

You talkin' to me? follow-up paper

This follow-up paper has been written to provide those interested in the subject of marketing communications in the new era of consent with an update on developments in this area. Please continue to give us your feedback on the issues raised, and help us promote best practice in this critical area for the professional marketer.

Making it real

The last few months have seen much coverage of marketing communications. Articles on spam and intrusive marketing appear almost daily across the media. New solutions to tackle spam in particular have emerged, but ultimately the death of intrusion marketing lies not in the hands of developers at Microsoft, but in those of marketers themselves. It is a question of will.

Are marketers willing to forsake the more familiar but increasingly ineffective techniques of traditional mass advertising for the adventure of a brave new world of consent?

The Feedback

The start of the year saw TV and newspapers pick up on the story of Gerry Ranger and his mountain of junk mail. Mr Ranger collected all the junk mail he received over the year - all 701 items, measuring 37 inches high in total! Mr Ranger is not alone. Most UK households receive similar amounts of junk mail over a year. The high profile given to the case demonstrates how keenly many consumers feel about being on the receiving end of mailshots. This is something the *Observer*¹ picked up on, running a feature on how consumers don't have to be powerless victims; they can do something to stem the tide of unsolicited mail headed their way.

And it's not just junk mail that has been making the news. *The Times*² ran a lead article entitled, 'Reclaiming the Internet: Junk email is a curse - can the spam.' The editorial neatly summarised the situation. 'The barbarians have shoved through the gate of cyberspace. It is time to repel them.' They point out that in an attempt to allow legitimate marketing activity to continue, the UK government has adopted a much-diluted version of the EU Directive on electronic communications, which still permits emailing to business addresses, providing spammers with a perfect get-out clause. In contrast, Italy has made all unsolicited bulk email advertising illegal unless it has the consent of the recipient.

As a result the UK has become home to those who like to operate on the fringes of the law. Britain for the first time has the dubious honour of entering the Top 10 Originators of Spam list - a Top 10 that is estimated to collectively send 15 billion emails every day. Unfortunately for marketers, the public rarely recognise the difference between good marketing and illegal operators, and tar both with the same brush.

From within the profession, we have had a positive response from the marketing press. *Marketing Week*³ ran an article by Alan Mitchell in support of our agenda, and Laura Mazur, writing in *Marketing*⁴ magazine, argued in favour of the "open planning" approach outlined in the paper.

Mark Ritson, Assistant Professor of Marketing at the London Business School, also wrote on the theme of "mindless clutter" in *Marketing*⁵. He argues that 'The marketing communications industry must pull itself out of this ever-decreasing spiral of clutter.' He also made a strong case for the merits of PR - albeit through the efforts of non-marketers. He says 'The only communications industry exempt from clutter is public relations. PR has avoided the clutter trap, not through any advanced approach from PR professionals (that'll be the day), but because any and all PR attempts are limited by the discretionary force that is the editorial team... Editors ensure that the only PR to reach the consumer through their pages is relevant to the consumer, interesting, new and worthwhile.'

Most marketers recognise that information overload is a serious problem, and concede that communications based on consent is a good way to address the issue. However, there are still many who remain sceptical and wedded to the old ways. As we predicted, the "arms race" of legislation and technology to protect consumers, and the increasingly desperate moves of unreconstructed marketers to ignore or skirt round the issue, looks set to run and run. We are in no doubt that the unreconstructed marketers will lose this race in the end.

Whilst gaining broad support for the paper and the need for change, it is in the critical area of implementation and "doing something about it" that the hardest challenge awaits. Will marketers adapt to the new era of consent?

No change given

During February and March the Shape the Agenda web site has been running a poll on whether marketers plan to comply with the new legislation against spam. Although 27% say that they are already compliant, a disturbingly high 50% of marketers polled currently have no plans to do so. Many marketers seem content to carry on as before.

In January *The Times*⁶ reported on cold calling from hell. Thwarted by the "Do not call" register in the US, some marketers there have set their sights on the UK. According to Gary Davies, Professor of Corporate Reputation at Manchester University, the computer dialling equipment they use can work its way through the entire UK phone directory in a

week. In extreme cases, some UK households are receiving 25 cold calls a day. Even if you end the call, the message can sometimes continue for another 5 minutes, blocking your line!

Also making the news⁷ was "weaselboy", alleged scourge of countless email in-boxes. Regarded by Spamhaus (a UK-based email filter service that protects the in-boxes of 200 million people) as "Britain's top spammer", 18-year-old Peter Francis-Macrae, or "weaselboy" as he has been nicknamed on the Internet, seems to operate mostly outside the EU, beyond the reach of the latest legislation. He appears to use Chinese networks to send out the emails, leaving the authorities and consumers powerless to stop him.

"Weaselboy" is not unique. There are many others like him in the UK and abroad, offering marketers "email blasters" that "advertise to over 100 million people for free". Operators such as these send out an average of 80 million spam emails a day, with a target of one sale per million.

Whilst such returns may seem crazy to most people, it is obviously enough for them to make money. Appeals to their better nature to stop sending the spam seem doomed to fall on deaf ears. The danger for marketers is that such irresponsible behaviour by a few brings the whole industry into disrepute and risks onerous legislation outlawing legitimate business mailings.

It is not just those operating on the boundaries of the law, however, who are determined to keep up the carpet-bombing of consumers' time and attention. Organisations such as 411web interactive, an online ad agency, are still running courses on the effectiveness of pop-up ads. Ron Ossip, Senior Vice President of Marketing at 411 says 'Pop-ups and pop-unders are getting the consumer's attention, which is the first rule of advertising. They work relatively well. You may hate them - but you pay attention to them.' Is this logic... or desperation?

Most web marketers know that pop-ups irritate - why else would they offer subscribers ad-free versions of their sites? Bill Thompson, writing for the ad-free BBCi web site, argues that this intrusion and interference with the users' quest for information means that the pop-ups are doomed to be ignored - no matter how good. Comments made by visitors to the site appear to back his stance.

'I will actively avoid supporting products/companies that interfere with what I am doing in the Internet. Marketers should stick to forums where they can be sure people are looking for a particular service,' said one.

Another user wrote, 'I would be much more likely to read ads if I knew they were targeted at my interests; as it is, I ignore all of them because most of them are of no interest to me... Bugging me with ads at bad moments switches me off to them at all times, and may even cause me to actively avoid buying from the advertisers because I associate them with irritation!'

If pop-ups weren't annoying enough, the advent of broadband has now brought us TV-style adverts on the Internet. Trials are currently being conducted on these 30-second adverts that are designed to appear between web pages. Each time you click onto a web site a 30-second TV-style ad will appear.

Allie Savarino, Vice-President of Worldwide Marketing at Unicast (developers of the new technology), believes that they could ultimately reduce the overall number of web adverts in the long term, by being more effective, and therefore replacing the current banner ads and pop ups. Although Internet users may find them annoying, she argues that they will just have to get used to them. 'There is an inherent need for consumers to become accustomed to something habitual online, in the same way they are accustomed for every 30 minutes of a programme to have adverts.'

Not everyone is so enthusiastic. Technology analyst Bill Thompson believes it will be an intrusion too far. 'It will replace something that is annoying for many people with something which is even more annoying.'

So, although the concept of consent has won the battle of the mind with most marketers, there are still many who remain wedded to the weapons of mass communication. They could be in for a shock.

The Fightback

The threat to those who persist with traditional mass marketing techniques will come on several fronts. Their activities will increasingly be restricted by technology, legislation, and by consumers themselves.

Microsoft is so concerned about spam clogging up the Internet, rendering it unusable, that it is devoting much time and effort into tackling the problem. Its commitment to this comes right from the top. Speaking at the World Economic Forum in Davos in January, Bill Gates pledged to eliminate spam. He said that it would be conquered by better filters, "human challenges" that force the sender to solve a puzzle or use computational power, and the "payment at risk" approach. He stated, 'Microsoft is pursuing all three approaches, and spam will soon be a thing of the past.'

For many years, filters have been operated by Internet servers, to help protect consumers from unsolicited emails. Although helpful, spammers have become adept at avoiding them by changing subject headings. Work continues to improve the effectiveness of filters, and undoubtedly they will succeed in blocking out more and more spam, but as Bill Gates indicated, it is in new areas that the war against spam may be won.

One option Microsoft is considering is to make the sender pay in computing power. The payment system would not be based on processing power (which would give an advantage to those with the latest computers), but on computing power, which is virtually the same across all machines, old or new. The receivers' machine sets the spammers' machine a cryptic puzzle to decipher, which could be set by Microsoft at about 10 seconds. Such a system would reduce the amount of emails a machine can send from the millions of today, to around 8,000 a day. If someone wants to bombard everyone in the UK, they'd have to buy a whole load of machines! This would obviously have a profound impact on the cost implications for spammers, and whilst not perfect, it should at least prevent all but the insanely mad marketer from pursuing the mass mailings of present.

Another area Microsoft is exploring is the "penny black" idea, or as it is sometimes called "payment at risk". Senders would have to pay for those emails rejected as spam. Marketers who have adopted consensual marketing would have nothing to fear. Their legitimate emails would be unaffected, as they would have been requested by the recipient. If introduced, this would have a dramatic effect on Internet mailings, making improbable, if not impossible, mass unsolicited mailings.

Governments and international organisations are also determined to stamp out unsolicited emails. In February, the Organisation for Economic Co-operation and Development (OECD) met to discuss how to tackle spam, amid growing concern that it will cripple the Internet and significantly hamper business use and public enjoyment. They want to see a co-ordinated approach to clamping down on the problem, and encouraged governments to help the IT industry develop more effective systems to stop spam.

The call from the OECD is already being heeded. Stephen Timms, UK Minister for E-Commerce, has just signed the UK up to a new US Federal Trade Commission initiative called Secure Your Server. The project aims to help server owners develop techniques and technologies to prevent their servers automatically forwarding spam. 26 countries have already signed up to the project, including Japan, South Korea and Brazil.

Although the EU and the US have recently introduced legislation to stop spam, they are already coming under pressure from consumer groups such as the Coalition Against Unsolicited Commercial Email (CAUCE) to tighten them further. The recently introduced CAN-SPAM Act, effective from 1st January 2004 in the US, is already being denounced as ineffectual. According to the US email filtering company Postini, spam accounted for 79% of all the emails it processed in January, a fall of 1% from December (pre-Act)⁸. Clearly the Act is having little impact at present. Critics point out that many of the worst perpetrators operate outside the US, and therefore beyond the reach of the legislation.

Such problems are transitory. It is surely only a matter of time before the combination of technology and legislation by governments make spam a thing of the past.

Driving both efforts are consumers, fed up with intrusive marketing.

Consumers are putting pressure on governments and organisations to stem the tide and save their sanity. As outlined in our paper, the options available to consumers, such as the "Do not call" registers or "Mailing Preference Service", are increasingly publicised by the media, and more and more consumers are signing up to them.

The phenomenon is not new. Consumers have sought to shield themselves from the deluge of adverts in the privacy of their own home for some time - through the remote control.

New research by BMRB and Carat has shown that a large majority of TV viewers surf channels or "tune out" during the breaks, as a chance to escape "being dictated or sold to". The survey reports, 'The viewer doesn't really trust the channels and the advertisers. This is the moment when the advertisers and the channels can get their foot in the door and so the viewer takes pre-emptive action.'⁹

The problem is not necessarily the adverts, but what they are trying to do. They aim to grab the consumer's attention. Increasingly, consumers want to be in control of when they receive these commercial messages. If they want to watch a programme or find information on the Internet, then that is their focus. The adverts intrude and interfere with this so are frequently ignored.

Developments in technology will increasingly encourage and enable this behaviour. With most viewers switching to digital over the next few years, new technologies such as TiVo can almost eliminate adverts. The technology allows viewers to watch programmes when they want, not solely when scheduled. Amongst TiVo users in the US, only 14% of viewers watched the most popular show Friends "live", with 86% choosing to watch it when it suited them. Figures for other shows showed a similar split.¹⁰ Should consumers choose to skip the breaks (which current behaviour strongly suggests they will), they will be able to cut out almost all adverts. This will have a profound effect on TV advertising. Already struggling with fragmented audiences, TV advertisers are going to struggle to convince marketers that they can serve up the mass audiences they are looking for.

The BMRB and Carat research also showed that the more adverts people see, the less they remember, reinforcing our claim of "message overload".

ITV announced in February an immediate response. They will now show 7 instead of 9 adverts per peak-time break, and intersperse them with trailers for programmes, which viewers say they like. We believe the change will have a very limited impact. Although recall and awareness

may increase slightly, the fundamental problem remains - the adverts are still intrusive and are still likely to be ignored by most viewers, who will continue to "tune out", be it from 7 or 9 adverts per break.

It's not all doom and gloom for TV advertising. Unquestionably it remains one of the most effective ways to raise awareness, and research conducted in October 2003 on interactive TV looks promising. A third of those who had seen an interactive TV advert interacted with it. Of these, 62% rated the experience as good, and almost 90% agreed that it was a convenient way to obtain further information.¹¹ Whether such a positive response is due to novelty remains to be seen.

Interactive TV adverts exemplify the notion of consent. The viewer decides if they want to find out more, and if they do, the information is readily available for them. This is a good thing for consumers and companies. Consumers can find out more about the things they are actually interested in, and companies will be better able to judge responses to their TV adverts.

Moving with the times

Although some marketers remain devoted to the idea of trying to forcefully grab consumers' attention, it is clear that many accept that the traditional model is changing and that new ways of working need to be developed. Marketers may recognise this in their minds, the question is whether they will have the courage to break from the norms and break new ground.

Alan Mitchell, writing in *Marketing Week*¹² in support of the "You talkin' to me?" paper, encapsulates the dilemma facing marketers.

'Brands very much need to keep themselves in the public eye, and for many of these brands interruption and intrusion seem to be the only way to survive. As the CIM notes, while most marketers accept the notion of permission, they still do so "passively". In other words, they accept it is good in theory, but not for actual practice.'

Will marketers change? A lot has been invested in the traditional model, and it is risky moving to the uncertain terrain of marketing based on consent. But as Seth Godin says in his latest book, *Purple Cow*, marketers have no choice but to change.

'I believe we've now reached the point where we can no longer market directly to the masses. We've created a world where most products are invisible... The traditional approaches are now obsolete. One hundred years of marketing thought are gone. Alternative approaches aren't a novelty - they are all we've got left.'

We believe marketers **will** change their approach to marketing communications.

This will overwhelmingly be because of the continued failure of traditional techniques. The City, Corporate Boards and CEOs are all demanding rigorous measurement of marketing expenditure, and the increased scrutiny and assessment of traditional techniques will merely highlight their failure. The proliferation of choice and profusion of marketing messages have made most offerings invisible, and consumers have "tuned out" to these intrusive and irrelevant messages. Marketers will face pressure from within their organisations to change their approaches, to use the most effective techniques, and increasingly these will be based on consent rather than intrusion.

It is the "stick" approach that is likely to have most effect on altering marketers' behaviour. Besides pressure from their own CEOs or Boards, marketers will increasingly be restricted by legislation. Pressure from consumers on the Government to protect them, mean that it is likely that more and more intrusive marketing techniques will be deemed illegal, leaving marketers no choice but to change.

We're sure the Government will seek to tread the delicate line between protecting consumers and not harming the legitimate activities of marketers as best they can. However, companies such as Microsoft have less reason to be even handed. If protecting consumers is what consumers want, then they will respond with schemes such as 'payment at risk' and tougher filters for spam. If these harm a few legitimate marketers' activities, so be it. Filtering is already causing open and click through rates to drop¹³, and companies such as EmailBureau are now running seminars and advice on how to improve the deliverability and ROI of messages for legitimate marketers.

We can see that if the failure of traditional techniques is not enough to change marketers' activities, then technology and legislation will more forcefully curtail intrusive marketing.

We would hope that it is not just the "negative" that will force marketers to change. The best way to encourage marketers to take the brave step of moving towards marketing communications based on consent is by successful example. Obviously marketers need to find the best solutions to their unique circumstances, but there are already new models and approaches based on consent.

Frederick Newell, in his recent book *Why CRM Doesn't Work*, advocates the use of Customer Management of Relationships (CMR). Many Customer Relationship Management (CRM) initiatives have focused too much on the technology side, or on gleaning data (such as Halifax's letter demanding details of home insurance), with little attention paid to the relationship with the customer.

Relationships are key in the new era of consent.

Newell argues that consumers want control of the marketing messages they receive. The information they give, and the relationships that develop, must add value for them, must give them benefits they actually want. He believes that marketers need to carefully analyse who their best customers are, and importantly, what level of service and relationship they want. His book provides a practical framework for making CMR work, and draws on case studies from across various sectors showing how the approach has worked in practice. The CMR concept looks promising for marketers looking to move towards permission-based marketing, and is certainly worth exploring further.

Another alternative is the much-talked about and frequently disappointing viral marketing or ideavirus. Seth Godin's book *Unleashing the Ideavirus* sets out the rationale for this approach, arguing that information from friends is far more credible than adverts from companies. Marketers therefore need to tap into social networks to spread the "good news" about their service or product.

Once again, the theory is appealing but the implementation hard, as many marketers have already found. Godin has tried to address some

of the problems encountered in his latest book *Purple Cow*. For ideaviruses to work, they need to be built into the offering from the outset, not be an afterthought. 'Marketing in a post-TV world is no longer about making a product attractive or interesting or pretty or funny **after** it's designed and built - it's about designing the thing to be virus-worthy in the first place.' Ideaviruses also need to be targeted at the trendsetters, the early adopters, who lead the opinions of the mainstream majority that most marketers currently target.

Godin argues that marketers should switch their budgets away from the increasingly impotent mass marketing communications, and into developing "remarkable" products or services that consumers will freely talk about. Marketers should have input into the design of remarkable products and services right from the start.

He uses the example of Dutch Boy Paints. Paints have always been sold in heavy, ungainly cans, which are hard to open and close. Dutch Boy looked at it from the consumers' point of view and changed the packaging to plastic, making it easier to carry, pour, and open and close. The result? Increased sales and increased distribution - at increased margin! 'This is marketing done right. Marketing where the marketer changes the product, not the ads.'¹⁴ His book features countless examples of innovative, permission-based approaches that marketers have successfully employed.

As Mark Ritson indicated earlier, another option available to marketers is Public Relations (PR). David Hargreaves, Managing Partner of Credo, writing in *Marketing Week* magazine, also argues that PR can play an important role in helping marketers connect with consumers.

Hargreaves highlights the fact that in a Marketing Society survey last year, PR was cited as the most effective communication tool of the last five years. He also argues that PR already fulfils CIM's criteria for good communications based on consent. 'Customers select which media they consume and as such PR is self-segmented - we all choose what we want to read. PR is rarely considered intrusive.' He goes on to state that it is certainly cost effective compared with other marketing activities, and by necessity PR professionals must have a deep understanding of their target audience and create messages that matter to them - otherwise they won't pass the

journalists' editorial selection process. He concludes by stating that 'The challenge for PR companies is to integrate PR thinking more closely into the broader marketing context.' PR may well prove its worth as one of the most effective tools available to marketers operating in the new era of consent.

Another existing tool that sits well in the suite of consensual marketing techniques is loyalty schemes. Andy Wood, Managing Director of Total DM, writing in the February issue of *Marketing Business* magazine, argues that loyalty marketers have been communicating with customers on their terms for years, building a meaningful dialogue with them to discover their wants and needs. He goes on to cite Tesco's Clubcard as an example of what can be achieved - all by getting to know your customers. Indeed, Tesco's loyalty scheme is a brilliant example of what consensual marketing can achieve. Used well, a loyalty scheme offers a company a fantastic opportunity to develop relationships with customers, and can provide a solid base for effective permission-based marketing communications.

However, the key, as Wood points out, is "intelligent implementation". Tesco's Clubcard has commitment to it from the top, and is allowed to drive the company's marketing communications. Very few other loyalty schemes can say the same. Many are driven more by the desire to collect data and offer very little in terms of value for the customer. Loyalty schemes have enormous potential to provide customers with value, and companies with profits, as Tesco have so ably demonstrated. Marketing based on the principle of consent clearly works. Such schemes won't work however if they lack commitment from the top or if they are driven from the company's perspective rather than the customers'.

Tesco is not the only major corporation to recognise the benefits of a permission-based marketing approach. Procter & Gamble's Global Marketing Officer, Jim Stengel, said at the American Association of Advertising Agencies on the 12th February, 'The advertising industry has not kept up with sweeping changes in the market or with consumer mindsets, and must quickly embrace a shift to "permission marketing".'¹⁵

Stengel also told the conference that 'All marketing should be permission marketing. When we think of permission-based marketing, most of

we think about opt-in online newsletters. We really need to expand this mentality to all aspects of marketing... For each element of the marketing mix, we should ask ourselves, "Would consumers choose to look at or listen to this," and let that be the benchmark.'¹⁶

Everything changes

As we have seen, some marketers are reluctant to change. Some see nothing wrong with traditional mass communications, and are deaf to the concerns of the consumer. Others see that the old techniques are no longer effective, their messages increasingly drowned out by message overload, but are unsure of what else to do.

For those unwilling to change, change will soon be forced upon them.

Consumers increasingly feel empowered, and as the media draw their attention to the opt-outs available, more and more will take action to avoid the marketing intruders. Those persisting with intrusive marketing techniques will find it harder and harder to contact consumers and generate acceptable returns on their campaigns.

Consumers will continue to exert pressure on governments and organisations to stem the tide of junk and the invasion of their private lives. Legislation and changes in technology will increasingly restrict intrusive marketing activities. The danger for marketers is that if the intrusions don't stop, more and more draconian measures will be implemented, seriously impinging the legitimate activities of marketing professionals.

Those unwilling to change will also face pressure from within their own organisations. CEOs and Boards are increasingly scrutinising marketing expenditure, and want to see good returns on their marketing spend. The failure of traditional techniques will become clear, and new approaches demanded. We believe it is the approaches based on consent that will prove the most effective.

Although some marketers see no need for change, most accept that the profession can't continue as before, and agree that traditional mass advertising techniques are failing. Most would also concede that communications based on consent are a good way forward. The trouble is in finding successful alternative methods and implementing them.

It seems certain that marketing in the new era of consent will be far more uncertain.

As the traditional methods deliver diminishing returns, marketers have an opportunity to be more creative and innovative in how they utilise their resources. We have highlighted a number of new approaches such as Customer Management of Relationships (CMR) and ideaviruses, as well as the more familiar techniques of PR and loyalty schemes, which all offer the permission-based marketer avenues to explore. However, what the profession needs most are clear examples of the effectiveness of marketing based on consent. We will continue to follow developments in this area and keep you informed.

Will marketers change? Yes, they will have to. If they don't change voluntarily, consumers, driving legislation and technology, will make sure the intrusions stop.

Now is the time for marketers to take the bold steps to change their behaviour... before they are forced to.

Further reading

Permission Marketing - Seth Godin

Unleashing the Ideavirus - Seth Godin

The Tipping Point - Malcolm Gladwell

Purple Cow - Seth Godin

Why CRM Doesn't Work - Frederick Newell

Scoring Points: How Tesco is Winning Customer Loyalty - Terry Hunt & Clive Humby

- 1 Monks, H. (2004) De-junk, detox - and reclaim your in-box. Observer, 15th February.
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- 3 Mitchell, A. (2004) A wake-up call for those deaf to the age of consent. Marketing Week, 22nd January, pp.30-31.
- 4 Mazur, L. (2004) Breaking down silos is best way to reduce waste. Marketing, 5th February, pp.16.
- 5 Ritson, M. (2004) Marketing must shed mindless clutter to strengthen message. Marketing, 4th March.
- 6 Barby, C. (2004) If you thought spam e-mail was bad, wait for your phone to ring - and ring and ring. The Times, 31st January.
- 7 Kennedy, D. (2004) This is Weaselboy. If your computer is clogged with spam, he probably did it. The Times, 16th February.
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- 12 Mitchell, A. (2004) A wake-up call for those deaf to the age of consent. Marketing Week, 22nd January, pp.30-31.
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- 15 Neff, J. (2004) P&G marketing chief critiques the advertising industry. AdAge, www.adage.com [Subscription required to access site]
- 16 Neff, J. (2004) P&G marketing chief critiques the advertising industry. AdAge, www.adage.com [Subscription required to access site]

The "You talkin' to me?" agenda paper is part of the CIM's Shape the Agenda programme. We want you to do exactly that - shape the agenda. Please send us your thoughts on the papers and examples of best practice. By sharing best practice we can help the profession develop, so that consumers no longer need to ask: You talkin' to me?