

Advertising Important For Small Business, But Should Be Done Right

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Marketing is crucial to the success of a business, especially a business trying to gain a foothold in a tough or competitive environment, and businesses that need to reassert or redefine their identity in the marketplace.

Advertising is often a crucial element of an overall marketing plan, but small businesses may be tempted to forego the cost of running ads in order to save money. Doing so can be penny-wise and pound foolish. Advertising options are plentiful. Not all are expensive. But the right ad, properly written and effectively targeted can be crucial to the growth of a small business. Such an ad can be the linchpin or starting point for attracting new customers, directly leading to revenue growth.

But advertising is not without risks. Deceptive or false advertisements can get your business in trouble. Proper advertisements must comply with various laws and regulations, including those issued by the [Federal Trade Commission](#) (FTC).

Of course, mere puffery in an advertisement is not illegal. But it is often difficult to know when mere puffery (generally statements or claims that cannot be proved or disproved) crosses the line and opens a business up to potential liability for false advertising. Running your ads by an attorney experienced in advertising law can help avoid these problems.

Another area of concern is the use of fine print in ads, which can amount to deceptive advertising if the fine print contains important disclaimers or disclosures necessary to prevent the ad from being deceptive. According to [A Guide for Small Business](#) issued by the FTC's Bureau of Consumer Protection:

“When the disclosure of qualifying information is necessary to prevent an ad from being deceptive, the information should be presented clearly and conspicuously so that consumers can actually notice and understand it. A fine-print disclosure at the bottom of a print ad, a disclaimer buried in a body of text unrelated to the claim being qualified, a brief video superscript in a television ad, or a disclaimer that is easily missed on a website are not likely to be effective. Nor can advertisers use fine print to contradict other statements in an ad or to clear up misimpressions that the ad would leave otherwise.”

In any case, businesses should not rely on one method of advertising, but should employ several marketing techniques when seeking to attract new business. One innovative program worth noting is [Shop Small Business Saturday](#), a local effort to increase business for the small business community. It [takes place in Los Angeles](#) and other cities. <http://bit.ly/QKpJIM>

Tharpe & Howell can assist you with legal issues related to advertising. For over 35 years small businesses, major corporations, public entities, individuals and insurance companies have depended on Tharpe & Howell, LLP, to deliver pragmatic, innovative, cost-effective civil litigation and transactional solutions. For more information, please contact us at (818) 473-5720 or email your request to cabusinesslawreport@tharpe-howell.com.