



News & Views

▶ Empowering authors and publishers to create and market books

OCTOBER 2009

OCTOBER 14 MEMBERSHIP MEETING:

Marketing yourself and your business in recessional times

We may be in the midst of an economic crisis, but you can't afford to halt your marketing efforts. Did you know that you don't have to spend a lot of money on marketing to reap benefits?

At our October meeting, **marketing expert Dr. Stan Fine** will give you over 50 marketing tips to help you grow your business without breaking the bank. You'll learn:

- ▶ Business promotion tips
- ▶ Ways of getting new business
- ▶ Ways of cultivating client relationships
- ▶ Networking tips using business cards
- ▶ Common direct mail mistakes and how to avoid them
- ▶ How to use PR to your advantage.

Join us Wednesday evening, October 14 at the Lodge at Des Peres. Doors open for networking at 6:30 p.m.; meeting begins at 7:00 p.m. The formal meeting concludes around 8:30 p.m. with networking continuing until 9:00 p.m.

Featured Speaker

Dr. Stan Fine is the senior vice president of Random App, Inc. He has held high-level marketing positions with numerous Fortune 100 companies. As a national business speaker, Dr. Fine has presented to thousands of people around the U.S. He has taught management seminars for *Inc. Magazine*, and hosted the daily "Dr. Stan: The Business Doctor" show on Channel 10 STL-TV and "The Business Doctor Rapid E-Business Tips of The Day," that aired on 91.5 FM and 1320 AM. He is the author of 50+ *Marketing Strategies and Tips to Grow Your Business* and *Business Boot Camp for Women*. His sales and marketing expertise have garnered him attention in publications such as the *St. Louis Post-Dispatch*, *Missouri Meetings and Events* magazine and *St. Louis Small Business Monthly*. 




SPAN super sizzlin' summer special extended

Want to become a more successful publisher? Then join SPAN, a nonprofit trade organization dedicated to advancing the interests and expertise of independent publishers and authors through educational opportunities and discounted services. SPAN is currently offering membership at reduced rates. For a limited time, you can join or renew your membership at 1999 levels!



- Regular new membership \$89 (Regularly \$115)
- Partner organization membership \$60 (Regularly \$80) (both new and renewal)
- Renewal..... \$75 (Regularly \$95)

To take advantage of this offer, visit www.spannet.org/join.htm. 

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President's Corner by Lynette Schuepbach I survived a rotten economy!



No, this is not the latest game show where I must jump onto a huge rubber ball, climb through troughs of mud, avoid the paddles of a windmill while jumping from platform to platform—although it may feel just that challenging.

Money may be tight all over, but it's not the time to quit marketing, advertising, or promoting your books. In fact, it may be more important now than when the economy is thriving. The challenge is finding a way to avoid the paddles of high prices yet successfully jumping from platform to platform and making that sale. This is the time when businesses find creative, inexpensive ways to reach the consumer.

Stan Fine is the author of 50+ *Marketing Strategies and Tips To Grow Your Business* and *Business Boot Camp for Women*, radio talk show host, educator, and has been in high-level marketing positions with numerous Fortune 100 companies. As a national business speaker, Fine has presented to numerous organizations, has taught management seminars for *Inc. Magazine*, appeared on radio and television talk shows, and even presented at a conference at the United Nations.

Personally, I cannot wait to hear how Stan Fine's information can help me to build my business in a shaky economy so that I can say, "I survived a rotten economy." See you there! 

—Lynette Schuepbach, President
President@stlouispublishers.org

Publishing fact of the month

Did you know that in the U.S., the term "small press" describes publishers with annual sales below \$50 million, after returns and discounts?


Small presses are also defined as those that publish an average of fewer than 10 titles per year.



Source: Brewer, Robert and Joanna Masterson. 2007 *Writer's Market Cincinnati: Writer's Digest Books*, 2007.

Bobbi Linkemer to discuss book proposals for October learning modules

At our October meeting, **Bobbi Linkemer** will conduct a ten-minute learning module about book proposals. Bobbi is a ghostwriter, book coach, editor, and the author of 14 books. Her articles on all aspects of writing appear on more than 35 article sites on the Web, including top-ranked EzineArticles.com. Bobbi has been a professional writer for 40 years, a magazine editor and journalist, and a book-writing teacher. Her clients range from Fortune 100 companies to entrepreneurs and individuals who want to write nonfiction books in order to build their businesses or share their stories.


The SLPA will continue to offer publishing ten-minute learning modules at the start of each monthly meeting through 2009. Don't miss these upcoming module presentations: editing and illustrations (November), and how to use feedback, reviews and testimonials (December). It could be the most beneficial ten minutes of your day! 

Showcase your book at the Big Read

Each year, the SLPA holds a co-op booth at the Big Read, an annual festival that gives communities the opportunity to come together to read, discuss, and celebrate selections from U.S. and world literature. This event features publishers, book-sellers, authors, readings, book signings, panel discussions, workshops and more.

For a mere \$20.00 your book can be displayed at the SLPA co-op booth and made available for purchase. Don't miss your chance to have your book showcased to hundreds of visitors!

The deadline for participating in the SLPA Co-Op Booth is Wednesday, October 7, 2009. For rules and entry form, visit www.stlouispublishers.org. For questions and drop-off arrangements, contact Barbara Davis at (636) 448-9821 or e-mail DisplayCoordinator@stlouispublishers.org. **Put "2009 Co-Op Booth" in the subject line.**

The Big Read is free and open to the public. Bring your family, friends, and fans to the campus of Clayton High School at Mark Twain Circle & Topton Way in Clayton, MO, 63105, on **October 10, 2009 from 9:00 a.m. to 4:00 p.m.** 

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Stick to the facts: A guide to truth in advertising

By Laurie A. Washington for the St. Louis Volunteer Lawyers and Accountants for the Arts

Many writers and publishers strive to be successful commercially and will invoke creative and innovative ideas to put their product in the limelight, or obtain some consumer recognition. Catching the public's eye is the first step to achieving notoriety. However it is important that your product not be misleading, and that your advertising practices are fair to consumers. Truth in advertising is the name of the game so that the product you put into commerce is an accurate and honest depiction of what you are truly selling. Consider also that advertising and marketing is a representation of you as the creator and the business entity that distributes your product.

The customer is always right

Satisfying the customer is a primary objective in the marketplace, even on the Internet. One way that businesses achieve this is by making a quality of product known through advertising. Thus, the Federal Trade Commission (FTC) has instituted a federal act which protects consumers from deceptive practices and unfair acts in the marketplace. It provides guidelines for marketing strategies with three main principals: (1) advertisements must not mislead the customer; (2) advertisements should not have force or persuade the customer's behavior in regard to buying or using the product; (3) advertisement must not be unfair.

There are essentially two types of lawsuits to be brought due to false advertising. The first instance is when one business entity sues another, whereby the defendant is accused of falsely advertising that its product has qualities or features that are, in actuality, not characteristic of the product. False advertising creates customer confusion – the underlying basis of any trademark or copyright lawsuit. One recent example is the 2008 case of J. K. Rowling and Warner Brothers bringing suit against author Steven Vander Ark, and RDR Books. Vander Ark wrote an encyclopedia of terminology based on the “Harry Potter” books and movies; however it was not authorized by Rowling or the franchise. Using the name “Harry Potter” to sell the encyclopedia would be a form of false advertisement, because it is not characteristic of true Warner Brothers or J. K. Rowling products. Just as any plaintiff in a copyright and false advertising suit would have to do in litigation, Rowling proved to the court that her brand would lose profits due

to RDR Books putting the name “Harry Potter” on the its encyclopedia. RDR Books has ceased pursuing the publication.

Second, there is the lawsuit that is brought by the individual consumer who may have been misled by what the product claimed to offer. Trademark law defines misleading as anything that may cause consumer confusion as to the true source of the product, or a misrepresentation of originality of the product. One recent example of misrepresentation in the book publishing venue would be when writer James Frey published *A Million Little Pieces*, which was discovered to be a fabricated, almost fictional account of his supposed memoirs, which was endorsed and recommended by talk show host Oprah Winfrey in 2006. In a University of Pennsylvania online article, “A Million Little Embellishments: Truth and Trust in Advertising and Publishing,” the author discusses Frey and Winfrey, along with many examples within the past thirty years in which writers in print media, including the *New York Times* have crossed the boundaries of ethics and professional journalism merely to sell a story. Winfrey, however, did not pursue a lawsuit against Frey, although she had slightly and temporarily tarnished her book club reputation. However, this is a clear example of how a writer's obligation to publish the truth not only affects his business microcosm, but also how those who believe the writing to be true were manipulated and affected.

Now that we have discussed the misleading and deceptive aspects of advertising that are prohibited by the Federal Trade Commission, now we must look at how the FTC determines that an advertisement is deceptive or unfair, and what the advertisement must indicate in order to pass “Go.” After an advertisement has been brought to the attention of the FTC, the Commission will investigate the entire context of an advertisement and determine whether an express or implied claim is misleading. Advertisements are unfair when it is likely to cause a consumer injury or money damages, and when the uses of them are not outweighed by the benefit to consumers.

The government wants YOU to be a good bookseller.

Additionally, the FTC requires that all advertisements have support for their claims, including statistical data. The types of claims that the FTC will look more closely at are ones that promote health and safety. And the FTC is less likely to scrutinize advertisements that assert subjective claims, such as “This is the best book on art and lifestyle,” used to sell a work.


Remember those who advertise online are also responsible for following guidelines and making sure that the information relayed to consumers is accurate and reliable. It is always practical to indicate disclaimers to outline what your product is suitable for, or even show demonstrations on how the product

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Stick to the facts: ... Continued

will perform. Finally, site privacy policies are important to give customers assurances that any personal information gathered will be used solely for standard purposes.

In sum, clever ideas and uniqueness will always catch the consumer's eye. However, it is up to each creator in his business endeavors to use ethical tactics to maintain good faith and deal fairly. When in doubt about commercial and trademark law, always consult an attorney to ensure quality and truth in your advertisements. For more information contact your local Better Business Bureau (www.bbb.org) or Consumer Protection Unit. You can contact the latter at:

Missouri Attorney General's Office
Consumer Protection Unit
PO Box 899
Jefferson City, MO 65102
573-751-3321 • Toll free: 1-800-392-8222 (hotline)
Fax: 573-751-7948
E-mail: consumer@ago.mo.gov • www.ago.mo.gov 

Laurie A. Washington is a summer associate at St. Louis Volunteer Lawyers and Accountants for the Arts. ©VLAA. All rights reserved. This article was written for educational and informational purposes only and is not legal advice or a legal opinion. Only your attorney can advise you about which laws are applicable to your specific situation. For more information, visit www.vlaa.org.

Recommended reading

Need more info? Check out these resources recommended specifically for SLPA members by the St. Louis Volunteer Lawyers and Accountants for the Arts!


"A Million Little Embellishments: Truth and Trust in Advertising and Publishing."

<http://knowledge.wharton.upenn.edu>.
Published February 22, 2006.

Business.gov:

<http://www.business.gov/business-law/online-business/>


Consumer Action: <http://www.consumeraction.gov>

Federal Trade Commission FAQs: <http://www.ftc.gov/bcp/edu/pubs/business/adv/bus35.pdf> 

SLPA publishing contest deadline is nearing

How close are you to getting published? The SLPA "Get Ready/Get Published" contest is open to all SLPA members (18 years or older), whether published or unpublished. Manuscripts, however, cannot be previously published.



The winning author will see his manuscript transformed from raw words into saleable product. The grand prize, valued at \$8,900, includes editing, proofing, design and other production services, ten copies printed by Lightning Sources, a reading by industry professionals, layout of sales and marketing promotional materials, a one-year SLPA membership and much more! Complete details and downloadable entry form are available at www.stlpublishers.org. **Deadline for submission is January 20, 2010.** 

Latest news about the Google settlement

After the U.S. Department of Justice announced in mid-September that the Google settlement could not go forward as currently written, two parties in the settlement, the Association of American Publishers and the Authors Guild, have requested a delay in the October 7 District Court fairness hearing.

Read all about it at:

The New York Times

www.nytimes.com/aponline/2009/09/22/business/AP-US-TEC-Google-Book-Battle.html

The Atlantic

correspondents.theatlantic.com/peter_osnos/2009/09/judgment_day_for_the_google_book_pact.php


CNET News

news.cnet.com/8301-30684_3-10359071-265.html

Bloomberg

www.bloomberg.com/apps/news?pid=20601087&sid=aT9GLSa4bWD4

Publishers Weekly

www.publishersweekly.com/article/CA6698299.html 

How do we define the rules of engagement for business during the downturn in the economy?

By Stan Fine, Ph.D.

Far too often in the heat of the new-account hunt, “rules of engagement” are vague, unstated or—worst of all—assumed. The results are low closing ratios, wasted resources and sales failure. Before investing time and your company’s support with any prospect, set fair rules of engagement.

When invited to compete for a prospect’s business, salespeople traditionally let the prospect set the rules of engagement. What are those terms? Is the prospect candid and clear about what it takes to earn the business, or does he or she just want a competitive quote? You must know and understand the prospect’s rules of engagement before entering the arena.

Better still, develop your own rules before agreeing to compete. What is fair to you? What rules are unacceptable? Don’t “wing it” when setting the rules. It’s unprofessional to waste your time and the support of your company team without clear, fair and agreed-upon rules of engagement. Set the rules by asking the following questions:

- **What’s the upfront commitment?** Will you earn a commitment from a prospect if you solve his business problem and stay within budget? Don’t assume this is so until you state this rule of engagement and the prospect agrees. If your prospect doesn’t agree, the rules of engagement are not fair to you or your team. Before moving ahead, ask the prospect what it will take to earn his business.

- **Who’s quoting and why?** Avoid excess competition. If your prospect accepts bids from multiple salespeople, what does that say about your odds of success? More importantly, what does that tell you about the perceived value of your professional support? Set agreed-on rules about the mix of competition that’s fair to you. When the prospect seeks multiple bidders, ask why before entering the quoting fray.

- **How are your markets assigned?** Has one of your competitors ever given a prospect a list of dozens of potential companies in order to block those markets from you? Not only is that unfair to you, but it also puts your competitor’s interests ahead of the prospect’s. Don’t agree to allow other salespeople to block your most competitive markets. Insist on access to the companies you count on to bring your prospects the best value. That’s fair to you and your prospect. Anything less robs you of your tools and reduces your opportunity to succeed.

- **What’s the budget?** Understand your buyer’s budget before committing to compete. Can your prospect afford you? Is the budget flexible if your solutions add cost? Are service and

relationship advantages important, or does the account go to the lowest bid? Is your sale price within the budget?

- **What path is the prospect following to reach a buying decision?** Define the decision-making path. Who else’s input is required? When does the buyer expect your proposal? When can you expect a final decision? Do you have “last look” or the opportunity to adjust your proposal before a final decision is made? If not, does the incumbent or any other salesperson have those opportunities? Is the upfront commitment still valid at decision time? Insist on a fair, logical, and clear decision-making path.


Bad rules of engagement

“Can’t you just give me an ‘apples-for-apples’ quote like everyone else?” When a prospect uses the words “apples for apples” he is saying that price, not value, is the deciding factor. When you deliver a low price, is the incumbent salesperson given a chance to beat, match or split the cost difference? What happens when your service is superior? When prospects control competition by requiring an “apples for apples” quote, run for the hills.

“Would you just bring your best quote so I can present it to the owner?” Once again, no. When an office manager is delegating the task of getting quotes, be careful. If the owner’s representative is not the decision-maker, your probability of success is reduced.

Determine your contact’s authority level. Can he or she say yes to your proposal? Does your contact have the power to recommend your proposal to the owner, or is his task simply to harvest as many competitive quotes as possible? Ask if the incumbent salesperson and any other competitors have direct access to the owner. You must have access to the decision-maker equal to or greater than the incumbent’s or any other competitor’s.

“Why do you need that?” Prospects must be willing to share information to help you build an effective proposal. Some prospects may not have the information you want. Others might be unwilling to share data they perceive as negative. If your prospect can’t give you what you need to create a professional proposal or won’t provide negative or proprietary information, you’re proceeding at your own risk and perhaps preparing to fail in the attempt to gain a new customer.

Finally, create your own rules of engagement before meeting with a prospect, and prepare responses to any of the prospect’s rules that are unacceptable. Don’t leave your success to chance. When you set the rules of engagement, you present yourself as a professional and become the point of comparison for the competition. 


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Get LinkedIn with SLPA

Are you a member of LinkedIn? Connect with SLPA online by joining the St. Louis Publishers Association on LinkedIn. The




group is open to anyone—members and nonmembers, so spread the word, share insights, and gain a broader

understanding of the state of independent publishers in our area! Here's the link that will land you on the SLPA LinkedIn page: <http://www.linkedin.com/groups?gid=2233330>. Special thanks to SLPA secretary Linda Austin for creating this group. 


Watch for SLPA member survey

Do you have an idea for a meeting topic?

Is there something we could be doing better? We want to know about it! Watch for the SLPA membership survey to arrive via e-mail in early December. The annual survey tells us what you want most out of your SLPA membership. If you are a member in good standing (paid and current) you are eligible to participate. Let your voice be heard! 



What's ahead?

Bowker provides ISBNs, plus book and e-book title searching, information, and ordering services, to publishers, booksellers, libraries and patrons. At our November meeting, see a **demonstration of Bowker's powerful new database**, where you have the ability to provide the information that's essential to maximizing your bookstore and library sales. **Mark your calendar for Wednesday, November 11!** 

Next deadline

October 21

Don't be late – no kidding!

Send us news on your new releases or upcoming appearances or anything else you wish to share.

Get your news and articles in EARLY! Send your information, articles and announcements to **Editor@stlouispublishers.org**.

Questions about SLPA?

Contact membership chairperson:
Christine Frank at **(314) 205-2679** or
e-mail **MemberChair@stlouispublishers.org**

SLPA News & Views is edited by SLPA communications manager Ligaya Figueras and designed by SLPA member Peggy Nehmen. Contact info:

Ligaya Figueras: figuerasl@sbcbglobal.net

Peggy Nehmen: pnehen@n-kcreative.com