

## “Heiress Found in Drug-Induced Coma! Tune in Live at 5 for Details As Authorities Discover Runaway Living with Cult of Deformed Men!”

Promo and headline writers are very creative people. They are so clever, in fact, that you may not recognize the story that you just wrote, produced, or edited for the evening news or the morning edition. They are also just clever enough to provide the source of an increasing number of expensive libel and privacy suits. Just ask Snow White, the Seven Dwarfs, and the Little People’s Antidefamation League, all of whom potentially have claims based on our lead promo.

Don’t look for help from the promo writers themselves. One claimed in a recent deposition that “Promo writing is a lot like making sausage. . . . We fabricate and use creative writing to

make the story attractive to viewers.” Needless to say, lawyers who heard that began singing “Heigh ho, heigh ho, it’s off to work we go!”

To avoid being portrayed as the “Wicked Witch” and paying some exorbitant damages and legal fees to defend the case (not to mention increased insurance retentions and premiums), a person might be wise to adopt a “Promo Protocol.” While this step is no guarantee against suits, before you go to air or print, someone with accountable authority needs to answer the following **Ten Questions to Safer Promotions**. A “yes” answer to any of these questions should alert you to go directly to your lawyer.

- 1** Has the producer/reporter who wrote or shot the story failed to review the promo (including how the audio syncs with the video) to ensure that the promo accurately reflects the story?
- 2** Does the promo make a false/misleading statement about some person or company?
- 3** Was there a failure to verify any facts, including statements made by interested parties?
- 4** Does the video suggest alternate meanings? (Look carefully before you answer this one.)
- 5** Is the promo subject a doctor, teacher, lawyer, or child (filers of a disproportionate number of libel/privacy cases)?
- 6** Is criminal activity alleged or suggested in the promo even though no charges have been filed, or are actual charges simplified (e.g., “third-degree sexual assault” converted to “rape”)?
- 7** If “B-roll” video (e.g., crowd shots) is used, does the audio sync create a misleading impression?
- 8** Is the video or picture “doctored” to fit the story?
- 9** Are video elements that have been edited out of the story used in the promo?
- 10** Has the promo been written before the story based upon raw footage?

---

*Jerald N. Fritz (jfritz@allbrittontv.com) is Senior Vice President for Legal and Strategic Affairs and General Counsel, Allbritton Communications Company, Washington, D.C.*