

# Mobile Marketing Winner\$

Week 31, July 2009

## Do you have US\$90 million change?

Dear Mobile Marketing Winner\$ Team Member,

Mobile Marketing Winner\$ are a network of marketing and PR specialists. We are dedicated to educate and coach, consult and support to save you time and money when it comes to engineering your mobile marketing campaign.

In today's newsletter we share a story with you on what can happen to you in the real world if you engage in unethical mobile marketing. You're going to love that!

Exciting news is that the [Industrial Development Corporation](#) (IDC) has come out as a strong supporter of the [Thinking Mobile™](#) Conference Series and has committed to part-sponsor the event. Join delegates from such diverse companies as Nestle, Spar, SAB Miller and Clientele Life and book your **Early Bird Thinking Mobile™** Conference Series seat [HERE](#).

Until next week...

Best wishes  
and keep *Thinking Mobile™*  
Your Mobile Marketing Winner\$ Team

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## Do you have US\$90 million change?

by Mobile Marketing Winner\$ Team Leader [Alexander Gregori](#)

We at Mobile Marketing Winner\$ like to point out the various pitfalls that await you when you embark on the exciting path of mobile marketing to save you time and, most importantly, money. This includes legal issues. In doing so we often have to accept that, while there are laws in place to prevent unethical marketing, the policing of these laws is often missing.

As a result, African consumers in general and South African consumers in particular, are at the mercy of rogue marketers who will do whatever as long as they are not caught - or until they are legally stopped. So we live in a bit of a Wild West environment :-)

Over to the land of the free and the home of the brave, known for its cunning marketers and ridiculous lawsuits. I just got off a Skype call with [Kim Dushinski](#), US mobile marketing expert and key note speaker at this years' [Thinking Mobile™](#) Conference. We were discussing her presentation for the conference and the topic of ethical mobile marketing.

Remember: mobile is "always on", "always with me" and, most importantly, "always personal". So issues around privacy invasion by ruthless marketers are obviously a biggie. Just think of Vodacom's "win 100 BMW's" campaign or the never ending stream of unsolicited sms's that we all receive...

Anyway, Kim told me about the recent case against publisher [Simon & Schuster](#) who promoted Stephen King's horror novel "The Cell" with a SMS campaign, sending sms's to people who had signed up with another company, Nextones, to receive free ringtones. People who had signed up with Nextones ticked a box that read in part: "I would like to receive

promotions from Nextones affiliates and brands."

So far this is common practice, but they forgot to take into account that US courts tend to favor the consumer. When Ms Satterfield, who had signed up with Nextones, received the Stephen King novel promotion from Simon & Schuster she filed a class-action lawsuit, arguing that the publisher is neither an affiliate nor brand of Nextones and the SMS therefore infringed her privacy illegally.

The court agreed with her and awarded the class-action US\$90 million compensation.

Wow! That must have hurt...

Now let's be realistic. That happened in the US, and a similar law suit is unlikely to be heard in South Africa, let alone won by the consumer. But the principal applies equally here and there, and if anything the new RICA law will make it easier to catch and prosecute privacy law offenders.

So if you conceptualize your mobile marketing campaign be weary of the law, or simply rely on building [Quality Leads™](#) and email me on [alex@mymobworld.com](mailto:alex@mymobworld.com) to learn how :-)

### **Thinking Mobile™ Conference Update**

Over to this years' [Thinking Mobile™](#) Conference and more good news about the event, which weekly readers of our newsletter are already accustomed to expect!

When we recently introduced the [Industrial Development Corporation](#) (IDC) to the concept of the conference they were so convinced that this is an important and worthy initiative that they decided ad hoc to become involved as a part-sponsor. As a result we have to announce a conference venue change and the event will now be held at the IDC conference venue in Sandton :-)

Check out the map for the new venue on the official conference website <http://mobilemarketingwinners.com> or straight from your cell phone on <http://mobilemarketingwinners.param.mobi>

It is also interesting to track the type of companies who "get it" and are sending their delegates to attend the conference, including such a diverse number of high profile businesses as Nestle, Clientele Life, Spar and SAB Miller, to name but a few.

We trust that all Mobile Marketing Winner\$ team members will join our top speakers and delegates at the event. Remember, conference seats are **limited** and **going fast...** Secure your participation now and book your seat [HERE](#).

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