



SCMA Newsletter

November/December 2007

Southern Circulation Managers' Association • www.scmaonline.net

2008 SCMA Conference

The Hilton Baton Rouge
Capitol Center Hotel
April 20-23, 2008

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The Louisiana State Capital
Building shines in golden
hues at the end of a rainbow



Message from the President

DEAN BLANCHARD
SCMA President



I hope everyone had a great holiday season. Well, it is now 2008 and the Baton Rouge Conference is drawing closer. It will be held at the Hilton Baton Rouge Capitol Center in beautiful downtown Baton Rouge, right on the river.

I assume most have finished budgets, and I hope you left room in the budget for a trip to Louisiana. As you know the conference will be on April 20th - 23rd. April is a great time of year to visit south Louisiana. In the spring, the flowers are blooming, the grass is green, and the weather is just right—this can't be said for the month of August. We look forward to your visit this spring.

The conference pre-planning meeting went well. Most plans are in place and just a few small details are left to be decided. George Markevich, 1st VP, and a member of the "Carmine" association, is in charge of the program for the conference. George is ensuring that we have speakers and topics that relate to our changing industry along with current "hot" circulation topics. More conference news will be released in greater detail in the next newsletter. David Elder, 2nd VP, is working hard on sponsorships and the buyer's guide. Please contact David to be sure your ad gets in on time. Jim Boyd, 3rd VP, is busy recruiting new members, and working hard to retain our current members.

I want to remind everyone of our next training session in Orlando. This district manager training session will happen on February 28th and 29th. Please make plans for your managers to attend; they will receive some great circulation training which will be well worth the expense. I want to thank David Elder and the Orlando Sentinel for hosting and conducting this session. I would also like to once again thank Frank Maier for working with David on putting together another dynamic training session.

I encourage everyone to submit letters and information to this newsletter. Please send your thoughts and ideas on any circulation topic. Also, please visit our website at www.scmaonline.net.

I have one detail about the conference to share concerning the welcome reception—maybe it is more of a "hint"———"La danse avec l'Aligators". If you don't speak Cajun-French, you'll have to come to the conference to find out what this means.

ABC Update

DOUG DAVIS
ABC Chairperson



NAA and ABC are continuing to make some progress to redefine the future definition of paid circulation. As you may know by now the ABC board has endorsed universal pricing and the paid/verified reporting concept. We can expect a better clarification on the time table from the March 2008 board meeting. Second passage of the universal pricing is expected from the March meeting and the first passage of the paid/verified model. As of now, the universal pricing is supposed to kick in by 2009 and the paid/verified model by 2010.

As mentioned in the last newsletter, universal pricing will mirror Canadian Newspapers and the magazine industry by going as low as the .01ct level (individually paid). There will be two reporting buckets, below and above 25%. I'm told that very few newspapers actually use this rate in Canada since they have to meet their revenue expectation.

The NAA-ABC sub committee will be meeting with the ABC staff in February to begin the process of nailing down and recommend the final touches for future paid/verified rules and regulations. Something clear and simple is what we are hoping to achieve. One exception has already been made by creating a new category for Hotel/Motel copies under the paid as opposed to verified.

Remember as of now, if you are using bonus days, these will shift from paid to verified once the new format is approved and implemented. If your heavy into bonus days, you may start thinking about shifting this to a frequency distribution.

I recently met with our management team to go over the future proposed changes. Its important that your advertising department understands the paid/verified ABC model. The concern is that the advertiser will cherry pick and choose just the paid circulation. Your advertising department will need to sell the value of verified readership. The advertisers I spoke with who were on the NAA/ABC task force were not opposed to verified readership. They understand that our industry is changing and the advertising value of eyes on the newspaper. That the future will be a mixture of paid, verified, free and online.

They would prefer home delivery third party programs which prequalify the nonsubscribing household and are more long term.

Stay tuned for more on this topic in future SCMA newsletters.

SCMA District Sales Manager Training Sessions

Orlando, Florida, February 28 - 29

See inserts in this newsletter or contact Frank Maier at 256/532-4455 or frank.maier@htimes.com.

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Southern Circulation Managers' Association
Mail all correspondence to:
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SCMA Secretary
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Mobile, AL 36602
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Legally Speaking

MARK HUNT
Law Offices of King & Ballow



This column discusses a case in which the owner of automobile dealerships on Long Island sued a newspaper company for allegedly engaging in a fraudulent advertising scheme. The dealership owner, in its lawsuit, claimed that the newspaper falsely represented the extent of its circulation and as a direct result the dealership paid more to the newspaper company for placing advertisements in the publication than it would have otherwise. After some initial legal maneuvering, the newspaper moved to dismiss some of the dealership's claims and succeeded in having its claims for fraud and negligent misrepresentation dismissed.

As to the fraud claim, the court initially stated the general rule that in order for a fraud claim to survive, the circumstances constituting the fraud have to be stated with particularity. In that regard, the court noted that the dealership's legal filings did describe how the newspaper and its distributors artificially inflated circulation figures to the Audit Bureau of Circulations and concealed this falsification from ABC and the dealership. Those pleadings also alleged that the newspaper had, in a press release after the fact, announced that the circulation numbers had been inflated and in a later disclosure admitted that the figures had been inflated by approximately 20%. The legal filings also alleged that many former employees of the newspaper were criminally charged with participation in the scheme and entered guilty pleas to those charges. However, the court found that what was missing from the pleadings was any detail regarding the specifics of the dealership's fraud claim. According to the court, the dealership failed to:

- identify any representation made by the newspaper to the dealership which was fraudulent;
- identify the person who made any such statement;
- identify where or when any such statement was made; or
- identify the representative of the dealership to whom any such statement was made.

The court recognized that the dealership's pleadings did assert that the newspaper included inflated circulation figures in its ABC Annual Reports and "was directly involved in the formulation and dissemination of rate cards based on inflated and fraudulent circulation figures." However, the court found missing any allegations connecting these representations to the dealership or establishing that the dealership's representatives relied on either the Annual Reports or the rate cards. As a result, the court dismissed the fraud claim, but left the door open for the dealership to attempt to fix these pleading problems at a later date.

The court also dismissed the dealership's negligent misrepresentation claim for similar reasons. In seeking dismissal of this claim, the newspaper argued that the dealership's negligent misrepresentation claim was based on the exact same facts as its fraud claim. The court agreed, stating that "[t]he entire essence of [the dealership's] claim is that [the newspaper] fraudulently overstated its circulation volume so it could charge higher fees for advertising." In fact, the court noted that in asserting its separate action for negligent misrepresentation, the dealership merely incorporated and restated all of its previous fraud allegations and did not raise any separate allegations that the newspaper had been negligent. The court dismissed the dealership's negligent misrepresentation claim and, as with the fraud claim, permitted the dealership to attempt to fix these pleading deficiencies in the future. In that regard, and in conjunction with dismissing the two claims, the court granted the dealership a 30 day period during which the dealership could file an amended pleading and attempt to adequately plead these two claims.

Mark Hunt is an attorney with the law firm of King & Ballow in Nashville, Tennessee, which serves as General Counsel to SCMA. Mark can be reached at (615) 726-5497 or mhunt@kingballow.com. The foregoing column is descriptive in nature and is not intended to provide legal advice as to particular situations.

2008 SCMA Conference Schedule & Sponsors

Sunday, April 20, 2008

6:30 a.m. Golf

Location: Hotel Lobby
Bus departs at 6:30 a.m.
Gordon Cox Memorial Golf Tournament
Carter Plantation, part of the Audubon golf Trail, in Springfield, LA.
Transportation will leave from hotel lobby at 6:30 am.
8:30 a.m. Shotgun Start. A continental breakfast, buffet style lunch, and drink ticket are included in this outing.

10:00 a.m. - 4:00 p.m. Exhibitor Set-up

Location: Riverview B

12:00 p.m. - 6:00 p.m. Registration Desk Open

Location: Foyer in the Business Center
Tote Bags

1:30 p.m. - 3:30 p.m.

Jim Long Memorial - Icebreaker

Location: King Room
Bingo for Non-Golfers and Spouses
Refreshments served

4:00 p.m. - 6:00 p.m.

Board of Directors Meeting

Location: Capitol Room
Executive, State Directors, and Committee Heads

6:00 p.m. - 7:30 p.m.

Welcome Reception

Location: Pool Deck

Monday, April 21, 2008

7:00 a.m. - 8:00 a.m.

Continental Breakfast with Advertisers & Vendors

Location: Riverview B

7:00 a.m. - 6:00 p.m.

Registration Desk Open

Location: Foyer in the Business Center
Tote Bags

8:00 a.m. - 8:10 a.m.

Call to Order

Location: Riverview A
Members, Associates, Spouses and Guests. Special Welcome to New Members, First Time Attendees Dean Blanchard, President SCMA

8:10 a.m. - 8:30 a.m.

Opening Welcoming Remarks

Location: Riverview A
David Manship, Publisher
The Advocate, Baton Rouge, Louisiana
Distinguished Speaker: To Be Announced

8:30 a.m. - 9:30 a.m.

"The Positive Power of Humor"

Happy people are more productive!

Location: Riverview A
Yvonne Conte - Humor Advantage

8:00 a.m. - 3:00 p.m.

Spouse & Guest Tour

Location: To Be Announced

9:30 a.m. - 10:15 a.m.

Parade of Advertisers

Location: Riverview A
Joel Greenstein - Master of Procession

10:15 a.m. - 10:45 a.m.

Coffee Break with Advertisers & Vendors

Location: Riverview B

10:45 a.m. - 11:45 a.m.

NAA "Newspaper Association of America Update"

Location: Riverview A
John Murray, VP Circulation Marketing

11:45 a.m. - 1:00 p.m.

Lunch on your own

Location: The Tunnel

Private Lunch Honoring Past Presidents

Location: Governor Room

Private Lunch - New Members and 1st Time Attendees

1:00 p.m. - 3:00 p.m.

Publisher's Panel discussion "What's our Future?"

Location: Riverview A
Moderator: John Murray, VP of Circulation Marketing- Newspaper Association of America
Panelists:
David Manship - Baton Rouge
George Cogswell III - Ventura, CA
Kathy Waltz - Orlando

3:00 p.m. - 3:30 p.m.

Walkin' to Nawlins with the Advertisers & Vendors

Location: Riverview B

3:30 p.m. - 4:30 p.m.

Speaker to be announced

Location: Riverview A

6:30 p.m. - 11:00 p.m.

"Alligator Bayou"

Location: "Alligator Bayou"
Members, Associates, Spouses & Guests
Transportation Provided
Buses depart hotel beginning at 5:30 p.m.
Reception begins at 6:30 p.m.

Tuesday, April 22, 2008

7:30 a.m. - 9:00 a.m.

"Hot Idea Breakfast"

Location: Heidelberg Ballroom 10th floor
Doug Davis, Circulation Director
Daytona Beach News-Journal

9:00 a.m. - 9:45 a.m.

Coffee Break with Advertisers & Vendors

Location: Riverview B

9:45 a.m. - 11:30 a.m.

VP's of Circulation Panel Discussion

"What's Our Mission?"

Location: Riverview A
Moderator: John Murray, VP of Circulation Marketing- Newspaper Association of America
Panelists:
Keith Tanoos - Carson City
Linnie Pride - Birmingham
Steve Hense -

11:45 a.m. - 1:15 p.m.

Business Luncheon

Location: Heidelberg Ballroom 10th floor
Committee Reports / Officer Nominations

1:30 p.m. - 2:30 p.m.

"Keeping the Independence with Independent Contractors"

Location: Riverview A
Mark Hunt- King and Ballow

2:30 p.m. - 3:00 p.m.

Coffee Break with Advertisers & Vendors

Location: Riverview B

3:00 p.m. - 5:15 p.m.

Topic Discussions / Roundtables*

Location: Louisiana Rm./Paramount Rm./University Rm.
Frank Maier, Circulation Director
The Huntsville Times
Glen Tabor, Circulation Director
Kingsport Times
Bill Van Hook, Operations Manager
Press-Register
*45 minute sessions with the hosts rotating between rooms.

6:30 p.m. - 7:30 p.m.

Cocktail Reception

Location: Pre-Function Room 10th floor

7:30 p.m. - 9:30 p.m.

Banquet / SCMA Carrier of the Year Recognition

Location: Heidelberg Ballroom 10th floor
Members, Associates, Spouses & Guests
Semi-Formal Attire

Wednesday, April 23, 2008

7:30 a.m. - 8:30 a.m.

Continental Breakfast with Advertisers & Vendors

Location: Riverview B

8:30 a.m. - 10:30 a.m.

"ABC Update"

Location: Riverview A
Teresa Perry, Senior Vice-President, Publisher
Member Audit and Report Processing Services
Audit Bureau of Circulations

10:30 a.m. - 11:00 a.m.

Coffee Break with Advertisers & Vendors

Location: Riverview B

11:00 a.m. - 11:45 p.m.

Speaker to be announced

Location: Riverview A

12:15 p.m. - 2:00 p.m.

Awards Luncheon

Location: Riverview A
Members, Associates, Spouses, & Guests
Presentation of Year 2009 Convention
Election & Swearing in of Officers
Advertisers Drawing (Must be present to win)

2:00 p.m. - 4:00 p.m.

Board of Directors Meeting

Location: Capitol Room

Buyer's Guide 2008

DAVID ELDER
SCMA 2nd Vice President



Hope everyone has had an enjoyable 2007 and looking forward to the New Year. Each year seems to be more challenging than the one before. One thing that we can count on each year however is the value of SCMA.

A big part of SCMA being able to continue to provide a quality conference is through being a conference sponsor and purchasing an ad in the buyer's guide.

Your support of the Buyer's Guide is an expression of your support for the Southern Circulation Managers Association. The resource generated by the Buyer's Guide not only supports the annual conference, but also helps build the overall financial strength of our organization.

All SCMA members attending our annual conference in Baton Rouge, Louisiana in April 2008 will receive a copy of the Buyer's Guide. A copy will also be mailed to those members unable to attend the conference. As you know, the Buyer's Guide is a valuable reference tool, used often throughout the year as a resource for information about suppliers. The Guide also reminds our members to support the vendors who generously support this organization.

Please make sure your newspaper or organization participates by placing an ad in the Guide. The necessary forms are enclosed. Also, please consider a sponsorship for the meeting in Baton Rouge. Sponsorships are available for as little as \$100.

This year, we have also added an optional \$10 contribution for SCMA equipment upgrades. Audio Visual charges at the conferences are substantial. Having our own equipment (laptop, projector, etc.) substantially reduces expense. Keeping our equipment up to date will assist in keeping our conference costs low. Please consider this as you complete your form for payment.

On behalf of the entire organization, thank you in advance for your continued support. Without you, our association could not be as solid as it is today. Looking forward to seeing you in Louisiana!

If you have any questions, please feel free to call or email me.

SCMA District Manager of the Year

BARRY PEARCY
SCMA District Manager
of the Year Chairperson



Do it now! It's not too late!

SCMA has added a new award this year to recognize and honor our outstanding District Managers. The criteria for the SCMA District Manager of the Year include their district management skills; letters of recommendation, personal/scholastic/community service and other miscellaneous information such as awards and recognition received. Please, take advantage of this opportunity to recognize outstanding and deserving District Managers. It's not too late to make your newspaper's selection, the deadline for judging has been extended to February 21, 2008.

You can find an unofficial entry form at the SCMA web site <http://www.scmasonline.net>. Don't put it off any longer, make your selection today and give your outstanding District Manager the recognition he/she deserves.

*All nominations should be mailed to me at: Chattanooga Times Free Press, Attn: Barry Percy, Circulation Manager, 400 E. Eleventh St., Chattanooga TN 37403. Or contact me at: 423-757-6581 or <http://www.bpearcy@timesfreepress.com/>.

Be a Leader in the SCMA

JEFF DeLOACH
SCMA Director at Large



Are you interested in becoming a leader of SCMA?

SCMA is looking for qualified candidates to join our board and run for 3rd Vice President. The SCMA election of officers is just around the corner. If you know someone that may have an interest in being a future leader of SCMA, please call me directly (361) 886-3612 or email Deloach@caller.com. I would be glad to discuss this opportunity with you. I look forward to seeing each of you in Baton Rouge on April 20-23, 2008 for our annual SCMA Conference.

NAA Update

DOUG DAVIS
NAA Chairperson



NAA just made available a good & helpful publication called "Understanding the Value of Newspapers". The print version is \$24.95 for Federation members, free electronically. For non Federation members is \$34.95 for the print and \$14.95 electronically. Its well worth the money to obtain several copies and to give one to your advertising department, publisher, and your marketing department.

This publication neatly ties into the future proposed paid/verified ABC report model. John Murray V/P of Circulation Marketing with NAA commissioned this research study last year. The research examined the effectiveness of third party home delivery sales programs, single copy third party programs, add on bonus days, and readership of deep discounted newspaper versus subscribers who pay full rate.

The research was conducted by Clark, Martire & Bartolomeo. Ten newspapers were involved in the research study. The Daytona Beach News-Journal was one of the ten. The research was different for each newspaper. Different circulation programs. In the case of Daytona, they compared the readership and reader advertising response of our 13 week non subscribing home delivery barter program to regular paid subscribers. The need for these studies grew out of the Qualifying Task force committee. The advertisers asked for some research readership/advertising validation of third party and other circulation programs.

Fortunately the results reaffirms the effectiveness of these programs. Please note a few excerpts of the study;

- The price paid for a newspaper does not necessarily reflect reader interest and involvement with either content or advertising.
- Readers who take part in value programs are heavily engaged with the content and even more likely than full paid readers to focus on classified, display, and insert advertising.

- Readers who pick up single copy free publications engage in the newspaper and spend virtually the same amount of time as those who purchase the single copy edition.
- Discounted newspapers have almost the same readership and those who are paying full price.
- Single copy readers spend more than 30 minutes reading the newspapers regardless if they picked it up free versus purchasing the newspaper.
- Six out of every ten single copy readers bring their newspaper home to read regardless if it was free or paid for.
- The newspaper reader does not generally care if the newspaper he or she received was added free to their subscription or paid for by someone else.
- Value-program participants have greater rates of readership interest and express more positive attitudes about newspaper advertising than full price purchasers.
- The research shows when all responses are considered, value program participants are 10% more responsive than full price subscribers when they see advertising in the newspaper.

Needless to say the study strongly supports the readership and advertising value of quality third party programs and single copy. Even to the point that third party programs are part of the mystery of reaching younger readers. Traditional paid circulation continues to be the gold standard. This research just validates the importance of having a mix of circulation programs to support our advertisers.

Ho! Ho! Cunningham



Don Cunningham (Santa) reads the Citizen Tribune during a break while working at Santa's Cottage. The Citizen Tribune provides free pictures to local kids with Santa, played by Don for several years.

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