to questions as patients expect them to be answered: promptly and in a medium convenient to the patient.

The health economy's evolution requires a communications shift. Luckily, consumers will tell us what they want from pharmaceuticals, payers and providers. It's our job to listen. ■

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1. No Love: Luxury brands **Porsche** and **TAG Heuer** distanced themselves from spokesperson **Maria Sharapova** faster than a cross-court smash after the five-time Grand Slam champion announced she'd failed a drug test. Admitting full responsibility, the tennis star said she'd been taking meldonium for 10 years under a doctor's orders. Meldonium was placed on the **World Anti-Doping Agency's** proscribed list Jan 1. Porsche put its relationship with the Russian on hold; ditto **Nike** days earlier. TAG Heuer decided against renewing her contract. [Also see *Image Patrol*, page 1.]

The lessons for brand communicators begin with including a broad morals clause in agreements with celebrity endorsers, says attorney **Allison Fitzpatrick**, partner at **Davis & Gilbert** in the marketing, promotions and PR practice groups. Ditto with paid influencers. A morals clause gives a brand the right to end the agreement and avoid paying the celebrity if he or she does anything that tarnishes the brand. You're unlikely to be able to include a morals clause with A-list celebs, she admits. In that case include language where the brand can pay the celeb to get out of the contract. "There's a hierarchy," she says, noting it's easier to get B- and C-list celebs to agree to a morals clause. Another lesson: Brands need to vet celebs prior to signing contracts, she advises. In addition to background checks, Fitzpatrick says, "Check their **Facebook** pages, **YouTube** and **Twitter** accounts, they're public sources." Besides looking for bad behavior, brands also need to make sure their future spokesman isn't a fan of a competitor, she says. Fitzpatrick is surprised how quickly brands fled Sharapova considering the tennis star's



full apology. "It makes you think there might be something else there."

2. Fed Feeding Frenzy for VW: The naive among us like to think justice and safety are the chief motivators for federal regulators. We're likely wrong. It seems the feds smell diesel, er, blood in the Potomac. The prosecution against **Volkswagen** "has become a competition among enforcers and you're now getting a free-for-all without much coordination," **Columbia University** law professor **John Coffee** tells *The Wall St Journal*. "Everybody would like a little credit for doing something to" VW, he adds. Indeed, the **Justice Dept.** just issued a subpoena under the Financial Institutions Reform, Recover and Enforcement Act (Firrea), *The Journal* reports. Conceived to combat bank fraud, Firrea will allow prosecutors to root into VW's activities going back 10 years. It also lets civil and criminal prosecutors share information. This is believed to be the first time Firrea will be used to prosecute non-monetary crimes. VW faces \$18 billion+ in fines and penalties from a Justice Dept suit filed in Jan.

In an indirectly related story, VW's U.S. chief **Michael Horn** left the company last week in what was called a mutual parting. You may recall Horn admitting just days after the diesel scandal broke in September, "Our company was dishonest; we screwed up." Perhaps his transparency hurt him in Germany, where VW leaders were far slower to speak to the media, much less admit guilt. You may also recall the name **Alan Brown**, the VW dealer from TX who heads the U.S. dealer advisory group (*PRN*, Jan 4). At the time, Brown was upset with VW's lack of communication with dealers. With the departure of Horn, who was beloved by



Cynthia McFarlane, Chief Strategy Officer and Managing Partner, Newlink

dealers for his honesty, Brown is quoted as saying VW's relationship with U.S. dealers is "hanging by a thread."

3. News Bits: PR pros should keep an eye on the suit several PR firms brought last week against the NY State Joint Commission on Public Ethics (JCOPE) regulation of Jan 26 that classifies some PR activities as lobbying, says attorney **Michael Lasky** of **Davis & Gilbert** (*PRN*, Feb 1). "The regulation is germane to both in-house and agency PR pros" and one need not be in N.Y. to run afoul of it, he says. The suit seeks emergency relief from the regulation. It's been sent to a judge with a request for prompt adjudication. **PRSA**, the **Arthur W. Page Society** and the **PR Council** filed affidavits last week to stay enforcement of the regulation. Lasky says the regulation equating PR activities with lobbying so "flies in the face of established principles of free speech under the First Amendment." – A **Chipotle** near Boston closed voluntarily Tuesday after an employee tested positive for norovirus. It reopened Thursday. Supporters said the shutdown shows Chipotle's new food safety regime works. Detractors say it's yet another black mark for the brand.

4. People: **Newlink** named former **Saatchi & Saatchi** Latin America president **Cynthia McFarlane** its chief strategy officer and managing partner. – **The PR Council** named **Sara Ghazali** VP director of communications. She joins from the **New York Genome Center**. – **Rogers & Cowan** said **Danielle Thur** has joined its NY office as VP from **EFG PR**. – **Joe Browne**, the **NFL's** senior advisor to the commissioner, was named to **FleishmanHillard's** International Advisory Board. ■

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