

COMPLETE FALL SCHEDULE OF SEMINARS & EVENTS | INDUSTRY NEWS & NOTES

PDMA

# DIRECT

*Views*

AN OFFICIAL PUBLICATION OF THE PHILADELPHIA DIRECT MARKETING ASSOCIATION

SEPTEMBER/OCTOBER 2006

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*Federal Regulators  
Take Aim at Suppliers  
page*



# in memoriam

## Charles L. Andes

Charles L. ("Chuck") Andes, who was a master marketer and recipient of the William Penn Award, Philadelphia's highest honor for business leaders who have made outstanding contributions in civic service, died August 17, 2006 in Bryn Mawr, Pennsylvania.

Mr. Andes' career in marketing, general management, venture capital, and civic service spanned more than 50 years, highlighted by his service as Chairman and CEO of The Franklin Mint and, subsequently, The Franklin Institute, retiring as Chairman Emeritus of the Institute.



Charles L. Andes  
1930 - 2006

Andes was born and raised in Swarthmore, PA, where his father was a prominent home builder. He attended Swarthmore College and earned a Bachelors degree from Syracuse University. In 1952, he joined Adtech Industries, a direct marketing distributor of specialty advertising products, then became National Sales Manager in 1956 and President of Adtech in 1961.

Andes joined his friend Joseph Segel at The Franklin Mint in 1967, becoming its first Executive Vice President. In 1970, he was named President of its U.S. Division, and Franklin Mint stock began to be actively traded on the New York Stock Exchange. When Segel retired in 1973, Andes became CEO and Chairman of Franklin Mint Corporation, which by then had expanded internationally and was also producing coin-of-the-realm for several foreign countries.

Under Andes' direction, sales at The Franklin Mint grew steadily, due largely to a program of product diversification from coins and medals to porcelain, crystal, die-cast collectibles and leather-bound books, while still maintaining its status as the world's largest private mint.

In 1979, Franklin Mint Corporation was acquired by Warner Communications (the predecessor of Time Warner Corporation) in an agreement forged by Andes with Warner's Steve Ross. Andes continued as CEO of Franklin Mint Corporation until 1986.

In 1986, The Franklin Institute, America's oldest science museum, was experiencing attendance and financial problems. Andes, who had previously served on its Board, agreed to become its full-time CEO and Chairman on a pro bono basis, and he promptly launched the Institute's ambitious Futures Center project.

The Futures Center was a \$70 million expansion program at The Franklin Institute. Funding was raised largely as a result of Andes' indefatigable efforts, and the Futures Center was completed in the spring of 1990. Attendance increased from 500,000 to over a million annually, and the Futures Center received outstanding reviews from around the world.

In 1994, after he retired as Chairman Emeritus of The Franklin Institute and then became the first President of The Eastern Technology Council, an association developed to assist technology companies to develop business opportunities and raise capital. Andes grew the Council from 150 companies to over 1,000 in three years.

Chuck Andes is well remembered by his family and friends for his keen sense of humor. In talking about the success he realized at both The Franklin Mint and The Franklin Institute, he said "There was a sense of mission and excitement at the Mint, and it was the same thing here at the Institute. We were banded together by a common purpose—and by the sheer terror of it all".

Mr. Andes is survived by his wife of 47 years, Dorothea ("Dottebob"), four daughters, Elizabeth Bell, Susan Frost, Karen Andes and Page Morocco, and five grand children.



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PDMA DirectViews is published bi-monthly by and for members of the Philadelphia Direct Marketing Association and other interested direct marketers. For more information, visit [www.The-PDMA.org](http://www.The-PDMA.org).



# Katrina, Kids and Hope

*Direct marketers and many businesses have asked when will the Gulf Coast be a viable market again?*

BY GERRI L. SPECHT

Our first glimpse of Hurricane Katrina's wrath appeared as we got off the highway outside of New Orleans. The exit ramp was strewn with furniture, black bags of rotting garbage, rugs and construction debris. The kids in my rental van grew silent.

They hadn't been that quiet for the 18 hours we had traveled as a group of 40 high school youth and adults from West Chester, PA. My heart grew heavy - this was the beginning of an emotional week.

Direct marketers and many business sectors have asked when will the Gulf Coast be a viable market again? When will people return? When will their lives return to some semblance of normalcy?

This is very close to what our group experienced in Louisiana this summer. Our West

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According to sources cited on npr.com, New Orleans population has decreased by **45%** since August, 2005. The returning population is whiter; up **10%** since last year. Fewer residents are below the poverty line: **14%** of Metropolitan New Orleans residents were below the poverty line before the storm, there are **8.5%** of families below the poverty line one year later. Unemployment is up **1.5%**, but that could be indicative of people returning before the businesses. Only **33%** of retail food establishments are open, **50%** of the hospitals, **85%** of the hotels, and **29%** of the day care centers. And with only **17%** of the busses and streetcars running, there's not much help getting to a job.

Chester youth joined six other youth groups from across the US to clean out, de-mold and drywall 12 homes in East New Orleans. I lead a group of six youth to clean out the home of Norma Wainright, an 84 year-old widow who had three feet of water invade her home of 50 years. Norma left the area before the storm hit and was unable to return for many weeks. So the water sat. She lost everything she owned in her one story home.

Norma is a spry, slight woman who had worked side-by-side with a previous group to remove carpeting and debris from her home - in 90 degree plus weather. She loved New Orleans. She loved her neighbors.

My son and his group worked two doors down on her best friend's home. They had known each other for more than 30 years. She loved her neighborhood, but she wouldn't return to this home. She had decided that she would move to Slidell, 30 or so miles away, to be closer to her son. That's where she had

been living for the past 10 months since Katrina hit. "It isn't worth it," she told us.

The fact is that her neighborhood was gone and she couldn't manage waiting for it to return. Ten months after the storm and the local shopping center was still closed except for a laundromat that still had debris clogging the parking lot. Residents were forced to drive 20 -30 minutes for a grocery store. Gas stations, drug stores, clothes stores - empty. Piles upon piles of garbage and debris and unemptied porta-johns lined the streets.

I had few expectations before arriving in New Orleans. The one thing I envisioned was that streets would be lined with storm-damaged homes but with FEMA trailers outside. That wasn't so.

Streets were empty. FEMA trailers were far and few between. Some people had returned and their homes were restored, but again very few. Then there were the homes that had printed signs in their front yards proudly declaring, "I am a NEW ORLEANS RESIDENT and I WILL RETURN!"

Many of the people we spoke with were proud and hopeful for the future of their neighborhoods. They were also tired and frustrated with the lack of local and federal assistance.

This area is still devastated one year later, but I believe the spirit of the people who make the brave, convicted decision to return and rebuild will create a new demographic - one that may be slightly different in regards to race or income level, but will be strong and devoted to living in an area that's not perfect, but it's home.

I would like to thank the following



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directmarketing companies who helped me and my group with generous financial assistance.

**National Mail/Marketing Corporation,**  
Broomall, PA

**Helios Data Services,** Souderton, PA

**National Mail Graphics,** Exton, PA

**Pyramid Graphics,** Croydon, PA

**FMI Direct Marketing,** Philadelphia, PA

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*Gerri L. Specht is the Production Coordinator for National Mail/Marketing Corp. and can be reached at (610) 544-8200.*

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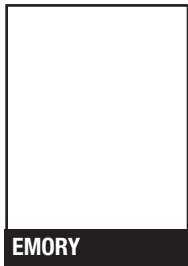
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# E-MAIL SUCCESS IS MORE ABOUT MARKETING THAN TECHNOLOGY

*Today's winning e-mail is all about timing, relevance and personalization.*

BY STEVE EMORY



"Email success is still, for the most part, more about marketing brains than it is about technology."

This quote stopped me recently, as I was reading the executive summary of a valuable document published by marketingsherpa called

"Email Marketing Benchmark Guide 2006, 310 Charts & Eyetracking Heatmaps".

This got my attention because this is consistent with my experience, having been involved with e-mail software for over five years as a developer, publisher and marketer.

To many direct marketers, e-mail is "old technology", and seems low tech on the surface, but it is really just beginning to evolve into a mature media because marketers are now leveraging the databases they have invested thousands and in some cases millions

***E-mail technology has become such a commodity that many advertisers assume that if they have the latest and greatest software, the rest is easy.***

to build over the last five years.

E-mail technology has become such a commodity that many advertisers assume that if they have the latest and greatest software, the rest is easy. This could not be further from the truth.

Alan, a friend of mine who is president of a major national e-mail service told me recently "If people knew how complicated e-mail was, they probably wouldn't bother". True, there still is a lot of technical know-how required that many advertisers take for granted.

But the real "complication" with email users lies with a required commitment to experienced marketing resources to build and manage permission e-mail databases so that the data captured online at landing pages, and in e-mail surveys stays current and fresh, making future messages more timely and relevant.

Today's winning e-mail is all about timing, relevance and personalization. The same ingredients required for successful direct mail.

Yes, it's a lot of work, but the payoff in ROI for e-mail that is well planned, properly tested and executed is well worth it when you put the same amount of marketing efforts behind your email as you do for any other direct media.

*Steve Emory is President and CEO of NetworkDirect, a full service direct response agency that specializes in building retail and web traffic with permission e-marketing. Contact Steve at 215-396-2212 or swe@networkdirect.net*

## SOME EXAMPLES OF MARKETING-DRIVEN, SUCCESSFUL E-MAIL:

Advertiser	Email Description	Great Results	Average Results	No Marketing
Restaurant Chain	Birthday Coupon for Free Meal on birthday	e-mail timed to deliver just before birthdays; 70-80% open rate	E-mail message delivered after birthday; 15-30% open rate	Don't ask customer for birthday; don't populate database with personal info.
Book Chain	Newly published books on sale this week; members only download coupon	Web or in-store purchase anywhere; yields 15-30% click thru rate	In-store purchase only; yields 5-10% click thru rate	Don't have an e-mail membership list; generic email awareness ad
Catalog Retailer	Catalog Fine China Sale	Members only discount-purchase anywhere; 20-30% open rate	In-catalog purchase only; 5-10% click open rate	Don't segment email members from rented lists; assume the "Sale"

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# Marketing Magic Seminar

PDMA offers Successful Strategies in Online and Offline Direct Marketing

**Marketing Magic Seminar -  
Wednesday, Nov. 15, 2006  
Successful Strategies in Online  
and Offline Direct Marketing  
Four morning sessions – two for  
beginners & two for advanced!**

PDMA will present a half-day morning seminar on "Marketing Magic: Successful Strategies in Online and Offline Direct Marketing," on Wednesday, November 15, at the Crown Plaza Hotel in King of Prussia.

**DRISCOLL**

PDMA board chairman and marketing consultant Steve O'Driscoll, who organized the four-session seminar, says it offers both newcomers and veterans a look at the latest and most successful techniques in direct marketing from nine industry leaders.

Reservations will be accepted on a first-come, first-served basis. Attendance at the four individual sessions will be limited to a maximum of 50 people each.

The four-session marketing seminar runs from 8 a.m. to 12:25 p.m., and includes a continental breakfast. Each session runs about 115 minutes. Two sessions go from 8 a.m. to 10:30 a.m., and two from 10:25 a.m. to 12:25 p.m. The cost for one session: \$125 for members and \$160 for non-members; for two sessions: \$195 for members and \$250 for non-members.

## SEMINAR SCHEDULE:

8:25 a.m. to 10:20 a.m. – Choose One:  
**Introduction to Direct Marketing and New  
Production Strategies in Evolving 1-to-1  
Marketing.**

Co-Instructors: Mary Anne Noon-Childers, Director of Marketing, S. Walter Packaging Corporation; Jim Capanna, Director of Business Development, the Total Mailing System; and Tony Nessler, iGen Product Manager, Xerox.

**Marketing Strategies: Employing New  
Methods to Define Your Target Audience,  
Select List Characteristics and Perform  
Database Analytics & Segmentation.**

Co-Instructors: Steve O'Driscoll, Marketing Consultant, and JoAnn Alberts, Vice President, American List Counsel.

10:25 a.m. to 12:25 p.m. – Choose One:  
**Internet Basics: Web Site Development,  
Integrating Web-Based E-Mail, Search**

## Engine Marketing and Web Analytics.

Co-Instructors: Steve Emory, President, Network Direct; and Michael Stalbaum, CEO UnReal Marketing.

## Creative Concepts: 31 Creative Ways to Magnify Your DM Results.

Co-Instructors: Jim Murphy, President, Jim Murphy Communications; and Bill Spink, Chief Creative Officer, DMW Direct.

The Crown Plaza Hotel, located at 260 Mall Boulevard in King of Prussia, is directly across from the King of Prussia Mall. For directions, call (610) 265-4076.

## SEMINAR LEADERS:

### JOANN ALBERTS

*Vice President  
AMERICAN LIST COUNCIL*

Jo Ann's career in direct marketing spans 25 years. She is Vice President of American List Council in its Data Acquisition Division, where she consults with a large variety of consumer and business-to-business clients on their prospecting efforts via catalog, publishing and continuity marketing. She has worked with direct mail, insert media and email marketing

for such clients as: The Teaching Company, Brant Publications, Ogden Publications, Gevalia Kaffe, Historic Aviation, Massachusetts Medical Society, Christianity Today, DSW Shoes, and George Lucas Educational Foundation.

### JIM CAPANNA

*Director of Business Development  
THE TOTAL MAILING SYSTEM*

Jim has been in direct marketing/mailling for over 20 years, providing production service solutions to a diverse Business-to-Business and Business-to-Consumer clientele. His expertise includes data processing / management, variable data and personalization imaging and printing, with complete back-end mailing and fulfillment production services.

### STEVE EMORY

*President and Chief Executive Officer  
NETWORKDIRECT*

With more than 30 years of service as a direct response advertising and marketing strategist, Steve has extensive experience marketing financial services to bank and retail credit card customers. Steve was Program Director for the Franklin Mint, Marketing Director for National Liberty & Colonial Penn Insurance, Senior Vice President Account

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## Top 10 Reasons to Outsource Your Company's Email Marketing



If you're using an in-house application for your email marketing this white paper is for you. Listrak helps you stay focused on marketing strategy not technical issues like deliverability, servers and bandwidth. We'll get your emails out the door, so you can focus on the message, not the execution.

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# REGULATORS TAKE AIM AT SUPPLIERS

*Suppliers who are not engaged in false conduct are now being held accountable for the acts of their clients.*

BY ANDREW B. LUSTIGMAN, ESQ.



LUSTIGMAN

Regulators and law enforcement officials are increasingly using a new tactic against allegedly false or deceptive marketing practices. Instead of challenging the marketers themselves, they are focusing enforcement efforts against the service providers and

suppliers of the marketers.

Consequently, suppliers who are not engaged in any false or deceptive conduct themselves are now being held accountable for the acts of their clients when they knew or should have known that something was awry.

## The "Dandelion" Theory

Going after service providers rather than the marketer is known as the dandelion theory because regulators believe that the marketers are like a weed that can only be prevented from growing back by cutting out the roots, i.e., the service providers.

And there is some logic to the theory, because regulators are unable to effectively shut down deceptive marketers, who can easily start up new "boiler rooms" in other locations, especially with the increased popularity of the Internet and the low cost of international phone calls. Marketers can be located far away from the grasp of United States law enforcement officials, but they cannot exist without the services of service providers — such as list suppliers/managers, payment processors, and printers.

By imposing obligations on suppliers of necessary services to the direct marketers, regulators believe that they will be more effective on an overall scale by challenging the suppliers than proceeding against the marketers themselves.

In addition to the financial burdens imposed by an enforcement proceeding and potential restrictions in future business activities, suppliers who find themselves embroiled in such legal actions are forced to contend with negative publicity.

The obvious problem with the dandelion theory is that it seems to be against public policy for law enforcement to target those who are not engaged in wrongdoing while allowing the marketers to continue to operate unabated.

Indeed, recent enforcement actions against suppliers the regulators have not even attempted to take any action against the allegedly deceptive marketers while at the same time seeking drastic remedies from the suppliers, such as freezing their bank accounts.

## Supplier Liability in the Telemarketing Context

Though many in direct marketing understand that telemarketing is a highly regulated industry, there is often a false impression that

the FTC's Telemarketing Sales Rule (TSR) applies only to those actually engaged in telemarketing.

However, many provisions of the TSR apply not only to telemarketers, but also to those who provide substantial assistance or support to a telemarketer when they knew or should have known that the telemarketer was violating the TSR. Under this standard, a supplier has an obligation to investigate whether the marketer is in compliance with the TSR.

While the TSR's supplier liability provisions have been in effect since 1995, it was not until 2003 that the FTC actually began utilizing them. After lengthy investigations into the list brokerage industry that initially focused on compliance with privacy issues such as Gramm-Leach-Bliley, the FTC changed focus to compliance with the TSR. As part of its investigation, the FTC obtained marketing materials such as ad copy and telemarketing scripts from list managers.

As a result of its investigation, the FTC brought enforcement proceedings against at least three list managers that allegedly knew or should have known that these materials violated the TSR (even if it was

not obvious to a non-lawyer). Reportedly, the actions of one list manager was challenged based on a test rental of only 500 names.

As a result of its investigation, the FTC brought enforcement proceedings against at least three list managers that allegedly knew or should have known that these materials violated the TSR (even if it was not obvious to a non-lawyer). Reportedly, the actions of one list manager was challenged based on a test rental of only 500 names.

The terms of each of the list managers' settlements are nearly identical except for the amounts paid to the government, which were \$25,000, \$100,000 and \$62,500, respectively.

The settlements expressly require the list managers to make affirmative efforts to ensure that telemarketers to whom the lists are rented comply with the TSR's prohibitions regarding deceptive acts or practices, credit card laundering and abusive acts or practices.

Included in the abusive act restrictions are "do not call" and call abandonment compliance. Even more recently, the FTC brought its first "do not call" action against a supplier

*continued on page 13*



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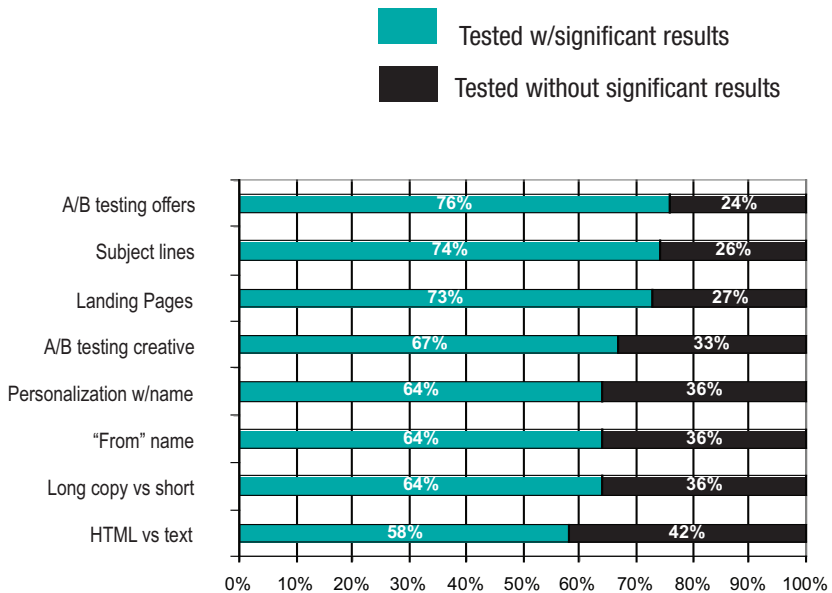
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## E-MAIL SUCCESS IS MORE ABOUT MARKETING THAN TECHNOLOGY

continued from page 5

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## PDMA CALENDAR OF UPCOMING EVENTS

### PDMA Dinner: Do DTC Ads Over-Communicate?

Date: Wednesday, October 18, 2006  
 Time: 5:30 - 6:30 PM - Networking Reception  
 6:30 - 8:30 PM - Dinner and Program  
 Location: DoubleTree Plymouth Meeting,  
 640 W. Germantown Pike  
 Plymouth Meeting, PA 19462  
 Speaker: Don Apruzzese Sr. Director, Consumer Marketing,  
 Marketing Operations, AstraZeneca  
 Cost: \$45 Members; \$60 Non-members

### DMEF, PAMA & PDMA: 3rd Annual Educator Direct Marketing Symposium - The Convergence Of Brand And Direct Advertising

Date: Friday, November 10, 2006  
 Time: 8:00 AM - 1:00 PM  
 Location: Villanova University, 800 Lancaster Ave.  
 Villanova, PA 19085  
 Cost: \$79 In-person attendance;  
 \$29 Live Webcast participation  
 Registration: Please register online at [www.amaphiladelphia.org/](http://www.amaphiladelphia.org/)

### PDMA Morning Seminar: Successful Strategies in Online and Offline Direct Marketing

Date: Wednesday, November 15, 2006  
 Time: 8:30 AM to 12:30 PM (Breakfast included)  
 Location: Crowne Plaza Hotel,  
 260 Mall Boulevard in King of Prussia, PA 19406  
 Speakers: Mary Anne Noon-Childers, S. Walter Packaging  
 Corporation; Jim Capanna, The Total Mailing  
 System; Tony Nessler, Xerox; Steve O'Driscoll,  
 Marketing Consultant; JoAnn Alberts, American List  
 Counsel; Jim Murphy, Jim Murphy Communications;  
 Bill Spink, Chief Creative Officer, DMW Direct;  
 Steve Emory, Network Direct; and Michael  
 Stalbaum, UnRealMarketing.  
 Cost: The cost for one session: \$125 for members and  
 \$160 for non-members;  
 for two sessions: \$195 for members and  
 \$250 for non-members.

### PDMA Monte Carlo Night to benefit Ronald MacDonald House

Date: Wednesday, December 6, 2006  
 Time: 6:30 to 10:30 PM  
 Location: North Hills Country Club,  
 99 Station Ave., North Hills, PA 19038



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- CASS and PAVE
- Change of address
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  - simplex and duplex
- Cut-Sheet LED/laser imaging
  - simplex and duplex
- Continuous Form Digital Inkjet imaging - simplex and duplex
- MICR imaging - simplex and duplex
- Inkjet addressing
- Print-On-Demand
- Web-based remote proofing

#### Sensitive Document Processing

- Statements
- Year-End Statements
- Live MICR Checks
- Collection Letters
- Adverse Action Letters

#### Assembly

- High-speed in-line inserting
- Machine inserting
  - 6 x 9 to 9 x 12
- Flat poly inserting
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- Selective flat poly inserting
  - up to 12 x 16

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- Over-wrapping
- Cartoning
- Product sampling
- CD-ROM packaging
- Phone card affixing

#### Fulfillment

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- Product
- Sampling

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- Printing procurement

## Denise Williams Elected New Board Member



WILLIAMS

The Philadelphia PDMA has elected **Denise Williams** to its board of directors. Williams is the VP, New Business Development, for Customer Communications

Group, Inc. (CCG), and works in the Philadelphia office of the Denver-based agency.

Williams will be one of 14 board members who will help push the PDMA to new heights in promoting and educating members while demonstrating the power of responsible and effective direct marketing. She will assist with a variety of initiatives, including education, contact development, and overall membership acquisition and retention strategies.

Williams has more than 20 years of experience in advertising and direct marketing. During her career, she has held senior marketing positions with CIGNA, Aon Direct Group, CNA Insurance, Euro RSCG and DMW Worldwide.

With expertise in business-to-business, business-to-consumer, acquisition and retention, multimedia and management, Williams has led successful strategies for ADT Security, Nextel, Paper Direct, TV Guide, CITI, Sun Microsystems, Sterling Commerce, Wells Fargo, Progressive Insurance and Capital One.

CCG is a full-service customer marketing agency, bringing 30 years' expertise in developing actionable, knowledge-driven customer marketing initiatives that attract, retain and grow profitable relationships for Fortune 2000 clients.

CCG's progressive programs support the upsell, cross-sell, acquisition, activation and retention efforts of its clients, including A&P, Comerica, Countrywide Financial, Fifth Third Bank, General Motors, IBM, Kohl's, Nordstrom, Payless ShoeSource, PETCO and Pier 1 Imports. For more information about Customer Communications Group, Inc., visit

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## newsnotes

Email your news to the PDMA today at [Contact@The-PDMA.org](mailto:Contact@The-PDMA.org). All submissions must be e-mailed and received by the 20th of the month prior to the publication month (i.e. October 20 for the November issue).

**ABIS, Inc.** of Owings Mills Maryland completed their move into a new state-of-the-art production facility. The new facility increases the companies' production and warehouse capacity to 80,000 square-feet and greatly enhances ABIS ability to better serve its clients demanding, high volume direct mail needs. ABIS also has added two additional OCE pagestreams to their imaging firepower – bringing their total to 6 continuous lasers – in addition to their sheet fed laser imaging, ink jet, bindery, lettershop, and print production capabilities. ABIS's new address is 10330 South Dolfield Road, Owings Mills, MD 21117. ABIS's website is [www.abis.com](http://www.abis.com).

**Annodyne, Inc.** celebrates its fifth anniversary. Anthony Campisi, who founded the firm in 2001, has grown Annodyne from a boutique agency specializing in permission-based e-mail marketing campaigns, to a full-service developer of Internet-centric marketing models. Additional information about the company is available at [www.annodyne.com](http://www.annodyne.com). To learn more about Annodyne's thought leadership position, visit their blog at [www.newmarketingeconomy.com](http://www.newmarketingeconomy.com).

MC KENZIE

**Direct Group**, a full-service provider of high-volume direct marketing services, announced that industry veteran **Don McKenzie** will join the company Sept. 5 as its new President and CEO. Company founder

**Manny Ortiz** will continue as Chairman of the Board, passing day-to-day responsibility for running the company to McKenzie so that Ortiz can focus on leading the strategic development and long-term growth of the company, while remaining involved in service provided to major clients.

Most recently, McKenzie was President and CEO of Petsky Prunier LLC, an industry-leading investment bank. From 2000 to 2005, he served as President of Transcontinental Direct U.S.A. (formerly CC3), integrating five separate companies into one that ultimately employed 2,500 people and building revenues from \$60 million to \$260 million in five years' time. Prior to Transcontinental Direct U.S.A., McKenzie was President of the online division of ADVO Inc. (NYSE: AD), the nation's largest direct-mail media company.

Ortiz pointed to the recent hiring and promotion of other key executives as evidence of the company's strategic growth plans, saying, "This is about augmenting our existing team with experienced managers who can lead an organization with world-class capabilities. My goal is for our team to be the 'best of breed' in this industry." Specifically, the company has recently promoted **Ed Horowitz** from Vice President of Fulfillment to Senior Vice President of Operations, and has brought on the following new hires, all of whom boast significant industry experience: **Matt Graham** as Vice President of Fulfillment, **Ken Shirey** as Vice President of Associate Development, and **Jim Toohey** as CFO.

**DMW Worldwide** announced that **Kevin Kane** has joined the agency as senior account supervisor. Kane will support DMW's commercial account group, with primary responsibility for clients in the insurance and financial services sectors as well as business-to-business and technology. Also that **Jennifer Warner-Freeman** has joined the agency's Decision Support team as senior marketing analyst. Warner-Freeman is also an expert in SAS and is becoming a SAS Certified programmer.

**Warren Hunter**, president and CEO of DMW Worldwide, announced that the agency recently took home five Telly Awards, which recognize outstanding non-network and cable television commercials. A Silver Telly — the Telly award's top honor — was given to DMW and client Anthem Blue Cross and Blue Shield (Midwest) for their "Pinball" commercial. Anthem (East) also earned a Bronze Telly for its "Spokesfigure" direct response television commercial. A Bronze Telly was awarded to DMW and Wells Fargo for their "Stage Coach" direct response television commercial. A second Bronze Telly was awarded to Wells Fargo for "Voice of the Customer." The Hartford's "Test Drive" commercial was awarded a Bronze Telly. For more information visit DMW's Web site at [www.dmwdirect.com](http://www.dmwdirect.com).

**FileAmerica** announces that **Beth Ann Scullin**, of

EnvelopeAmerica, was recently promoted to their sister company FileAmerica. Beth Ann will be working to produce new business, and maintain current relationships in the northern east coast. For more information contact Beth Ann directly at Beth Ann directly, 302-354-5143.

**fmi direct inc.**, a full service direct marketing production company, announced its acquisition of the assets of **DM Partners**, a direct mail production firm in Montgomeryville, PA. The additional equipment acquired from DM Partners will allow fmi to expand into design and email

*continued on page 12*

## Welcome NEW MEMBERS

**Jim Basso**  
Sales  
Provide LLC  
100 Pencader Dr  
Newark, DE 19702-3321  
(302) 391-1200  
[jim.basso@providegroup.com](mailto:jim.basso@providegroup.com)

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Wilmington, DE 19850-5437  
(302) 885-9120  
[jack.williams@astrazeneca.com](mailto:jack.williams@astrazeneca.com)

MEMBERS ON  
THE MOVE -  
SEE PAGE  
12

## newsnotes

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production capabilities. For more than 25 years, fmi direct, inc. has provided the Greater Philadelphia Region with direct mail and fulfillment support. For more information, visit [www.fmidm.com](http://www.fmidm.com).

**MetroGroup**, a leading national provider of direct marketing services, announced that it has acquired **Proficient Data**. Founded in 1991 and maintaining offices in suburban Chicago and Milwaukee, Proficient Data provides comprehensive document output and distribution solutions. Managing, producing and distributing millions of sensitive, business-critical electronic and print documents such as invoices, checks, statements, direct marketing solicitations, and explanations of benefits, Proficient Data brings with it the latest technology, process innovations and a highly professional staff of more than 120 employees. Its state-of-the-art, file-based document processing system allows for page-level tracking, providing optimal control over the integrity of each mail piece. For information visit MetroGroup's website at [www.metrogroupcorp.com](http://www.metrogroupcorp.com)

**Harvest Graphics** a full-service marketing agency in Doylestown just received certification as a Women's Business Enterprise (WBE) by the Women's Business Enterprise National Council (WBENC), which is one of the most widely-recognized and respected certifications in the nation. This distinction was awarded to Harvest Graphics after the agency went through a meticulous selection process. WBENC's national standard of certification is an arduous process including an in-depth review of the business and site inspection. For more information about Harvest Graphics, visit their web site at [www.harvestgraphics.net](http://www.harvestgraphics.net)

**Vertex Internet**, a web application development company, announced that they have moved to an 8,000 square foot office building at 701 South Broad Street in Lititz, PA. Operations for Listrak, a leading hosted email marketing application created by Vertex Internet, were also moved to the new location. Year to date the company has added five new full-time positions to staff and 90 mid-market and Global 2000 businesses to their list of clients. For the second consecutive year the company has been named a Top 50 Fastest Growing Company by the Central Penn Business Journal. Also this month, Listrak was named winner of the Small Business Technological Excellence Award by the Greater Philadelphia Chamber of Commerce. For more information visit [www.listrak.com](http://www.listrak.com).

### MEMBERS ON THE MOVE

New Address:

**Listrak**  
Paige Flory  
701 South Broad Street  
Lititz, PA 17543  
office-717.627.4528, ext 316  
[pflory@listrak.com](mailto:pflory@listrak.com)  
[www.listrak.com/pflory](http://www.listrak.com/pflory)

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## Regulators

*continued from page 7*

– Entrepreneurial Strategies. There, the FTC contended the company allegedly assisted a telemarketer in evading do not call compliance.

The payment processing context has also been a significant focus for the FTC, state attorneys general and even the United States Department of Justice.

The FTC has filed enforcement actions against payment processors for processing for telemarketers processors. In one case, the FTC obtained from a payment processor a ban on ACH processing and the payment of \$3.9 million in consumer redress.

More recently, the Department of Justice has brought suit against a local payment processor accusing it of being willfully blind in the processing of payments for telemarketing and direct mail clients. That matter is currently the subject of litigation.

It should be noted, however, that the government chose not to sue the actual telemarketers, many of whom continue to operate using other processors even in the same locale.

### Supplier Liability For E-mail

This spring, the New York Attorney General brought an action against Datran, a company that transmitted e-mail solicitations on behalf of its clients based on a list supplied by Gratis Internet – an entity who operated such websites as myfreeipod.com.

Gratis sold a customer list of 7 million names to Datran, who sent solicitations to the list on behalf of its clients.

The NY Attorney General claimed that Datran's e-mail solicitations violated the law because the list supplied by Gratis was obtained in connection with a privacy policy representation that Gratis would "never lend, sell, or give out for any reason" the information provided by users.

Even though Datran did not make the representation, the Attorney General held it liable because it knew that the representation had been made.

Datran agreed to pay \$1.1 million, including \$750,000 as a penalty. The settlement is important for all service providers to consider because it imposed on Datran the affirmative obligation to independently verify that the data supplied complies with the privacy policy representations made at the time of data collection.

Interestingly, the order expressly provides that a written representation from the list owner as to compliance would not be sufficient to meet Datran's due diligence obligations.

### What does this mean to suppliers?

The regulatory actions against suppliers demonstrate that regulators are now focusing on supplier liability rather than simply holding marketers liable for their own misconduct. Businesses that supply marketers must perform a due diligence search to ensure that the mar-

keter's acts comply with the applicable laws.

At a minimum, due diligence should include a request for and a review of the marketing materials being used with an eye toward the restrictions or obtaining legal approval from qualified counsel that the advertising claims are substantiated and otherwise appear to comply with applicable law.

To the extent data is being re-sold, suppliers should independently confirm that the resale does not violate any privacy policies or privacy representations.

Moreover, all due diligence efforts should be well documented by a paper trail in case of any investigation.

*Andrew Lustigman, Esq. is a member of The Lustigman Firm, P.C., in New York. He represents direct marketers, advertisers, media and Internet companies in all aspects of their advertising and business.*

*In addition, he handles inquiries and litigation brought by various federal and state regulators, including the Federal Trade Commission, the Federal Communications Commission, the United States Postal Service, as well as state public utility commissions, and self-regulatory bodies such as the National Advertising Division of the Better Business Bureau.*

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## **Kings & Queens of Hearts Monte Carlo Night PDMA Lucky 13th Annual Holiday Charity Event**

Each year for the past 11 years, the PDMA has held a holiday event to benefit the Ronald McDonald House. This year's event, Monte Carlo Night, turns PDMA members and our guests into high rollers for charity, during a gala of casino-style games, auctions, food, drink, music, dancing and lots of laughter. The evening presents a wonderful opportunity to connect with colleagues and friends, as well as support a local charity.

The Ronald McDonald House provides a "home away from home" for families of sick children being treated at area hospitals. Proceeds from PDMA's Monte Carlo Night will help support the house's operating costs and fund special projects, such as the spectacular playroom addition.

Monte Carlo Night will be held on Wednesday, December 7, from 6:30 to 10:30 p.m. at North Hills Country Club, 99 Station Avenue, North Hills, PA, 19038. Tickets are \$75 for PDMA members and guests. The PDMA welcomes corporate sponsors to this special event. Sponsorship is a wonderful way to promote your business – as well as to give to a great charity. If you are interested, please call or e-mail the PDMA office.

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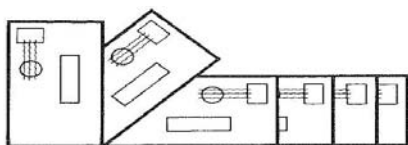
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*Senior Account Executive*

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Contact: Kevin Mullarkey (610) 544-8188

**American Advertising** . . . page 14  
Contact: Gary Levitz 856-866-5535

**Aquent** . . . page 8  
Contact: Lisa James-Woodton (610) 828-0900

**CJR Fulfillment** . . . page 14  
Contact: Robert Reyes (215) 688-2180

**Direct Group** . . . page 16  
Contact: Chris Ryan (856) 241-9400

**Intelligencer Printing** ....insert  
Contact: Todd Foster (800) - 233-0107

**Japs-Olson Company** . . . page 4  
Contact: Debbie Roth (952) 912-1440

**Kay Henry & Associates** . . . page 10  
Contact: Shelley Miller (215) 355-1600

**Listrack** . . . page 6  
Contact: Paige Flory (717) 627-4528

**MetroGroup Corp.** . . . page 9  
Contact: Chad Spannaus (646) 356-0056

**Network Courier Systems, Inc.** . . . page 13  
Contact: Steve Miller (215) 444-0808

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Contact: Mike Dubowitch (856) 727-1144

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Contact: Al Zimmerman (410) 243-1520

**Signed, Sealed, Delivered, Inc.** . . . page 10  
Contact: Jon Caruso (610) 563-4651

**Telematch** . . . page 15  
Contact: Phyllis James or Ruth Baker  
at (703) 658-8321

**Tribune Direct** . . . page 8  
Contact: Dave Kazmer (610) 837-6769

**The WordTech Group** . . . page 13  
Contact: Benjamin Ohanesian at (610) 326-7200

**Valley Forge Tape & Label Co.** . . . page 5  
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## Marketing Magic

*continued from page 6*

Management for Roska Direct/Weightman Group, and President of Emory McClure, a division of the McClure Group. Since he founded NetworkDirect in 1997, the company has specialized in developing multi-channel marketing programs integrating Web Site traffic building and permission e-mail marketing with traditional direct response media.

### JIM MURPHY

*President*

#### JIM MURPHY COMMUNICATIONS

Jim Murphy, one of very few direct marketing copywriters with a sales background, has successfully used his knowledge of the sales process to produce outstanding client results for over 20 years. After working at Roska Direct, and serving as Creative Director at Euro RSCG Devon Direct from 1996 to 2003, Jim started his own marketing consulting company. In the past two years, he has written winning copy for a variety of growing companies. Among them: Capital One, Verizon, Amica, Brown+Partners, Inc., the Franklin Mint Federal Credit Union, Stonehouse Media and Student Trust.

### TONY NESSLER

*iGen Product Manager  
XEROX*

Tony Nessler is the iGen3 Product Manager for Xerox Corporation in the Philadelphia/Delaware/South Jersey area. Tony also helped launch the iGen3 in 2003 in the Southeast United States and Puerto Rico. In his 12 years at Xerox, he has served

in many different roles, including Regional Manager for major accounts. Tony's primary focus has been the direct mail and commercial print industries.

### MARY ANNE NOON-CHILDERS

*Director of Marketing*

#### S. WALTER PACKAGING CORP.

Mary Anne is responsible for promoting new business development and expansion through her company's catalogue and website. She has ties to both the Baltimore and Philadelphia regions, having lived and worked in both metropolitan areas over her extensive direct marketing career. She has developed and taught numerous direct marketing seminars directed to the beginner and advance marketer.

### STEVE O'DRISCOLL

*Marketing Consultant*

Steve's marketing career started with the launch of the 25-year Ed McMahon campaign for Colonial Penn Insurance in the 1970s and includes the TV Guide marketing campaign in the 1980s and '90s that made it the #1 US magazine, selling 17 million copies a week. He also helped the Eagles sell over 8,000 premium seats and luxury boxes at Lincoln Financial Field in just 5 months – the only new stadium in the country to ever accomplish this feat. Recognized with over 100 industry awards for marketing campaigns in direct mail, print, TV, radio and Web, Steve's client experience includes E\*Trade Bank, Mr. Handyman, CertaPro Painters, Quaker Chemical, Merck, and Johnson & Johnson.

### BILL SPINKS

*Chief Creative Officer*

#### DMW DIRECT

Bill has been

riting and directing direct response winners for over 25 years, promoting everything from auto insurance and credit cards to supply chain software, T-shirts and dog treats. The winning work Bill and his teams continue to create wins numerous Benny awards here in Philadelphia, local chapter DMA awards in New England and St. Louis, and international recognition in the ECHOs, plus creative awards in Caples, Clios, Telly, and Communicator competitions.

### Michael Stalbaum

*CEO*

#### UnREAL MARKETING

Michael founded UnREAL Marketing Solutions in 1999. Today the company is a full-service, interactive marketing and advertising agency that offers digital marketing strategy and services to help advertisers increase the effectiveness and ROI from their online businesses. The agency was named one of the top 50 interactive agencies by Media Magazine in both 2002 and 2003. Michael Stalbaum holds a law degree and an MBA from Temple University.

To register, go to [www.thepdma.org](http://www.thepdma.org) or call the PDMA at 610-642-2616. For information, e-mail the PDMA at: [contact@the-pdma.org](mailto:contact@the-pdma.org).

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