



“Educational Excellence For Fitness Professionals.”

## January Certified Professional Newsletter 2016



### Befriend the SM Trend and Watch Your Business Soar!

by Michelle Matte

#### Stay Ahead of the Herd

Social Media promises to play an increasingly important role in marketing in the coming year. For small business owners and service providers, understanding how to market on social media can mean the difference between success and failure. Marketing strategies have evolved from aggressive in-your-face ads and manipulative sales tactics to a more engaging and customer-centric approach. Social media provides the ideal platform to reach your client base in a way that is agile and responsive to individual needs. However, despite its groundswell of success, only a tiny fraction of businesses understand how to make social media marketing work for them.

#### Give Instant Gratification

Not only are social media platforms like Facebook and Pinterest aware of the rising tide of marketing on their sites, they are developing tools to facilitate it. One thing you will see emerge in the new year is a “Buy” button positioned next to “Like” and “Share.” Now, rather than having to send an email or FB message to contact you, clients will be able to purchase session packages or memberships with a single click, without having to leave the SM site. The challenge is to create brief engaging memes and video clips that provide a lot of information in a nutshell.

#### Get Visual

One of the hottest upcoming SM marketing trends will be real-time video that reaches followers at times of peak usage. Platforms like Periscope and Meerkat allow live streaming that provides in-the-moment glimpses into your world. Broadcast a new exercise mashup or send the world a real-time testimonial from a satisfied client. Give a tutorial on good exercise technique, or keep your audience up to date on the latest fitness trends. The key is to keep it fun, entertaining and brief.

#### Keep It Social

Not everyone who attempts to market on social media will have success. Blatant ads that mimic old-school marketing tactics will be ignored as users scroll on to more engaging posts. Social media is popular because it provides a platform that meets users’ needs for social interaction. Creative posts that speak to the user on an emotional level are more likely to grab the attention of prospective clients. Use the same tools you would in a casual social setting: Tact, focused engagement, warmth and a friendly approach will draw in users who will listen to your message and share it with their friends.

### More Info

#### W.I.T.S. SPECIAL ALUMNI RESOURCES

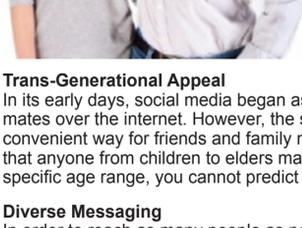
Marketing, whether through social media or other formats, can seem overwhelming. W.I.T.S. offers guidance and solutions through our Fitness Business Institute, with dozens of courses on sales and marketing geared specifically to the fitness industry.

#### References and Credits

Brafton: 4 Social Media Trends You Need to Know Going into 2016  
Forbes: The Top 7 Social Media Marketing Trends That Will Dominate 2016  
Fortune: Virtual Reality Takes Off and 4 Other Social Media Trends in 2016

#### About Michelle Matte

Michelle Matte has enjoyed a lifelong career in the fitness industry, making a profound impact on its evolution. From National Workshop Presenter to Aerobics Championships Judge to Trainer of Trainers, Michelle’s dedication to the growth and professionalism of the industry has helped shape and mold the careers of thousands of qualified trainers and group exercise instructors, worldwide.



### Sharing is Caring: The Faces of Social Media

by Michelle Matte

#### Viewer-Centric Posting

Posting on social media to promote your services is a smart and modern approach to marketing. But when you post, are you thinking only of your message, or are you considering the recipients? Thinking about the types of people who will view, like and share your post should be an important consideration when designing a meme, writing an article or creating a video. By factoring the potential viewer into the creative mix, you will be less likely to offend, and more likely to maximize your social media presence.

#### Trans-Generational Appeal

In its early days, social media began as a fun way for young people to interact with friends and classmates over the internet. However, the social media of today reaches across all generations, providing a convenient way for friends and family members to stay in touch. When you create your posts, consider that anyone from children to elders may see them. Even though your target demographic may fit into a specific age range, you cannot predict who might view and share your posts.

#### Diverse Messaging

In order to reach as many people as possible with your message, be careful to use graphics that appeal to a diverse audience. If all of your images include light-skinned people with blue eyes, you may be unintentionally sending a message that you are only interested in serving people who identify with that genotype. Likewise, using only images of young people may send a message that your services do not extend to older adults.

#### Friends with Benefits

You can reward your social media friends for sharing your marketing posts by offering promotional prize drawings. Set up your account so that when your post is “liked” and shared, the sharer’s name is entered into the contest. Alternatively, direct viewers to your social media page to enter the contest. Be sure to clearly define the beginning and end dates, and have your prize shipped in a timely manner. Then, with the winner’s permission, create a post announcing the contest’s outcome.

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#### Badge Details

##### Certified Personal Trainer

This badge signifies that the recipient has met the requirements of the W.I.T.S. Personal Trainer Certificate. This badge expires on XXXXX.

Comments: Sample Student has completed 30 hours of education and training successfully passed a 100 question written exam, a 5-part Practical Skills exam, completed a 30 hour internship and has a current CPR and AED certification.

Issue Date: 11/18/15

#### Issuer Details

World Instructor Training Schools

### More Info

World Instructor Training Schools  
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#### Badge Details

Youth Fitness Foundations

This badge is awarded to Sample Student, who has met the course completion requirements for the Youth Fitness Foundations course.

Comments: To earn this badge, students must demonstrate proficiency in topics such as childhood nutritional issues, childhood motivational techniques, youth strength training techniques, and youth-specific safety concerns.

Issue Date: 11/18/15

#### Issuer Details

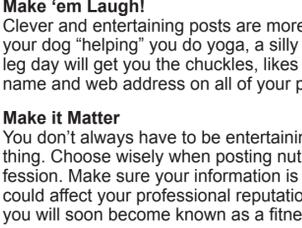
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### Like and Share: Maximizing Your Social Media Presence

by Michelle Matte

#### What’s In a Meme?

Social media can be a great platform to promote your business, but the trick to getting recognition is to post memes, photos and video clips that grab the users’ attention. Wordy memes in small print are less likely to be circulated than single-sentence attention grabbers in a bold and readable font. Short video clips lasting less than two minutes are more likely to be viewed and shared than lengthy clips that require a time commitment.

#### Who Loves You?

Frequency is critical if you want to build a social media following. Posting only one item per week is not enough to gain a fan base. Not all of your memes will reach all of your connections, so post daily, and encourage your followers to visit and like your page. You do have your own business page, of course. Keeping your business posts separate from your personal posts is critical if you want to grow your client base.

#### Make ‘em Laugh!

Clever and entertaining posts are more likely to go viral than something more generic. Funny clips of your dog “helping” you do yoga, a silly vid of your toddler doing Zumba or an amusing meme about leg day will get you the chuckles, likes and shares that promote your business. Be sure to include your name and web address on all of your posts!

#### Make it Matter

You don’t always have to be entertaining to gain a following, but your posts do have to mean something. Choose wisely when posting nutrition advice, exercise tutorials or items that pertain to your profession. Make sure your information is well researched, safe and reliable. Avoid controversial topics that could affect your professional reputation. By consistently posting accurate information that helps others, you will soon become known as a fitness expert!

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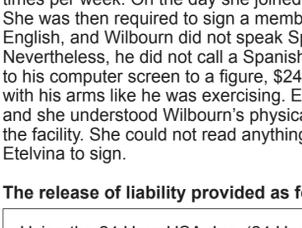
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### Fitness Professionals Take Note: Proper Placement of Exercise Equipment is Important for Client Safety and to Avoid Suit

by David L. Herbert, Attorney at Law, David L. Herbert & Associates, LLC

A June 2015 case from California should remind all fitness professionals to comply with equipment manufacturers’ instructions when assembling, placing and maintaining equipment for client use. In this case, Jimenez, et al. v. 24 Hour Fitness USA, Inc., 237 Cal.App. 4th 546 (2015):

*Plaintiffs [Etelvina and Pedro Jimenez] filed a complaint against 24 Hour stating causes of action for premises liability, general negligence, and loss of consortium. The action arose out of injuries Etelvina sustained on January 16, 2011, while exercising at a 24 Hour facility in Sacramento, California. Etelvina’s expert opined that she fell backwards off of a moving treadmill and sustained severe head injuries when she hit her head on the exposed steel foot of a leg exercise machine that 24 Hour placed approximately three feet ten inches behind the treadmill.*

The plaintiffs also “asserted that 24 Hour was grossly negligent in setting up the treadmill in a manner that violated the manufacturer’s safety instructions.” In response to these claims, 24 Hour filed an answer of general denial and asserted several affirmative defenses, including a liability release executed by the Plaintiff. Based upon the release, 24 Hour moved for summary judgment. The trial court granted judgment and the plaintiffs appealed.

#### On appeal the court noted the following

At the time of her injuries, Etelvina was a member of 24 Hour. She joined 24 Hour approximately two years before the day she sustained her injury, and thereafter, she used the facilities regularly several times per week. On the day she joined, she was directed to the Membership Manager, Justin Wilbourn. She was then required to sign a membership agreement. However, Etelvina could not read or speak English, and Wilbourn did not speak Spanish. Wilbourn knew Etelvina did not read or speak English. Nevertheless, he did not call a Spanish-speaking employee to help him translate. Instead, he pointed to his computer screen to a figure, \$24.99, indicating the membership fee, and made pumping motions with his arms like he was exercising. Etelvina understood the numbers, which are identical in Spanish, and she understood Wilbourn’s physical gestures to mean that if she paid that amount, she could use the facility. She could not read anything else. Wilbourn then pointed to the lines in the agreement for Etelvina to sign.

#### The release of liability provided as follows:

Using the 24 Hour USA, Inc. (24 Hour) facilities involves the risk of injury to you or your guest, whether you or someone else causes it. Specific risks vary from one activity to another and the risks range from minor injuries to major injuries, such as catastrophic injuries including death. **In consideration of your participation in the activities offered by 24 Hour, you understand and voluntarily accept this risk and agree that 24 Hour, its officers, directors, employees, volunteers, agents and independent contractors will not be liable for any injury, including, without limitation, personal, bodily, or mental injury, economic loss or any damage to you, 4 your spouse, guests, unborn child, or relatives resulting from the negligence of 24 Hour or anyone on 24 Hour’s behalf or anyone using the facilities whether related to exercise or not. . . .** By signing below, you acknowledge and agree that you have read the foregoing and know of the nature of the activities at 24 Hour and you agree to all the terms on pages 1 through 4 of this agreement and acknowledge that you have received a copy of it and the membership policies.

While there were a number of issues related to the execution and validity of the release in this case, the case points out the need to install equipment in accordance with manufacturers’ recommendations/instructions as well as industry standards. It also has implications as to the need to assemble and maintain equipment in accordance with these same recommendations and standards. The owner’s manual from the treadmill manufacturer included a section entitled “Treadmill Safety Features.” The section stated:

*“[I]t is important to keep the area around the treadmill open and free from encumbrances such as other equipment. The minimum space requirement needed for user safety and proper maintenance is three feet wide by six feet deep . . . directly behind the running belt.”*

At the time of her injuries, Etelvina was a member of 24 Hour. She joined 24 Hour approximately two years before the day she sustained her injury, and thereafter, she used the facilities regularly several times per week. On the day she joined, she was directed to the Membership Manager, Justin Wilbourn. She was then required to sign a membership agreement. However, Etelvina could not read or speak English, and Wilbourn did not speak Spanish. Wilbourn knew Etelvina did not read or speak English. Nevertheless, he did not call a Spanish-speaking employee to help him translate. Instead, he pointed to his computer screen to a figure, \$24.99, indicating the membership fee, and made pumping motions with his arms like he was exercising. Etelvina understood the numbers, which are identical in Spanish, and she understood Wilbourn’s physical gestures to mean that if she paid that amount, she could use the facility. She could not read anything else. Wilbourn then pointed to the lines in the agreement for Etelvina to sign.

The manufacturer’s assembly guide for the treadmill also included a provision instructing installers to provide a minimum six-foot clearance behind the treadmill for “user safety” and maintenance.

One of the plaintiffs’ experts, an expert in civil engineering and accident reconstruction, investigated the incident and determined in the area where the plaintiff fell, “the distance directly behind the running belt of the treadmills in the closest piece of equipment was 3 feet 10 inches. . . . [This expert] determined that other treadmills in the gym were placed with an even shorter distance between the running belts and other gym equipment, approximately three feet.

This expert concluded that “that 24 Hour’s act of placing other exercise equipment within the six-foot safety zone increased the risk of injury to persons using the treadmills.”

A medical expert determined that the plaintiff fell backward while using the treadmill and struck her head. He noted “that while the gym floor is covered with shock-absorbing material, there was a leg exercise machine with an exposed steel foot that was approximately three feet ten inches behind the treadmill’s moving belt.”

A certified personal trainer also provided an opinion “that it is foreseeable that treadmill- users occasionally trip, stumble, or fall off treadmills. [This expert] . . . declared that “[f]or the safety of the users and in order to minimize injury, it is important that a safety zone behind the treadmill be kept clear of other machines and obstacles so that users falling off or pushed off the rear of the treadmill do not strike such objects.” Accordingly, [the personal trainer] opined that 24 Hour’s act of placing exercise equipment inside the safety zone ‘greatly increased the risk of injury to [Etelvina].”

On consideration of the appeal, the appeals court determined that the evidence created a question of fact which caused it to return the case to the trial court. Moreover, it determined that a jury could find that gross negligence applied in this case:

*In reaching our conclusion, we also reject 24 Hour’s argument, as adopted by the trial court, that “the provision of three to four feet of space as opposed to the recommended six feet cannot, as a matter of law, constitute gross negligence as it does not reflect ‘an extreme departure from the ordinary standard of conduct.’” The misdirected focus on the two to three foot difference between 24 Hour’s spacing and the recommended minimum spacing impliedly suggests that such difference was negligible and not “an extreme departure.” However, when one thinks of the minimum safety zone recommended by the treadmill manufacturer in terms of the height of adult human beings and the high likelihood of a person falling off a treadmill impacting nearby equipment as close as three feet, it seems clear that the reduced zone established by 24 Hour here can hardly be considered a “safety” zone at all. Accordingly, it strikes us that a departure of two to three feet from the recommended minimum six-foot safety zone makes a great difference under these circumstances. Without any expert testimony indicating otherwise and in light of plaintiffs’ expert’s declaration corroborating the manufacturer’s directions and the financial motivation that can be inferred from the evidence, we cannot agree that as a matter of law, the spacing of the machines demonstrates at least scant care and is not an extreme departure from the ordinary standard of conduct.*

On consideration of the appeal, the appeals court determined that the evidence created a question of fact which caused it to return the case to the trial court. Moreover, it determined that a jury could find that gross negligence applied in this case:

The appeals court also noted that a prospectively granted liability waiver like that given in this case “cannot absolve a party from liability for gross negligence” even if the fraud/misrepresentation issue dealing with the execution of the release would ultimately be decided in the defendant’s favor.

As a consequence of all of the foregoing, absent a further appeal and ruling, the case will be returned to the trial court for determination.

#### Fitness professionals should note the following important points from this case:

1. Manufacturer needs to be assembled, installed, placed and maintained in accordance with manufacturer recommendations and industry standards;
2. While substantial weight was put on the manufacturers’ instructions in this case, industry standards also exist as to equipment placement and should be referenced as well;
3. Injuries associated with treadmill use are the most frequent injury occurrence in the fitness industry;
4. Failures to follow manufacturer recommendations and/or industry standards can lead to claims of gross negligence which cannot be prospectively released by a waiver of liability and which can lead to substantial claims for damage

### More Info

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