



During the last negotiations, Sideletter 8 was added to the contract.

What is Sideletter 8 you ask?

Well, it is a limited waiver to the provisions of Section 26.K – Editing: Special Offers & Promotions that allows advertisers to edit a commercial to reference new products, whether branded or not. The waiver covers advertisers who sell consumer products directly to the public, like Albertson’s, Toys R Us, Kohl’s and Walmart but excludes advertisers that predominantly or exclusively sell their own products, like McDonalds and The Apple store. Here are a few key points to remember:

- Performers making the changes shall be paid separate session fees for each change.
- Principal performers not required to render actual services for such additional variations will be paid a session fee for the first variation (*i.e.* the 2nd commercial) and 150% of a scale session for every 4 additional variations. What this means is that the performer would be paid 150% of a scale session fee for the 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> commercials and another payment of 150% of a scale session fee for the 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> commercials.
- The variations are limited to product/item changes advertised within the retailer and shall be considered one commercial for use purposes. For example, this would allow Albertson’s to air a commercial for aged rib-eye steaks during the first week of February, then switch it out two weeks later for a sale on Granny Smith apples. Only one reuse payment would be due for both spots.
- Only one variation may run in the same market at the same time and is subject to a 2-week promotional limitation.
- Performers must be advised of the terms of the waiver at both the time of audition and hire.

If you have any questions about the above contract terms, please contact us at 323.549.6858 in Los Angeles or 212-827-1454 in New York.