

# Safeguarding Against Marketing Compliance Breaches

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Learn about six technologies that will protect your business from getting fined due to a marketing compliance breach.



# Introduction

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The risk of a marketing compliance breach has become a stark reality for many C-suite executives and is increasingly top of mind as governing bodies tighten up rules around acceptable content and claims made by companies. The FDA and Federal Trade Commission's recent crackdown on social media influencers omitting health warnings about nicotine is a sharp reminder to us all. Your team may produce fantastic marketing and creative content but relying solely on them to enforce compliance fails to account for human error. Especially when there is a revolving door of internal marketing people and agency partners. Ensuring automated technical processes are in place, is vital when safeguarding your marketing department against walking blindly into a compliance disaster.

Ten years ago, when the volume of creative content being produced was smaller, agency partners were fewer and media channels were not so overwhelming, managing the visual basics and compliance requirements for marketing was a much easier task.

As the volume and scale of marketing has evolved, so too have the responsibilities associated with it. This rings especially true for those in regulated industries, where a breach can result in hefty fines, law suits and reputational damage. To ensure creative compliance, all creative content produced needs to meet certain requirements and must not only be checked for false claims but have the appropriate disclaimers included, with sign off from relevant internal stakeholders. Without automated technology, this tends to be a long list of requirements for a busy marketer to remember and an even longer list to implement manually.

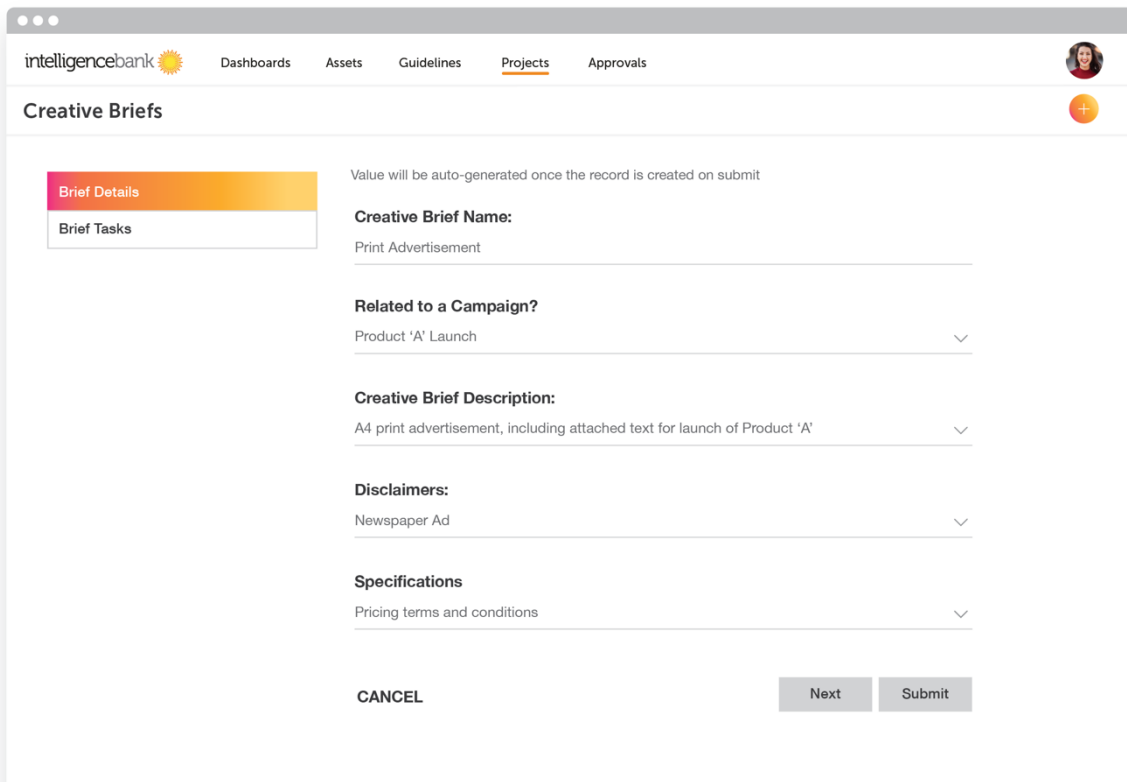
To some degree, every marketer has felt elements of this pain, and we know that compliance works best when it's built into day-to-day operations, as opposed to an afterthought five minutes before the deadline. Afterall, the six words no one wants to hear is 'I have to check with legal'.

With that being said here are six ways that technology can protect your business and make your life easier in the process.

## 1. Start at the beginning

Capturing the correct information at the start of a project or campaign is vital to ensuring great creative output, as well as understanding the compliance requirements and risks that may come along with it. Get your team thinking about marketing compliance sooner than later. It's easier to manage potential conflicts further down the track and ensure that creative content is compliant from the beginning, cutting down on the inevitable back and forth later on.

Briefing systems, though traditionally just a word document with a few questions to help the creative team, have evolved to set the parameters for the entire creative process, including sign off from legal and any other stakeholders. By using IntelligenceBank's online briefing tool, marketers can not only create comprehensive online briefs to inform the creative process, such as unique selling proposition, support points, media mix, budgets and other information, but can also provide smart decision engines so creative compliance can be self-assessed. In other words, before the creative is sent to legal, marketers can automate the checking of disclaimers needed and guidelines to follow themselves. This puts creative compliance in the hands of everyone throughout the process, instead of relying on a small few in the legal team where bottlenecks occur.



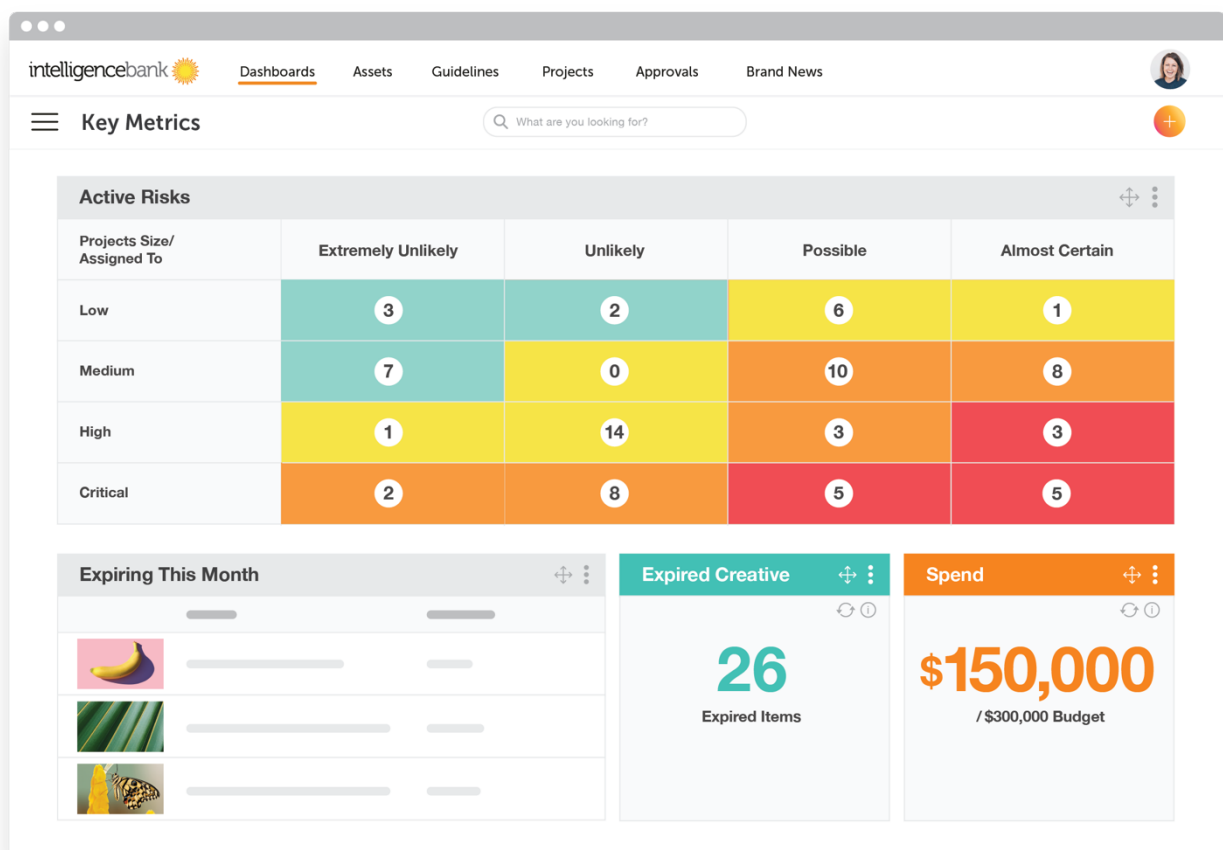
The screenshot shows the 'Creative Briefs' form in the IntelligenceBank application. The form is titled 'Creative Briefs' and has a sidebar with 'Brief Details' (selected) and 'Brief Tasks'. The main form area contains several sections: 'Creative Brief Name' (with a placeholder 'Print Advertisement'), 'Related to a Campaign?' (with a dropdown menu showing 'Product 'A' Launch'), 'Creative Brief Description' (with a dropdown menu showing 'A4 print advertisement, including attached text for launch of Product 'A''), 'Disclaimers' (with a dropdown menu showing 'Newspaper Ad'), and 'Specifications' (with a dropdown menu showing 'Pricing terms and conditions'). At the bottom, there are 'CANCEL', 'Next', and 'Submit' buttons. A note at the top right states: 'Value will be auto-generated once the record is created on submit'.

## 2. How Risky Is This Creative?

How do you know when your content needs an approval – and how high up the chain do you need to go to get it? By integrating key marketing risk questions into the briefing process, they can automatically be answered from the beginning, generating the IntelligenceBank Content Risk Score.

To use the risk score feature, within the creative briefing forms you can set criteria which automates a content risk score, so you can prioritize who needs to see and approve it. For example, if you are marketing a new credit card where price points are being advertised, the marketing collateral would be flagged with a high-risk score, as a small mistake in the T&Cs section could lead to regulatory mayhem. A social media post on the company's fun run on the other hand, would carry a lower risk score.

With content risk scores, you and your team can easily categorize content in development by its risk profile. This allows you to better determine what takes priority, and automatically ascertain which internal stakeholders need to approve the content.

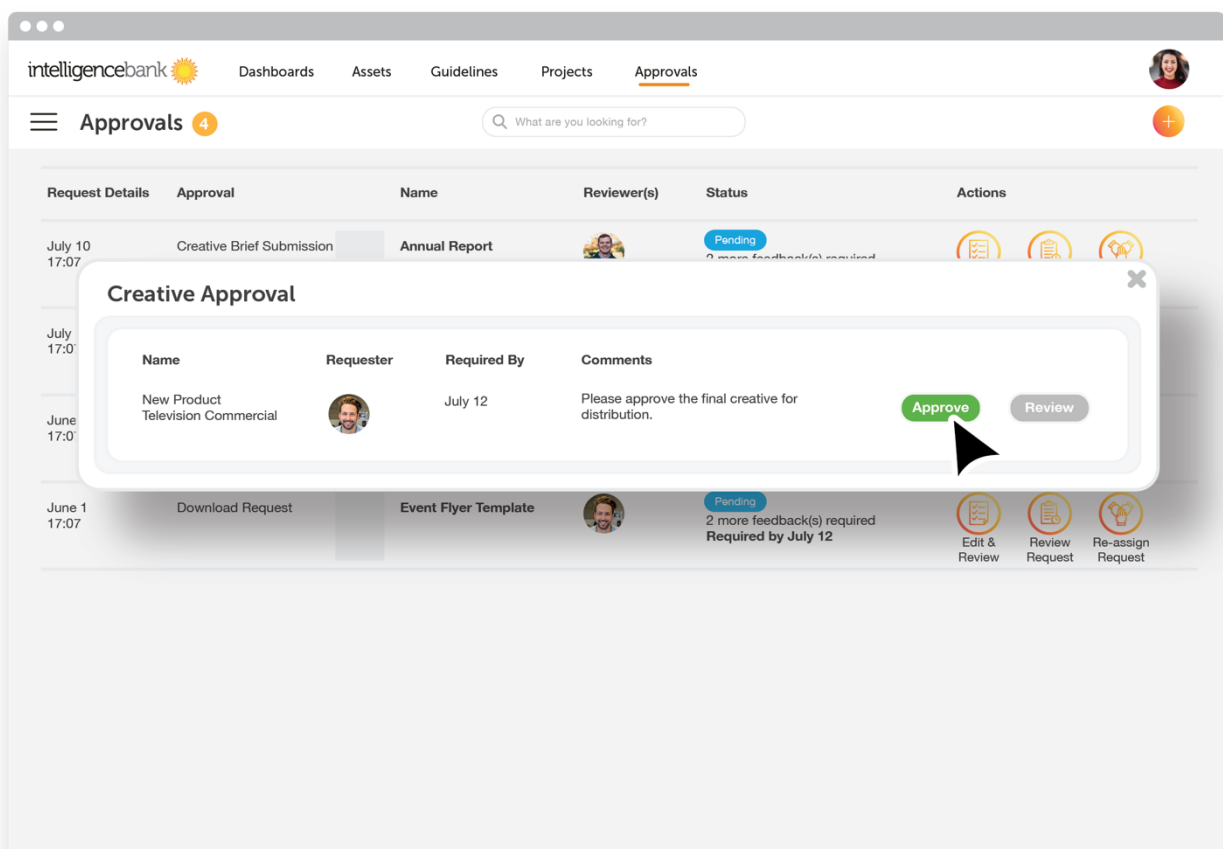


### 3. Conditional Workflow Approvals

The demands and pressures of today's marketing departments mean that creative work is being made faster and in larger volumes than ever before. The number of new media channels, level of personalization and range of content types has propelled marketers (and creatives) into a complex new world, making the approvals process an even more challenging and crucial task.

This is where conditional workflow approvals can help. They enable you to streamline the creative approval process by directing approvals to the appropriate people based on brand, product and even regulatory frameworks. For example, if it's a new product, the media spend is over \$500K and a price point is being advertised, the creative may have a hierarchical approval whereby the creative goes to brand for approval first, then legal and compliance before it is released. For other communications, approvals may be less involved and where the offer is 'less risky' it can simply be noted in the system that they have been self-assessed.

When work is scrutinized or comes under fire from a regulatory authority, creative workflows and approval tracking provide an audit trail and version history that makes it clear who approved what and when.

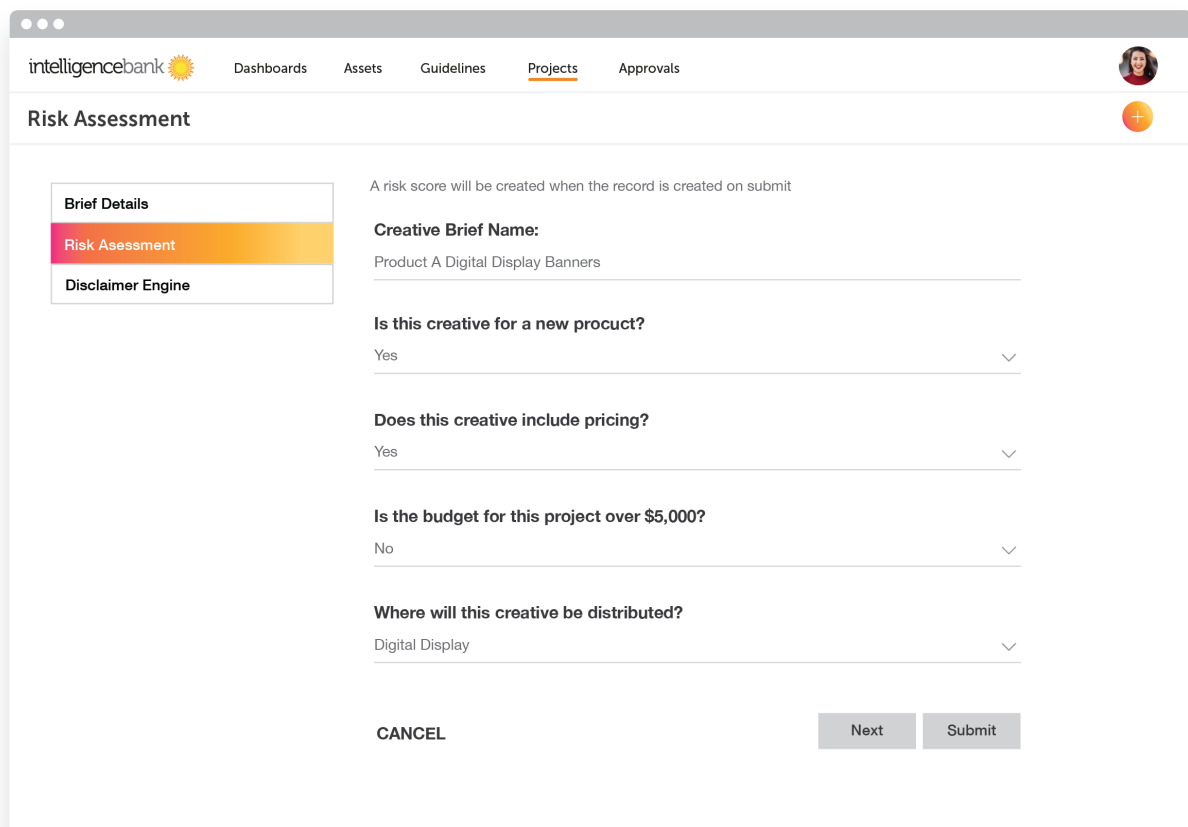


## 4. DIY Marketing Risk Assessment

Legal and compliance consideration can be a time-consuming process which is often only performed at the highest level of risk. Yet, without a process to elevate high priority jobs and filter out lower priority requests, legal often gets lumped with all sorts of requests creating a bottleneck of work.

The simplest way to streamline this process is for marketing to self-assess marketing compliance issues, and to categorize projects according to risk profile, and most importantly making it simple and easy to find out about disclaimer requirements before the project starts. This creates a clearer picture of the marketing risk profile before it gets to the legal team for approval, speeding up the production process.

When completing a brief, savvy marketers also include a risk self-assessment, as well as an automated disclaimer engine. Configured with a brand's risk controls and disclaimers which are all integrated within the brief, it provides the marketing team with smart decisioning that informs the team about what to consider based on the components selected in the brief.



The screenshot shows the 'Risk Assessment' form within the Intelligencebank application. The interface includes a top navigation bar with 'Dashboards', 'Assets', 'Guidelines', 'Projects' (active), and 'Approvals'. A user profile icon is in the top right. The form title 'Risk Assessment' is at the top left, with a '+' icon to its right. On the left side of the form, there is a sidebar with three tabs: 'Brief Details', 'Risk Assessment' (selected), and 'Disclaimer Engine'. The main content area contains a note: 'A risk score will be created when the record is created on submit'. Below this, there are four questions, each with a dropdown menu:

- Creative Brief Name:** Product A Digital Display Banners
- Is this creative for a new product?** Yes
- Does this creative include pricing?** Yes
- Is the budget for this project over \$5,000?** No
- Where will this creative be distributed?** Digital Display

At the bottom of the form, there are three buttons: 'CANCEL', 'Next', and 'Submit'.

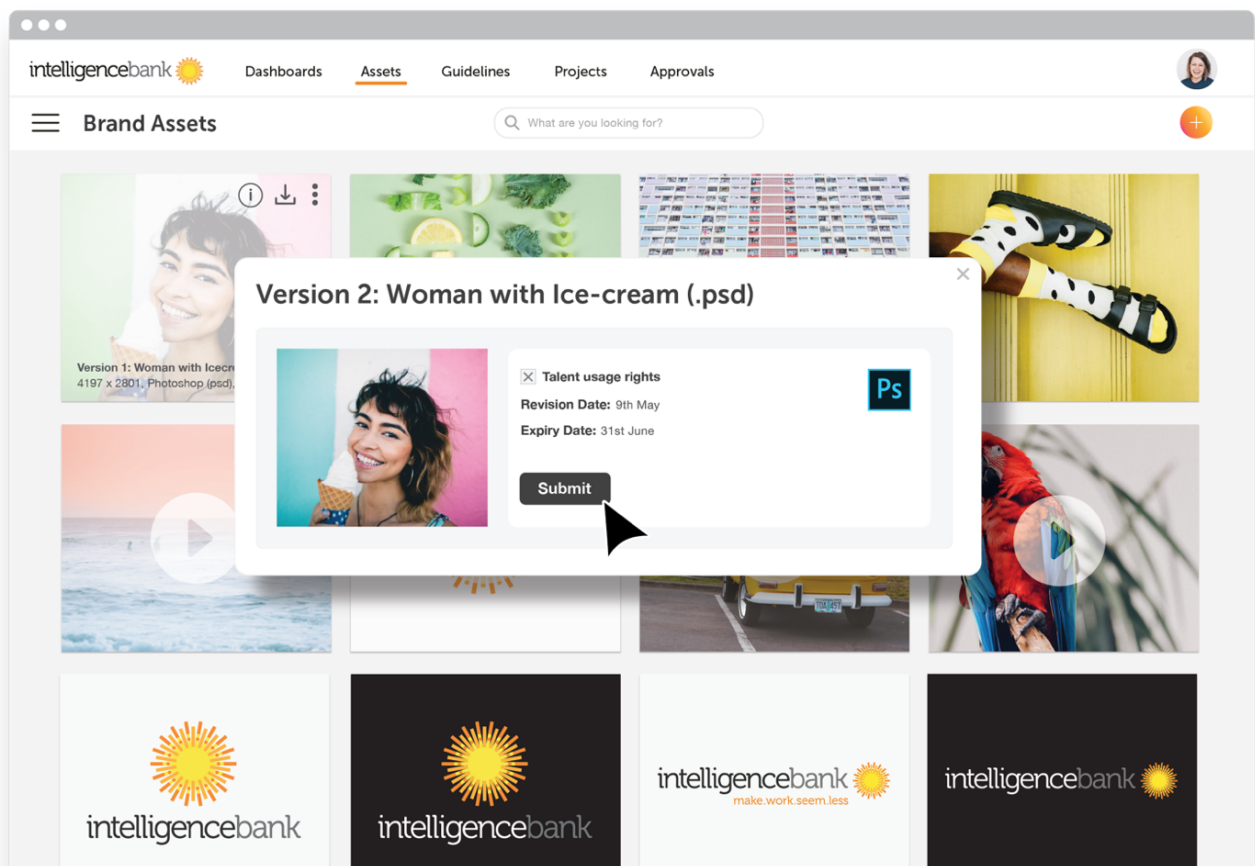


## 5. Single Source of Truth

Several shared drives and cloud services. Multiple agencies. No single source of truth. This is how marketing compliance nightmares begin – when there is a lack of control over brand assets and no one is 100% sure where the latest versions of approved files are saved. In order to avoid this, you need one place where all your approved creative content is accessible, and one of the easiest ways to do this is to have it all centralized in a Digital Asset Management platform (DAM).

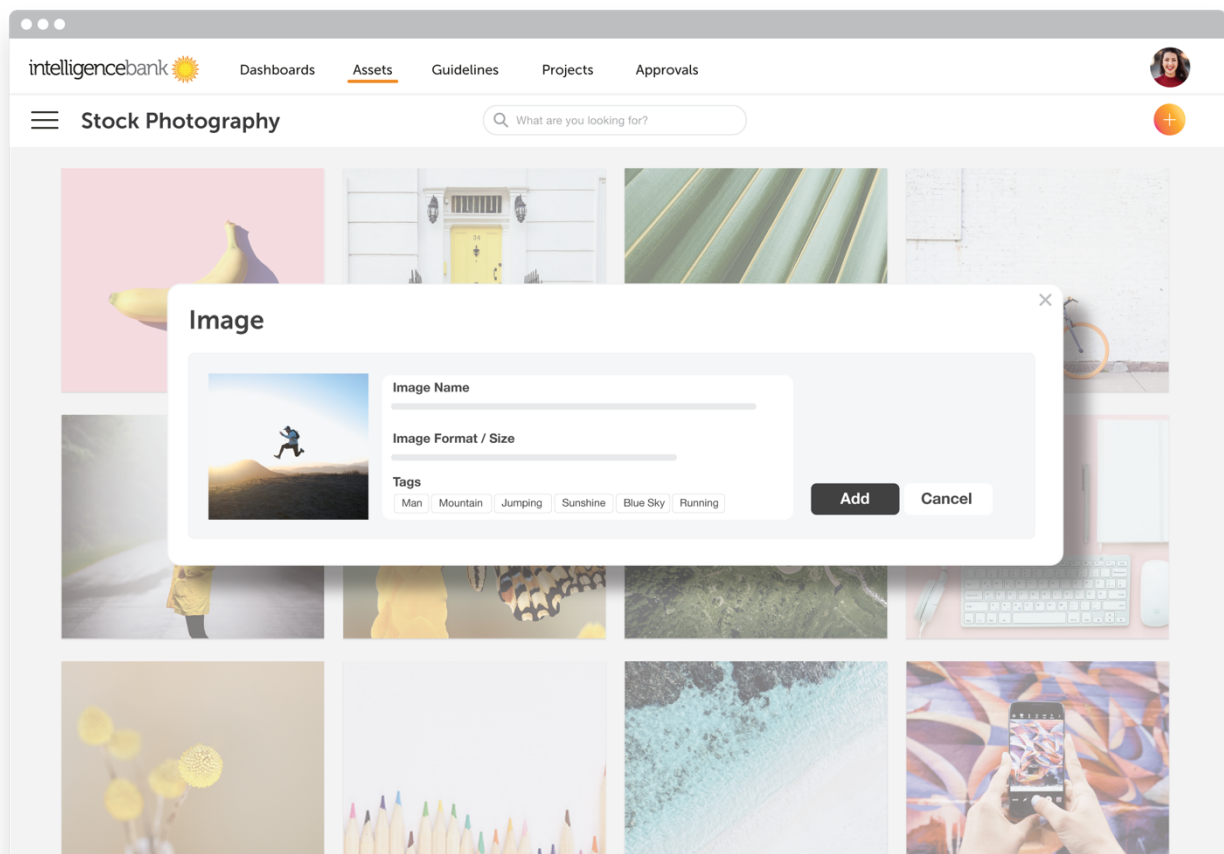
Digital Asset Management systems are critical for creative compliance because they integrate with email marketing, web content management systems and other marketing platforms and unlike shared-drives, granular permissions can be set. Agencies and staff can be restricted to view only the folders and files they are working on, or when downloading sensitive material, a request can be triggered for download approval.

Without a DAM platform in place, you start to experience content control leakage and people start using the wrong, outdated or draft versions of assets – all of which can land a business on the front-page news for the wrong reasons.



## 6. Leverage Artificial Intelligence & Machine Learning

AI, conditional logic with digital forms and machine learning are all being used to speed up the compliance process. More than ever, marketers are expected to get creative work out the door immediately and with the speed that it's being produced, legal and compliance departments are finding themselves overrun by the number of projects they need to review. This is of course in complete conflict with 'agile-first' marketing. By using AI to automate creative tagging, creative reviews can be less manual, but still ensure the quality needed to meet regulations is intact – all without compromising the speed to market.





# About IntelligenceBank

IntelligenceBank is the leading Marketing Operations Software provider, helping content marketers seamlessly manage brand governance, digital assets, creative content approvals and compliance, and creative project management. IntelligenceBank's beautifully designed platform is used by leading brands globally to create great work quickly, that is on brand and legally compliant.

If you would like to know more about how Marketing Operations Software can protect your business against a marketing compliance breach, our friendly experts are just an email or phone call away.

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