



TRANSMITTER

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If you don't serve your industry well, it won't serve you well.

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Chairman's Message:

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Greeting everyone!

This will be my final message to you as your KAB Chairman. January 1st, I become past chair and Brad Moses will take the reins as your new Chairman. Brad has served us well on the board and will be a great Chairman to help lead KAB through 2020.

I have had the privilege of serving two terms as Chair and I have enjoyed everything about the experience. My sincere thanks to all who have served in this position before me, and to all who have served our industry as KAB board members. A special thank you to those who served on the KAB board during my tenure. Your input, the giving of time, and your dedication to Kansas broadcasters is greatly appreciated. Lastly, my thanks to Kent Cornish, who is completely and without fault, our greatest asset in representing our industry and our state, in all that he does.

While we still face challenges, our industry has tremendous opportunity for growth and prosperity as we move forward. We need to invest ourselves in these opportunities including those given through incorporating Digital into our portfolios, a continued focus on localism in Radio and Television markets across our state, and the recruitment of future leaders to our industry.

So, thank you for your support of the Kansas Association of Broadcasters and the great work being done through this organization. Please consider being part of this process through serving on the Board of Directors. Finally, I wish you and your families the Happiest of Holidays.

(Editor's note: Larry is the first two year board chairman since Bill Bengston in 1980 and 1981)

Political File Reminder



With the heavy political year upcoming, the following is a reminder why it's so important that stations keep their files in order. Also be on the lookout for an announcement of a political webinar from David Oxenford to be scheduled later in January.

In a recent Order, the FCC's Media Bureau admonished the licensees of two Georgia television stations in response to complaints alleging violations of the FCC's political file rules. According to the FCC, the stations failed to sufficiently comply with record-keeping obligations in response to several political ad sales made in 2017. Broadcasters are required to keep and make available extensive records of purchases and requests for purchases of advertising time if the advertisement communicates a message relating to a "political matter of national importance". Section 315(e) of the Communications Act of 1934, states that ads that trigger such disclosure include those that relate to legally qualified federal candidates and elections to federal office, as well as "national legislative issues" of public importance.

The FCC clarified these requirements in a recent Memorandum Opinion and Order ("Clarifying Order"), explaining that stations must disclose all such candidates, elections and issues referenced in an ad, rather than selectively choosing which to disclose. Stations must keep these records up to date and open to the public in their "political file", which is available online as part of a station's Public Inspection File.

While the complainants acknowledged that the stations had uploaded certain records of the ads to their respective political files, they alleged these records were inadequate because they lacked sufficient detail about the ads. Upon reviewing the stations' political files, the FCC admonished both stations, noting that the records in question were flawed because they failed to include the political matters of national importance referenced in the ads.

CBD Warnings from FDA

(from David Oxenford)

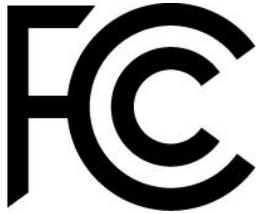
In a recent action, the FDA issued 15 warning letters to companies marketing CBD products – warning them about marketing both for edible products and for health claims. The FDA also released a [Consumer Update](#) warning consumers about many of the potential risks of CBD use and noting that, except for a single epilepsy drug, it has not approved any medical uses of these products.

These warning letters include a litany of advertising issues that the FDA found problematic, beyond the simple issues of advertising products to be ingested and making specific health claims. In several letters, the FDA suggested that even claims about CBD being good to relieve "aches and pains" or that it "reduces inflammation" exceeded the legal limits on marketing. Even claims that oils used for "skin conditions, spot pain management and sore joints," qualified with the fact that the uses were "still being studied," were noted as being concerns. The FDA warning letters cite advertisements on websites, in print, on YouTube and on Facebook all as being problematic. In each case, the FDA gave the companies 15 days to come into compliance by eliminating the problematic claims. In no case were the letters directed to the advertising platforms. Instead all were sent to the companies selling these products.

Nevertheless, as we have warned before there are real issues for FCC licensees of advertising products that are illegal. These FDA actions seem to put much CBD advertising in those categories, except for the most general ads about topical applications. Any health claim and any product meant to be taken internally are real issues with the FDA. State laws, too, must be observed, and many states have yet to

legalize the sale of CBD products. So, while the legal means of production and distribution are being regularized through USDA actions, many of the uses of CBD remain problematic for advertising platforms. Given this continued ambiguity, we suggest that you talk to counsel about CBD advertising before running it on your stations and other platforms.

Observing FCC Rules with FM Translators



In a decision released earlier this month, the FCC's Audio Division proposed to issue a \$2,000 fine for an FM translator owner that failed to advise the FCC that it had switched the primary signal being rebroadcast by the translator, as required by the rules. The Audio Division concluded that, for about a month, the translator was not rebroadcasting what had been specified as the primary station.

During that time, as the translator was rebroadcasting a local station that already had a translator serving much of the same area, the licensee was also faulted for not making a "technical need" showing as to why it was rebroadcasting the same signal to substantially the same area. Two translators cannot rebroadcast the same signal to the same area without special permission if there is substantial overlap of the service area of one translator station with the other.

The violations were discovered as a result of a petition filed against the translator's license application by a local organization, highlighting that a station's actions may be watched by others in their markets. The proposed fine would have been \$7,000 but the FCC staff found that the violations were not prolonged, and that the translator owner had no history of prior offenses. Given the potential for problems that can ensue should a translator operator be found in violation of the rules, be sure that you are observing all the rules that apply to their operations.

KU News Enterprise Award Entries

Each year during William Allen White Day, the William Allen White Foundation Board of Trustees in conjunction with the KU School of Journalism presents the William Allen White Foundation Burton W. Marvin Kansas News Enterprise Award. The eligibility for the award has been broadened from newspaper journalists to "a Kansas journalist or team of journalists for demonstrating enterprise in developing and producing a significant news story." So, it now includes broadcasters.

You may send up to two 2019 entries demonstrating enterprise in reporting by March 5, 2020. Judges will assess the extent to which each entry: 1) reflects a commitment to serve the public and demonstrates initiative in acting on that commitment, 2) bears the mark of good planning and professional execution, 3) reflects persistence and effectiveness in gathering information, such as through cultivation of knowledgeable sources and examination of public records, 4) is accurate and fair, and 5) had impact on the community..

SEND ENTRIES TO: Kansas News Enterprise Award KU School of Journalism, Office of the Dean Stauffer-Flint Hall 1435 Jayhawk Blvd., Room 200 Lawrence, KS 66045-7515.



Broadcast Advertising is Easy to See – We Just Make It Look Hard



As we enter a New Year and make our New Year's resolutions, let's add this one, please. Let's make a promise to make our product/service easier, not harder for our local clients to buy. Here are some ways we could do that. First, let's look at the stuff we really need to stop doing.

1. **Don't dwell on ratings unless the client specifically asks for them. I'm just saying...why would you introduce this complicated process to anybody if you didn't have to? Cost Per Point? Cost per impression? Ha. Try explaining those concepts to your non-media next door neighbor and just watch how long it takes before his eyes cross and turn yellow. It's confusing to most people, even to many of us in the business. In fact, it becomes so confusing to many local decision makers that they'll hire an ad agency just so they don't have to deal with it anymore. And remember..."Live by The Book, die by The Book." Those ratings you're bragging about could come back and bite you in the future.**
2. **Stop blurting out information about format/programming. Why gush about a format or a program the decision maker might be allergic to? I watched a TV sales manager go into granular detail about where her client's spots were going to run. The minute she brought up "The View," the client recoiled. He hated that show. Once I bragged about a new DJ at our station and the client refused to buy us because he'd lived in another market where that DJ had worked in the past and the client disliked him intensely.**
3. **Don't bring up signal coverage area unless the client specifically asks for it. As I reported a couple of months ago, a salesperson told me she had sold a client on buying her. And then without being asked to do so, she sent the client a station media kit that contained a signal coverage map. When the client saw that, the client called and cancelled, because she didn't see any value in reaching an audience that far away from her shop. Nothing the salesperson said could change the client's mind.**
4. **Stop selling cheap little packages. There are a couple of reasons we're back at 1980s rates in all-sized markets. One is that we allowed the advertising agencies to hijack us. They dictate how much we can charge and how much "added value" we must contribute. We either comply and get the buy or we resist and then they buy around us. The second reason is us, specifically. We've been selling at the same low rates for so long we're afraid that clients will cancel even if we raise rates by a small percentage. The clients are now trained like Pavlov's dogs to wait until they get their treat, the same low-rate packages they've gotten from you for years.**
5. **Never EVER ask clients these two questions.**
 - a. **"What do you want to say in your commercial"?**
 - b. **"What's your budget"?**

Clients are not experts in writing/producing their own commercials. We know that as a fact. Instead of focusing on solving problems for your audience, the client-dictated commercials are almost always about THE CLIENT instead.

In virtually any other industry, the sellers TELL the client how much their product or service costs. When we ask the client what their budget is, they almost always lowball you. We should make a good case for the concept we bring to them, get their mouths watering and then TELL THEM how much it will cost.

Now, let's discuss things we really should be doing to help make us easier for local decision makers to buy.

- 1. Instead of talking about ratings, signal coverage maps, format and programming, let's talk about ideas instead. What clients are looking for are ways to make the cash register ring. Each time we approach local decision makers, let's use bold headlines to get appointments. Let's use voicemail to leave those headlines in 10-second voicemail commercials. And, let's come up with creative ideas the client would never think of on her own. And let's present our ideas in such a way that the clients say out loud, "Wow, I never thought about it that way before."**
- 2. Instead of asking the client what they want to spend, let's tell them what the idea will cost, and back that up with a Return on Investment concept that they will understand. If you know the client's gross margin of profit and average sale, in most cases you could pitch per week what you would normally ask for per month, with hard details in your pocket to back up your proposed budget.**

(Paul Weyland is a broadcast sales trainer, author and speaker. You can reach him at paul@paulweyland.com or by phone at (512) 236 1222.

If you have anything you would like to place in the newsletter send it to kent@kab.net