

Anti-Corporate Activists Target Corporate Advertising and Communications

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Advertisers beware. Anti-corporate activists, no longer content to ask for petition signatures on a street corner, are using guerilla tactics to sabotage corporate communications and advertising campaigns. In recent months, such groups have launched various advertising hoaxes designed to challenge the advertiser's message and its brand.

It is difficult for advertisers to combat such attacks given the myriad marketing outlets provided by the web. Advertisers should not just accept this new reality without action, though. From a legal perspective, advertisers can take some proactive steps prior to and following an advertising campaign launch to help minimize their risks.

- **Insist on confidentiality.** Confidentiality provisions are common in agreements with advertising agencies, but many advertisers rely solely on their advertising agencies to handle talent and vendor agreements during a campaign. Insist that any person involved in the creation or execution of the campaign, including a participant in a casting call, is required to maintain confidentiality.
- **Don't forget about social media.** Social media outlets are convenient, free ways for anyone to spread their message. In an agency, talent or related contractor agreement, include restrictions on sharing information via social media in confidentiality clauses. Further, include a take down provision to require anyone who breaches their confidentiality obligations to immediately remove the offending content.
- **Examine agency agreements.** In any major advertising campaign, things can go wrong. The advertiser and the agency are better off knowing up front who is responsible for the costs should such events occur. This is easily addressed in the agency agreement between the parties and can help minimize disruption to both businesses and the business relationship overall should such an incident occur.
- **Monitor and Address.** Set up alerts to monitor fake or unauthorized advertising. Anyone can set up a Twitter or Facebook account that appears to be legitimate corporate content. Advertisers should monitor the web for this behavior either actively or passively through a tool such as Google alerts. In addition, have an action plan in place to address fake or unauthorized content, which should include filing complaints with service providers used by the wrongdoers.