



# Protect Your Client's Brand

WHY IT'S YOUR FIRST RESPONSIBILITY TO YOUR CLIENT

By Rick Brenner, MAS

**WHETHER YOU ARE SELLING TO A GLOBAL BRAND** like Nike or to your local YMCA, no single asset is more valuable to your client than the client's good name. Sell them a promotional product that enhances their brand and you're likely to have a happy customer for a long time. Sell a product that embarrasses the brand and the cost for everyone involved could be astronomical.

Consider a case involving the Winn-Dixie and Publix grocery chains. In November 2010, investigative reporters from the *Tampa Tribune* purchased about

two dozen reusable grocery bags and sent them to a lab to test whether or not the bags contained lead and other toxic metals. Some of the bags tested high for lead, so the newspaper featured the story in its Sunday edition that week. Instantly the story went viral on the internet and became the top story on news broadcasts nationwide all weekend. The lead discovered in these bags was relatively low—less than 200 parts per million—and product safety lawyers struggled to find any regulation that had been violated, but none of that mattered. The story alone was damage enough.

By Monday morning, Sen. Charles Schumer of New York was on the floor of the U.S. Senate demanding that the FDA ban all reusable grocery bags containing lead. "When our families go to the grocery store looking for safe and healthy foods to feed their kids, the last thing they should have to worry about are toxic bags," Schumer said. Both grocery chains, and eventually several others, announced nationwide recalls. Aside from the millions of dollars in recall costs, damage to the reputation of these brands was enormous. For these grocery chains, all of their efforts to reinforce a "you can trust us" message were undone in one weekend.

The reusable grocery bag story is significant but not unusual. For better or for worse, ever since the millions of Chinese-made Barbie dolls were recalled for lead paint violations in what has become known as the Summer of Recalls—August 2007—the promotional products industry has had to deal with a new reality: the world of product safety, regulatory compliance and responsible sourcing.

So how do you embrace this new reality? Where do you get started, and how do you make it part of your culture?

## RESPONSIBLE SOURCING

The first and most important step is education. Learn the basic product safety regulations and how they apply in our industry. The most comprehensive federal law is the Consumer Product Safety Improvement Act (CPSIA). It was

enacted in August 2008 and imposes strict lead limits for all children's products and additional requirements for toys. Much has been written about how to determine whether the product you're selling is regarded as a children's product. The distinction is not always a bright line, and even experts sometimes disagree. Why does it matter?

In addition to the lead restrictions, children's products require third-party testing, permanent tracking labels and certificates specifying when and where the products were manufactured and tested. For everyone's sake—your client, your company and the industry—I recommend a simple rule of thumb: If the intended audience of a promotion includes children, protect everyone involved. Don't let yourself get sucked into a debate of whether the item is a children's product or a general-use product. For these promotions, play it safe and select products that have been produced and tested to CPSIA children's product standards.

One difficult challenge for the promotional products industry is that many products become children's products only after they are decorated. Most blank water bottles, for example, are considered "general use" and not subject to CPSIA. But if a water bottle is imprinted with a juvenile logo—such as Winnie-the-Pooh or another character that appeals primarily to young children—it is transformed into a children's product and becomes subject to the entire suite of children's product rules. The same applies to string backpacks and a host of other similar products. Some suppliers will note on their websites the "child-friendly" products for which they have third-party testing. Other suppliers have CPSIA test reports for all of their products. Speak to your suppliers to learn each one's protocol for children's products.

Complying with the law is a partnership and requires open communication between distributor and supplier. You should know which of your supplier's blank products are "children's product" compliant just as your supplier should be told when the intended audience for your promotion includes children. To learn if the intended audience includes children, make this a standard question you ask your clients for every order. In addition to obtaining the information you need to comply with the law, it's an opportunity to demonstrate your concern for your client's protection and your knowledge of the law. In communicating this information to your suppliers, make it your standard practice to note it on applicable purchase orders in bold letters: **The products in this order are intended for an audience that includes children 12 years of age or younger and must comply with all provisions of CPSIA.**

Speaking of promotional products suppliers, with product safety and regulatory compliance in mind you should vet each of your suppliers carefully and perhaps through a different lens than you have before. Does the supplier have a compliance department? Is there a senior compliance officer who can explain how the compliance process works at each of the supplier's factories and at its headquarters? Does the supplier have any quality or product safety certifications? Do they have inspection records and third-party audits to back up what they're saying? Is a risk assessment done on their products before each one is added to the line? What third-party tests are conducted and how often? How do you

Get close up on the topic of product safety and compliance by viewing the variety of on-demand product safety webinars available at [www.ppai.org](http://www.ppai.org). Click on Education/E-learning/PPAI On-Demand Webinars and Videos. PPAI's website is also a rich source of product safety documents, articles, guides, links and tools, including TurboTest™. Check it out by clicking on Inside PPAI/Product Safety at [www.ppai.org](http://www.ppai.org).



obtain the current test report for each product? Do the test reports include photographs specific to the supplier's products or are they generic reports for similar products made by the same factory? Does the report include all the required tests to comply with U.S. regulations or is the report referring to European standards? All of these are important questions that you or someone in your organization should know the answers to before doing business with any supplier.

Where can you get this education if you're new to product safety? One great resource is Promotional Products Association International (PPAI). PPAI frequently offers product safety classes and has an extensive library of on-demand product safety webinars. It also publishes numerous best practices documents that can help jump-start your compliance initiative. PPAI even has an online tool called Turbo Test™ that walks you through a series of questions to help you determine the compliance requirements for most promotional products. Testing labs such as UL-STR and Anseco are another resource for product safety and compliance training. Most labs provide webinars on a variety of product safety and compliance topics and provide consulting services on a product-by-product basis as well.

Like any topic you've ever studied, product safety for the promotional industry will take some time to learn. But if you make the investment in time, you can be certain that it will pay handsome dividends for your career. When you learn to ask the questions that make it obvious to your clients you are just as committed to protecting their name as to making a sale—that you are acting as a fiduciary for their brand—you will enjoy a different relationship than before. Instead of being regarded as the promotional products sales rep, you will become a valued and trusted advisor to the client, the highest mark of respect you can earn. 

**Rick Brenner, MAS**, CEO of supplier Prime Resources Corp. (UPIC: PRIME), founding board member of Quality Certification Alliance (QCA), chair of QCA's compliance committee, board member of PPAI and a member of PPAI's Product Responsibility Action Group. The opinions stated here are strictly his own and do not necessarily reflect the views of any of these organizations. Contact Rick at [rbrenner@primeline.com](mailto:rbrenner@primeline.com) or follow his blog at [www.rickbrenner.com](http://www.rickbrenner.com).