

Guidance for creating ethical decision framework

“Some things may be ethical technically, but still a bad call,” according to W.Va. Ethics Commission Executive Director Theresa M. Kirk.

Kirk said the state’s ethics code applies to both state employees and elected officials. It does not, however, apply to contractors or private organizations receiving government funds.

The Ethics Act was passed 20 years ago during a special

session of the West Virginia Legislature. It was amended in 2005 and 2008.

The ethics rules apply to every aspect of business, from making email subject to the Freedom of Information Act to whether an employee can keep frequent floyer points earned on state business (belongs to employees unless told otherwise by boss).

The essence of the Act is that people can’t use their office for

personal gain and can’t use public resources to conduct private business.

There are also rules governing employees leaving public employment for the private sector, public contracts, purchase of personal property, honoraium and more. Gift rules follow covered individuals on out-of-state travel. Charitable solicitations by state employees and specifically by law enforcement personnel are covered, as are free tickets to charitable, cultural, political and sporting events.

There are strict rules for annual financial disclosures by elected and appointed officials, as well as lobbyists.

Between the W.Va. Ethics Code and PRSA’s Code of Ethics, shared by Cathryn Harris, APR, Fellow PRSA, all PR practitioners should have a strong basis for making ethical decisions.

2010 slate of officers announced

The slate of officers to lead the West Virginia Chapter in 2010 has been announced by the Nominating Committee.

Slated to lead the chapter are:

- President
George Manahan
- President Elect
Lisa Wharton Turner
- Treasurer
Debbie Starks
- Secretary
Sharon King
- Immediate Past President
Buddy Davidson
- Assembly Delegates (‘11)
Rob Jones, APR
- Directors
Crystal Good (‘10)
Amy Wentz Berner (‘11)
Helen Matheny, APR (‘12)

Officers are elected for one-year terms, while the Assembly Delegates and Directors are elected for three-year terms.

Due to the change in our October meeting, elections will be conducted online, in accordance with our bylaws. Additional nominations, if any, will be accepted as write-in candidates, providing the nominees have been contacted and agree to serve if elected.

Election will be by majority vote of the members in good standing and voting. Balloting in contested elections shall be by secret ballot.

Officers elected in October will be installed in November and take office January 1.

Inside info

FTC rule impacts PR.....2

Meeting notice.....3

President’s message.....4

National News

FTC Rules Changes impact public relations

The Federal Trade Commission (FTC) has issued final changes to its Guides Concerning the Use of Endorsements and Testimonials in Advertising. While advisory in nature, the new guidelines will reset standards of behavior that public relations, marketing and advertising professionals should adopt to avoid violating underlying laws against unfair competition and false advertising.

The Guide changes, as set out in the FTC's notice make three key departures from previous guidance that could impact public relations practice:

- The FTC advises that “endorsers” as well as advertisers can be held liable for false or unsubstantiated claims or for failing to disclose material connections between the parties.
- The Guides no longer offer the “safe harbor” whereby testimonials can be qualified by a “results may vary” disclaimer.
- Regarding endorsements, the Guides specify that celebrities should disclose relationships with advertisers.

While the FTC will approach each potential violation on a case-by-case basis, the new guidelines will impact how professionals should approach some common practice scenarios. Here are some applications of the guidelines:

- Bloggers who receive cash or in-kind payment (including free products or services for review) are deemed endorsers and so must disclose material connections they share with the seller of the product or

service.

- Any firm that engages bloggers by paying them outright to create or influence editorial content or by supplying goods or services to them at no cost may be liable if the blogger does not disclose the relationship.
- Advertisements or promotions that feature a consumer who conveys his or her experience with a product or service as “typical” should clearly disclose what results consumers can generally expect or specify how the results were unique to the individual circumstances.
- If research is cited in an advertisement or promotion, any sponsorship of the research by the client or the marketer should be clearly disclosed.
- Celebrities who make endorsements outside the context of traditional ads, such as on talk shows or in social media, should disclose any relationship with the advertiser or marketer.

From an ethics perspective, the new guidelines parallel key transparency principles in the PRSA Code of Ethics, as well as Professional Standards Advisory PS-9 condemning “pay for play” practices. However, for practitioners, the guidelines go beyond ethics to recommended practice to avoid legal liability. While the ethics are clear, the triggers and nature of adequate disclosure are not fixed. As I recommended in a recent PRSAY post, thorough understanding and self-regulation can help public relations professionals avoid legal

repercussions.

While the guidelines are advisory in nature, failure to comply increases the risk of professionals finding themselves in violation of the law. Moreover, non-compliance can result in a communication from the FTC warning professionals against the potential offending action. If that warning is not heeded, it may be followed by a cease-and-desist order. Intentional violation of that order may result in referral to FTC enforcement, which may include civil monetary penalties.

There has been information circulating publicly on the new guidelines that is confusing and conflicting. With this notice, PRSA hopes to bring members up to date on the facts as currently understood. This information is based on FTC documents and an in-depth conversation with staff. PRSA will continue to provide you with information, clarification, case studies and interpretations as they unfold.

PRSA-WV Chapter member benefits

- Accreditation support
- Chapter & Verse
- Code of Ethics
- Committee service
- Leadership opportunities
- Membership directory
- Monthly programs
- Networking opportunities
- Professional development
- Skills development
- Volunteer opportunities
- Web site

Meeting Notice

2009 Create West Virginia Conference

In a departure from our usual meeting practice, members and guests of the West Virginia Chapter of PRSA are invited to join the 2009 Create West Virginia Conference in Huntington, WV at a special group rate of \$50.00 on Tuesday, October 20, 2009. This will be our official October meeting.



We are joining with the conference to address diversity issues and to give our members an opportunity to meet outside of the Charleston venues. There will be no board meeting.

Create WV is a grass roots organization affiliated with Vision Shared whose mission is to empower West Virginians at a local level to place themselves among the most innovative, dynamic, prosperous, creative communities in the world.

This value price offers WV PRSA members the opportunity to join the Create WV Diversity Track and keynote lunch speaker Marcus Jadotte, NASCAR Public Affairs Director who will speak on, "Championing Diversity in Non-Diverse Worlds" in the Big Sandy Conference Center.

Tuesday's Diversity Track Sessions include:

10:00 Creating Opportunities for Young Adults in West Virginia

<http://www.wvciviclifef.org/currentissues.html>

Using a framework developed by the West Virginia Center for Civic Life in conjunction with young adults throughout the state, join us as we discuss how West Virginia can create an environment where young adults can thrive by promoting and capitalizing on its unique qualities, and increasing its economic, social, and civic opportunities.

11:15 "Overcoming the Barriers to Diversity in West Virginia - A Conversation with West Virginia Marketing and Public Relations Professionals"

The session will be moderated by former WV Secretary of State Betty Ireland. Panelists include: WV PRSA President, George Manahan, President, The Manahan Group; Nikki Orcutt, WV Lottery Deputy Director; Dr. T. Ford-Ahmed, Professor, West Virginia State University; and Kim Harbour, Director, Marketing and Communication at West Virginia Department of Commerce.

Lunch will follow the panel discussion. If you would like to attend please register on line at www.createwv.com/2009conference/register. Please select INVOICE for method of payment.

If you have additional questions, please contact Crystal Good at Mythology LLC. She can be reached by email at crystal@mythologymarket.com, by phone at 304.720.5635 ext. 103 or by fax at 304.720.5636.

PRSA-WV Chapter
PO Box 13604
Charleston, WV 25360



October 20

Create West Virginia
Conference
Big Sandy Center
Huntington
10:00-1:30 p.m.
Sponsored by Create WV



President's Corner

As my term winds down to a close, a few notes on my tenure as your president:

First, I'd like to recommend chapter leadership to every member. Although it takes a little time and effort, it is an eminently enriching and rewarding experience. Finally, I feel like a real member of PRSA.

Serving as president has really helped me to see the value of PRSA – and not just as a source of local contacts and people to socialize with. It really is important to the future of our profession.

It occurred to me following our ethics session last month how many news items I see that obviously originate through public relations. It goes without saying that many in the public view our

profession with a great deal of skepticism. At the same time, the credibility of journalists continues to erode. And if nobody believes anything anyone says, what will become of public discourse in our nation?

Without an organization to promote ethics, encourage professionalism and speak out for our industry and mass communication generally, we are doomed to irrelevance. The signs are already apparent throughout our society.

Whatever we do, we need to do it respectfully, professionally and truthfully – and we need to make sure people KNOW we are doing our jobs in that fashion. THAT is the overarching mission of PRSA.

Job obligations will prevent me

from attending our next meeting, so I'd like to take this opportunity to thank the people who have helped me over the past year – you know who you are! I will refrain from listing names here because I know I'd leave someone off, and then have to obsess about the omission for the next six months.

However, one person deserves special mention for her unflagging support of (and membership in) our organization. As our executive director, Diane Slaughter provides PRSA-WV with continuity, organization and professionalism that many larger chapters cannot match. Diane, thanks for keeping me on track – and not strangling me over column deadlines.