



ADVERTISING SELF-REGULATORY COUNCIL

## Electronic Retailing Self-Regulation Program

### ERSP Review Program: General Activity Report

In 2012, the Electronic Retailing Self-Regulation Program (ERSP) expanded its purview to monitor and review the advertising and telemarketing practices of the coaching and mentoring industry.

As part of this ongoing review, four companies, Achieve Today (formerly Prosper, Inc.), Professional Marketing International ("PMI") (d/b/a Response North, LLC), FortuneBuilders, Inc., and Income Solutions, Inc. voluntarily submitted their advertising and current telemarketing scripts to ERSP for each coaching or mentoring program that they offer. In addition, Participants provided access to call recording systems so that ERSP can randomly select and review a sample of telemarketing calls (i.e., calls whose primary purpose is to sell a coaching or mentoring program) on a daily basis.

In addition, beginning in December 2013, EvTech Media, LLC voluntarily submitted its advertising along with presentations and audio recordings of its live, free real estate seminars.

On June 1, 2014, ERSP further expanded its seminar monitoring program to additionally monitor audio recordings of live, free real estate seminars offered by FortuneBuilders. As is the case with its monitoring of recordings for the existing ERSP Review Program Participants, ERSP monitors the Participant's live seminar recordings for adherence to general advertising principles regarding the truthfulness and accuracy of the representations being made to consumers. ERSP staff also attend randomly selected free live seminar events to evaluate the substantive representations in the context of the presentations.

More specifically, as part of its self-regulatory undertaking, ERSP evaluates the "primary" or "core" claims made in Participants' advertising materials, scripts, and telemarketing recordings, and presentations, i.e., those representations which are deemed by ERSP to be the most significant and fundamental in the communication of material attributes or characteristics of their coaching or mentoring program. The "primary" or "core" claims in a script, telemarketing call, or a live seminar for a coaching or mentoring program include (but are not limited to) claims relating to the objective benefits of the coaching or mentoring program (especially financial benefits) and the qualifications of coaches or mentors or the nature of the assistance.

The Electronic Retailing Self-Regulation Program (ERSP) continues to monitor representations made in the telemarketing sales calls made by ERSP Review Program participants, along with direct response advertising of lead-generation marketers.

#### I. Telemarketing Activity Report

##### Response Marketing Group/Professional Marketing International (PMI)

During the period of February 1, 2014 through June 30, 2014 ERSP reviewed the official company website and telemarketing scripts, and monitored random telemarketing sales calls recorded by PMI.

In July 2014, PMI was acquired by Response North, LLC. ERSP has continued to review marketing and telemarketing scripts and sales calls recorded by Response North, LLC.

### **Achieve Today (formerly Prosper, Inc.)**

During the period of February 1, 2014 through September 1, 2014, ERSP reviewed the official company website and telemarketing scripts, and monitored random telemarketing sales calls recorded by Achieve Today.

### **FortuneBuilders, Inc.**

During the period of February 1, 2014 through September 1, 2014, ERSP reviewed the official company website and telemarketing scripts, and monitored random telemarketing sales calls recorded by FortuneBuilders.

### **Income Solutions, Inc.**

During the period of February 1, 2014 through September 1, 2014, ERSP reviewed the official company website and telemarketing scripts, and monitored random telemarketing sales calls recorded by Income Solutions.

## **II. Live Seminar Activity Report**

### **EvTech Media, LLC.**

During the period of February 1, 2014 through September 1, 2014, ERSP reviewed the official company website and direct marketing materials, along with presentations and audio recordings of live seminar events recorded by EvTech Media.

### **FortuneBuilders, Inc.**

Beginning June 1, 2014, in addition to its submission of telemarketing calls and scripts, FortuneBuilders began providing ERSP with recordings of their live real-estate investment seminars so that ERSP is able to randomly select and review a sample of events (i.e., those whose primary purpose is to sell entry to a real estate investment seminar), along with corresponding presentations and direct marketing materials.

## **III. Case Reports**

As part of its expanded monitoring review of the advertising practices of the lead-generation industry, since the inception of the program, ERSP has closed twenty-three (23) cases regarding the truth and accuracy of core claims communicated in lead-generation advertising. More detail regarding the results of the completed reviews can be found at [www.asrcreviews.org](http://www.asrcreviews.org).

**About Advertising Industry Self-Regulation:** The Advertising Self-Regulatory Council establishes the policies and procedures for advertising industry self-regulation, including the National Advertising Division (NAD), Children's Advertising Review Unit (CARU), National Advertising Review Board (NARB), Electronic Retailing Self-Regulation Program (ERSP) and Online Interest-Based Advertising Accountability Program (Accountability Program.) The self-regulatory system is administered by the Council of Better Business Bureaus.

Self-regulation is good for consumers. The self-regulatory system monitors the marketplace, holds advertisers responsible for their claims and practices and tracks emerging issues and trends. Self-regulation is good for advertisers. Rigorous review serves to encourage consumer trust; the self-

regulatory system offers an expert, cost-efficient, meaningful alternative to litigation and provides a framework for the development of a self-regulatory to emerging issues.

To learn more about supporting advertising industry self-regulation, please visit us at:  
[www.ascreviews.org](http://www.ascreviews.org).