

# terms & conditions

**ACCEPTANCE:** All advertising submitted for publication to the Longview News-Journal/The Marshall News Messenger (the Publisher) is subject to the terms and conditions of this rate card, in addition to any individual advertising agreements. These terms, conditions, and rates are cumulative of any specific agreement and may only be waived by the Publisher or its advertising management. Verbal agreements, promises, waivers, understandings, or conditions of any nature not contained in this rate card shall not be binding upon the Publisher. The submission of any advertising material for publication to the Publisher shall constitute an agreement by the person, company, or entity submitting such advertising material to all the terms and conditions set forth in this rate card.

The Publisher reserves the right to reject or revise all material submitted for publication, especially, but not limited to, any advertising considered to be objectionable, fraudulent, dishonest or misleading. The advertising columns of the Longview News-Journal/The Marshall News Messenger and any of its various products are an integral part of the total publication and the Publisher shall exercise complete control over those columns. In the event that any material submitted by an advertiser is published in the columns of the Longview News-Journal/The Marshall News Messenger, the advertiser shall be responsible for all injuries or damages done to any individuals as a result of the publication of such material. It is specifically agreed between the advertiser and the Publisher that the advertiser shall hold the Publisher harmless from any claims, any liability, and any costs, including reasonable attorneys' fees, incurred as the result of the publication of any material submitted by the advertiser.

It is understood that if the municipal, state or federal government passes a sales tax, the Publisher reserves the right to add the amount of said tax to the agreed upon advertising rates.

All mail order advertising, contest advertising, business opportunities and propriety remedies must be submitted for approval.

"Going Out of Business" or "Liquidating" sales and political ads are required to be prepaid upon advertising submission deadline.

The Publisher reserves the right to alter or discontinue distribution of designated products at any time.

**ARTWORK:** All artwork, layouts, or other material created by the Longview News-Journal/The Marshall News Messenger shall belong solely to the Publisher without regard to whether any additional fee is charged. It is specifically agreed between the Publisher and the advertiser that all copyright or similar rights regarding artwork, layout, or similar material shall belong to the Publisher.

**LIMITED LIABILITY:** In the event that the Publisher fails to publish the advertisement or material submitted for publication or if the advertisement or advertising material as published contains errors or omissions, Publisher's liability shall be limited to the amount charged the advertiser in connection with the service of providing advertising space or other service provided by the Publisher.

This limitation on the amount of any liability shall apply even if the failure to publish or any errors or omissions result solely from the fault of the Publisher. In no event shall the Publisher be liable for any

consequential damages, lost profits, lost business, or any damages of any nature other than the return of charges made to the advertiser in connection with the acceptance of the material. Publisher will not be responsible for more than one incorrect insertion of any advertisement and liability shall be limited to that portion of the advertisement affected by the error.

**IMPORTANT:** Publisher's liability is limited in all cases to return of the charges made for the advertising. This limitation on liability is a condition for the acceptance of any advertising by the Publisher. A proof to the advertiser removes all responsibility for errors in price or copy from the newspaper when advertiser or authorized agent approves it.

**MULTI-USE SPACE:** Advertising will not be accepted for publication which is designed and sold as multi-use or "broker" space. No third party may act as an agent in selling or representing the Longview News-Journal/The Marshall News Messenger in any capacity to negotiate rates or terms, and the Publisher has the right to reject any advertising which represents a shared space agreement.

**PAYMENT:** Payment in advance is required on all advertising material submitted for publication unless prior credit and billing arrangements have been approved. Applications for credit are available through your advertising sales representative or our business office. We accept Visa, Discover, Mastercard and American Express.

**POSITIONING:** All advertising purchased is positioned as ROP (run of the paper). The Publisher does not guarantee position, nor is advertising accepted for publication subject to position. Advertising will not be printed parallel with columns, upside down or backwards, or in any other unorthodox manner. Advertising set to resemble news matter must carry the words "Paid Advertisement" prominently within the borders of the ad. All efforts will be made to accommodate position requests; however, requests for specific pages and sections are not guaranteed and will not result in any make-good or refund.

**RATES:** The Publisher reserves the right to revise any and all rates at any time upon thirty days notice in writing. Any advertising agency and advertiser assumes and agree to pay the charges for advertising published at their direction. Publisher may bill either the advertiser or advertising agency. The Publisher will first look toward the agency for payment; however, each advertiser will ultimately be held responsible for payment. Multiple uses of discounts outlined in this rate card for the same ad or schedule of ads is not permitted. Local rates apply only to advertisers who maintain one or more retail stores within the statistical area of the Longview News-Journal/The Marshall News Messenger. Other advertisers will pay the "National" rate.

All local retail, classified, and preprint rates are net rates. No third-party fees or commissions may be deducted from these rates unless prior written approval from the Publisher is obtained.

**NON-PROFIT RATES:** Non-profit organizations who can demonstrate proof of current 501 (c) 3 tax-exempt status may use the current Retail 175" annual contract rate and/or the current Classified annual 200" classified contract rate. These organizations may also sign larger volume annual contracts based on the current rate card. Call your classified representative for non-profit employment rates.