Chapter 7

Meta-issues in Public Relations and Advertising

> All of us contain Music & Truth, but most of us can't get it out.
>
> —Mark Twain

In this chapter, we will look at the ethical issues that public relations and advertising have in common. First, we will look at how the Supreme Court views the differences between the two and the way they use their free speech rights. Then, we'll take a close look at the act of persuasion. It is this communication act that binds public relations and advertising most closely and is also the most ethically problematic. The most frequent complaint against any form of communication is that it is trying to persuade unethically, usually through some form of deception. Both public relations and advertising frequently suffer from this charge. But first, we need to see how public relations and advertising differ before we discuss the ethical issues they have in common.

What's the Difference between PR and Advertising?

Although many people don't understand the difference between public relations and advertising, those within the business see a pretty clear distinction. Here are a few of the primary differences.[1]

Paid for or Publicity

- Public relations doesn't usually have to pay for placing messages in the media. Although a good deal of money is spent in PR on such things as "corporate advertising" (basically promoting the image of the company, not its products), the bulk of its messages are publicity. Publicity is basically free coverage provided usually by the media and instigated by such message vehicles as press conferences, press releases, and product publicity (trade magazine articles, etc.). Of course, this turns over control of the message to the media in which it will appear. They may edit it as they wish, run it where and when they wish, or not run it at all. This is called "uncontrolled information," and is both the blessing and the bane of public relations.

What this also means is that public relations practitioners must be acutely aware of how news is produced and what its requirements are.

- Advertising almost always pays for placing its messages. The advantage is that the advertiser has complete control over what the message will say and how, where, and when a message will be placed—because they're paying for that privilege. That's the upside. The downside is that advertising costs of lot of money.

A Different Primary Audience

- Although public relations messages are ultimately targeted to a specific public, they must generally go through the media to reach that audience. Thus, the primary audience for most PR messages is generally the media itself. That's why these messages are crafted in the style of the medium for which they are intended. A press release written for a local paper will mimic hard news style (inverted pyramid). A release for an entertainment industry magazine will be more feature-oriented.
- Advertising is aimed directly at the potential adopter of the product, service, or idea. Although the advertising message is crafted to fit the medium, it is actually designed to appeal directly to the audience that uses that medium. For example, major network news programs attract older viewers, so we tend to see commercials for health aids, insurance, travel, and other interests specific to that target audience.

Repetition

- Most public relations messages have a short life span. Press releases are about something that is happening right now. After that, they become old news. And because their effectiveness depends so often on the news media, old news is basically no news. In addition, there is generally no repetition factor as in advertising. A press release will only be run once in the local paper. That's why PR people try to expand coverage by placing information in as many media as possible. This is called using a "media mix." People who don't read newspapers may get the message from television, or from the radio, or on the internet.
- Advertising is based on repetition. Think of how many times you watch the same ad on TV, or in a magazine. The theory is that the more you see it, the more the message is reinforced. Of course, the advertiser pays for all those repetitions.

Transparency

- Public relations messages are not always as transparent as they could or should be. You never know, for instance, whether that news story about

a local company was produced entirely free of influence by the company or not. It could have been stimulated by a press release, furthered by an interview with the company president set up by the PR person for that company, and fleshed out through a carefully prepared backgrounder on the company produced in-house by the PR staff.

- For the most part, advertising messages are recognized by consumers are being what they are—sales pitches. That allows the consumer to take these messages with a grain of salt, setting up the necessary defenses talked about in the last chapter. This doesn't always sit well with advertisers, who are already complaining that television viewers can now "zap" their commercials out with digital recording devices. The result is an increased reliance on not-so-transparent methods, which we'll discuss later.

Public Relations, Advertising, and the First Amendment

In order to understand how the First Amendment affects the practices of public relations and advertising we first need to understand the differences between protected and non-protected speech and how they apply.

Commercial Speech

A number of federal agencies have at least some control over advertising. The Federal Trade Commission (FTC) deals mostly with untruthful of deceptive advertising, and the Food and Drug Administration (FDA) watches over the advertising of drugs and medical devices. Although the "truth" of advertising is covered more or less adequately by these two bodies (and others at the state and local levels), the nature of commercial speech itself is a vitally important concept. The burning question, for quite a long time, has been whether the type of "speech" engaged in my public relations and advertising should garner the same protection as other speech protected by the First Amendment.

The gradual evolution of speech as a commodity has been lent legitimacy by several Supreme Court decisions, most notably *Virginia Pharmacy Board* v. *Virginia Consumer Council*, in which Justice Harry Blackmun concurred with the majority when he noted that consumers' decisions needed to be "intelligent and well informed," and that the "free flow of commercial information is indispensable" to that process within a free enterprise economy. In so stating, he likened commercial speech (specifically advertising) to other information competing for attention within the marketplace of ideas, and suggested that some consumers might even prefer commercial information over political information—a point made as well by Walter Lippmann (although more critically). Lippmann had noted in *Public Opinion* that the public appetite for the trivial spelled the death knell for any idealized democratic involvement in the political process. In his view, citizens were more concerned with their individual needs than with the

state of the nation. Nonetheless, Blackmun's comment was but one of many along the twisting road toward a doctrine of commercial speech.

Commercial speech was originally an exception to the First Amendment stemming from a Supreme Court decision in 1942 in which the phrase "commercial speech doctrine" was coined. In brief, the doctrine exempted such speech from any First Amendment protection. In the case, the distribution of handbills on the streets of New York City had been banned. The dividing line seems to have been that such information posted or handed out for the purpose of commercial and business advertising didn't deserve the same protection as information "devoted to 'information or a public protest.'"[2]

This exemption of all commercial speech from the First Amendment's protections remained pretty much intact for a number of years, until the 1970s. During that decade, the Supreme Court made several rulings narrowing the definition of commercial speech and granting it greater protection. In an effort to broaden that protection, the Court, in 1980, set out a four-part test for determining whether commercial speech can be restricted:

- First, the commercial speech "at least must concern lawful activity and not be misleading." Otherwise, it can be suppressed.
- Second, if the speech is protected, the interest of the government in regulating and limiting it must be assessed. The state must assert a substantial interest to be achieved by restrictions on commercial speech.
- Third, it must be determined whether the regulation directly advances the governmental interest asserted.
- Fourth, it must also be determined whether an imposed restriction is more extensive than is necessary to serve that interest.[3]

Finally, in 1993, the Court summarized the general principles underlying the protection of commercial speech:

> The commercial market place, like other spheres of our social and cultural life, provides a forum where ideas and information flourish. Some of the ideas and information are vital, some of slight worth. But the general rule is that the speaker and the audience, not the government, assess the value of the information presented. Thus, even a communication that does no more than propose a commercial transaction is entitled to the coverage of the First Amendment.[4]

It is important to note that the Court has also recognized "different degrees of protection" accorded to commercial speech. This applies directly to different categories of commercial speech. For example, the first test means that false, deceptive, or misleading advertisements need not be permitted.[5] This allows the government to require such additions as warnings and disclaimers in order to prevent deception.

Another important product of this series of rulings is that "the court recognized the difference between purely commercial speech such as advertising and noncommercial corporate speech such as that used by public relations practitioners."[6] This means that the standards used to define commercial and non-commercial speech are different, which is especially important when trying to decide whether something is purely advertising or public relations. This allows a corporation, for example, to prepare public relations materials, such as brochures, newsletters, press releases, etc., for distribution to its various target publics without restriction—allowing basic First Amendment protection. At the same time, advertising of that corporation's product or service may be less protected. The determination of exactly what is commercial versus non-commercial, however, is still a bit vague. For example, what is the difference between what is referred to as "corporate advertising" (image advertising that has little or nothing to do directly with product sales) and commercial advertising?

The distinctions have been further blurred in recent years over the findings in the case of *Kasky* v. *Nike, Inc.*, which began in 2000.[7] Nike, whose logo has become a worldwide symbol of athletic shoes and gear, produced a public relations campaign to counter growing criticism that some of its products (notably, shoes) were manufactured in overseas "sweat shops." In answer to these allegations, Nike placed paid-for advertisements in newspapers and sent letters to athletic directors at major universities stating their side of the debate. The company was subsequently sued by a private citizen in California under that state's unfair competition law and false advertising law. Recall that false advertising is exempted from First Amendment protection. In response, Nike claimed that its statements did not constitute commercial speech and were therefore afforded protection.

After both the California superior court and the California Court of Appeals both dismissed the claim, it was taken up by the California Supreme Court. That court developed its own test to determine whether this particular speech act was commercial or not. The three-part test involves the speaker, the intended audience, and the message content. The upshot of this test is that "where there is a commercial speaker, an intended commercial audience, and commercial content in the message, the speech is commercial."[8] The Court held that Nike's speech was commercial because (1) the company is engaged in commerce, thus a commercial speaker; (2) its statements were directed expressly to actual and potential purchasers of its products; and (3) Nike's statements were of a commercial nature because it described its labor policies in factories in which its commercial products were made.[9] The Court, in effect, suggested that Nike's statements, although bordering on non-commercial speech, were not so intertwined with its commercial message as to be inextricable from it. When the U.S. Supreme Court declined to hear the case, the parties settled, leaving the question of what is commercial and what is non-commercial speech unanswered.

The bottom line for public relations seems to be that corporate speech is protected depending on its content. In other words, the right of a corporation

to speak out publicly is limited only by what is being said. As Karla Gower, educator and ethics expert says:

> The Supreme Court has determined that corporations have important con-
> tributions to make in public debates and the content of such speech should
> be protected . . . Commercial speech, which does no more than propose a
> commercial transaction or is solely motivated by the desire for profit, re-
> ceives less First Amendment protection than corporate speech.[10]

There are, however, those who disagree that commercial speech deserves even moderate protection. The First Amendment scholar C. Edwin Baker, in his liberty theory of constitutionally protected speech, points out that although commercial speech (such as advertising) is protected under the marketplace theory, the liberty theory would not offer it like protection. The reason is that the success of commercial speech is determined by economic market forces. It is not a necessary component of self-fulfillment (one of his criteria for protected speech) since its content is likewise determined by success in the market and not by any abiding sense of value felt by the copywriter. Its purpose is to sell a product or idea and not the discovery of truth or even the participation by all members of society in any decision-making role except as that of a consumer, which, contrary to what the Supreme Court has suggested, is not equivalent to the role of citizen. In this, the liberty theory is consistent with its own claim that the marketplace approach is based entirely on an economic model rather than a human value model. A *human value model* would presume that not everything is reducible to the status of a product—some values are intrinsic (have worth of their own) and need not compete for attention or recognition of worth.

The marketing professors Menette Drumwright and Patrick Murphy also point to a confusion among advertising practitioners about how the First Amendment functions in relation to advertising. In a study conducted among working professionals in the field they found that many cite the free speech clause as justification for not self-censoring their product.[11] Drumwright and Murphy call this a kind of naiveté. They suggest that the First Amendment "does not stand for the proposition that all speech is equally worthy and should be uttered or encouraged, or that speakers should not be condemned for the speech that they make." They point out that, under the marketplace theory, falsity is supposed to be exposed as what it is and justifiably condemned. What they discovered through their research is that many in advertising believe, mistakenly, that the free speech clause exonerates them from personal and professional responsibility. They agree with the proposition reiterated throughout this book that all purveyors of information "have a responsibility to make judgments about speech," and that "[t]his becomes even more the case as the Supreme Court lessens the distinction between commercial and noncommercial speech."[12]

Ethics and Persuasion

Nearly 2,500 years ago, Aristotle wrote *The Rhetoric*, outlining techniques for persuasive communication that have been studied and used ever since. For our purposes, however, it is most important to note that Aristotle placed no moral value on the techniques of persuasion themselves. In fact, he pointed out that they could be used for good or ill, depending entirely on the intent of the user. In other words, the character of the person using these persuasive techniques would determine the ethicality of the persuasive act. Aristotle accepted persuasion as a natural product of democracy. It was a tool needed to offer arguments and counterarguments that would be sorted out by the audience, who would then make the final decision. Persuasion depends now, as it always has, on the acceptance of the persuasive idea by the audience and on their ability to make their own choices free of coercive pressure.

One of the primary differences between journalism and advertising and public relations is that we *expect* the last two to be biased in their points of view. Both advertising and public relations use language to persuade, and, as already mentioned, persuasion is not unethical by nature.

Those who believe persuasion is unethical by nature generally also believe in a very strict version of the "marketplace of ideas" theory—that is, if you provide enough unbiased information for people, they will be able to make up their own minds about any issue. Although our political system is based on this theory to some extent, it is also based on the notion of reasoned argument—including persuasion. People who believe fervently enough in a particular point of view aren't going to rely on any marketplace to decide their case. They're going to get out there and argue, persuasively, for their side.

Persuasion and Coercion

The rhetorician and scholar Richard Perloff defines persuasion this way:

> Persuasion is a symbolic process in which communicators try to convince other people to change their attitudes or behavior regarding an issue through the transmission of a message, in an atmosphere of free choice.[13]

From an ethical perspective, the last part of this definition is vital. By "free choice," Perloff means that "a person . . . has the ability to act otherwise—to do other than what the persuader suggests—or to reflect critically on his choices in a situation."[14]

According to the First Amendment scholar C. Edwin Baker, "speech generally depends for its power on the voluntary acceptance of the listeners." Thus, speech would *normally* be considered non-coercive. Baker contrasts this normally benign nature of speech with its counterpart, coercive speech.

> In general, a person coercively influences another if (1) she restricts another person to options that are worse than that other person had moral or legitimate right to expect, or (2) she employs means that she had no right to use for changing the threatened person's options.[15]

How then does persuasion differ from coercion? Persuasion deals with reason, and sometimes emotional appeals, whereas coercion typically employs force. Coercion is a technique for forcing people to act as the coercer wants them to act, and presumably contrary to their preferences. It can employ a threat of some dire consequence if the actor does not do what the coercer demands, but it doesn't have to. In the sense we're talking about it here, coercion refers not to how severe or effective the pressure or influence applied is but to the impropriety of the *form of pressure*. For example, deceptive speech may intentionally leave out vital information needed by listeners in order to make an informed decision. Without complete information, the listeners are limited in their choices and literally forced to decide in a predetermined way, presumably the way the speaker would like them to decide. Seen in this light, coercive speech would force another into a position they would not have been in but for the act of the communicator. Further, Baker suggests that speech may be deemed coercive if a "speaker manifestly disrespects and attempts to undermine the other person's will and the integrity of the other person's mental processes."[16] This is certainly in line with Kant's insistence that we respect others through our actions.

Some believe that persuasion, like lying, is coercive, thus harmful by nature. The feminist theorist Sally Miller Gearhart holds that persuasion is, in fact, "an act of violence." Like a number of other feminist scholars, Gearhart views some communication techniques as reflecting a masculine-oriented approach. Persuasion, in particular, represents a "conquest/conversion mentality."[17] This approach, according to Gearhart, uses persuasive techniques to convince the persuaded that they are better off accepting a particular point of view. The persuaded, under this model, may or may not be willing to change their points of view. She holds that those who are willing will be self-persuaded when presented with the necessary information, and that others should be left to their own beliefs. Gearhart proposes that we develop a "collective" mode, focusing on listening and receiving rather than the "competitive" mode common to the masculine perspective.

Clearly, this runs counter to the assumption of the ancient Greek rhetoricians, who held that persuasion was a necessary concomitant of democracy. And it seems a bit harsh for other feminist theorists as well. Sonja Foss and Cindy Griffin accept persuasion as one among many techniques that can be used ethically given the right context. They point out, however, that persuasion based on a model of "domination" is decidedly not the ethical approach. Rather, they suggest that persuasion be grounded in a belief that the most desirable outcome of the persuasive act is one of equality and autonomy among the parties. Their ideal persuasive model is one in which all sides are invited to view the alterna-

tives and decide for themselves. Under this model, the likelihood of change is as great for one party as the other.[18] This same model shows up in other communication theories, such as those of the public relations scholar James Grunig. Grunig proposes that the ideal model for public relations is one that provides for mutual understanding as its goal. This "two-way symmetric" communication model presupposes that all sides of an issue are amenable to change, and that change will come with an increased understanding of all points of view.[19]

We must realize, however, that the "traditional" approach to persuasion (whether it is a masculine orientation or not) is the approach that is in effect today, much as it has been for several thousand years. Advocates of all sorts (legal, commercial, and editorial) still subscribe to the tenants of persuasion set forth by the likes of Aristotle and Cicero. And, because this traditional approach is in effect, we must be prepared to deal with the potential for unethical use of both the intent and the techniques of persuasion.

In summary, then, *the ideal persuasive act is one in which both the ends sought and the means employed by the persuader are ethical, and those being persuaded are allowed the opportunity to reflect critically on the available options and to make an informed and free choice.*

The Ethics of Means and Ends in Persuasion

In assessing the ethicality of persuasive activities, we need to look both at the means of persuasion (the techniques used) and at the ends (the results sought). The public relations scholars Benton Danner and Spiro Kiousis provide us with a "taxonomy of means and ends" that charts the possibilities in four categories.[20]

1 *You can engage in ethically justifiable persuasive acts in an ethical manner* (good ends, good means). This type of act occurs in two manifestations:

   • A *morally permissible act*: One in which the moral agent is neither required by ethics to perform the act nor prohibited ethically from performing the act; that is, to perform the action is moral and to not perform it is also moral.

     An example of a morally permissible act in the realm of public relations might involve a public health campaign designed to persuade a public of the benefits of appropriate cardiovascular exercise. Although this is a good act, there is no obligation to perform it—what Kant would call an "imperfect duty."

   • A *morally obligatory act*: An act that the agent has a moral obligation to perform. To not perform the act would be unethical.

     For example: Suppose you are the vice president of public relations in a corporation that manufactures children's clothing. You have discovered information that conclusively shows that the children's

pajamas manufactured by your company are highly flammable. As the public relations chief for your company, not only would you have a moral obligation to attempt to persuade management to reveal this information (so that the danger can be publicized and appropriate recalls initiated), but if you fail in the attempt to persuade superiors to reveal the defect, you would have a moral obligation to reveal the defect yourself (often referred to as "whistle blowing."

2   *You can engage in persuasion that is ethically unjustified, but do so in an ethically proper manner* (bad ends, good means). Although you could argue that the means justify the ends, you would be on shaky moral ground.

  •   For example, you could use ethical means of persuasion to attempt to convince others of the benefits of selling or using methamphetamines or crack cocaine.
  •   You could promote racism by using completely acceptable persuasive tactics—say a speech in which all the rhetorical techniques are ethically sound.

3   *You could engage in unethical tactics of persuasion in a persuasive act that is itself morally justified* (bad means, good ends). Because you are using morally suspect means to achieve a good end, you might be able to argue for the ethicality of the entire act; however, the questionable tactics would taint your achievement.

  •   For example, you might engage in lies in order to solicit donations for a charity that legitimately helps the homeless. Kant would not see this as a permissible act since the ends, in his view, never justify the means. To tell the truth, regardless of the outcome would be a perfect duty.
      However, Danner and Kiousis suggest another set of cases under this category that may be morally permissible. These are instances in which the ends pursued are extremely significant—for example, the lives of a large number of people are at stake. For instance, would you lie to save the lives of a great many human beings? Kant would have said no, but our basic humanness would probably disagree with him on this one.

4   *Neither the persuasive act itself nor the means employed in persuasion are morally permissible* (bad means, bad ends). Acts in this category will always be morally prohibited.

  •   For example, you could be employed by a tobacco company and engage in deceptive persuasive acts designed to entice children to start smoking.

To summarize:

- When the means and ends of a persuasive act are each morally sound, the overall act will be ethical. The act may be either *ethically permissible* (that is, ethics permits one to perform the act) or *ethically obligatory* (that is, ethics requires that one perform the act).
- When the persuasive means are unethical but the ends sought are ethically justified, the ethicality of the act as a whole isn't as clear. The justification for using unethical means would have to be a strong one.
- When the means are ethical and the ends are not justified, an argument can be logically made in defense of the act, but bad ends are rarely justifiable.
- When both the means and the ends of persuasion are ethically unjustifiable, then the persuasive act itself is unethical (that is, it would be unethical to perform the act).

Guidelines for Ethical Persuasion

The ethical determinants of most of advertising and public relations messages are, thus, those of responsible rhetorical techniques. A number of scholars in the field of rhetoric and persuasion have provided excellent guidelines for determining the morality of both the act of persuasion and the content of persuasive messages. Following is one such checklist for the measurement of the persuasive act itself.[21]

- Is the communication act or technique right in general and/or right in this specific situation?
- To what extent is the argument valid?
- Are the best interests of the audience considered?
- Does society hold the communication act or technique to be right in general and/or in this situation?
- Does the communication act or technique appeal to values the society holds to be morally good or bad?
- Are the "real motives" behind the act or technique admirable or at least legitimate?
- What would be the social consequences of the act or technique if it were to become widely practiced by others?

Obviously, these questions reference a number of ethical theories including utilitarianism and Kant's Categorical Imperative. Consequently, they serve to provide the persuader with a checklist for motives when developing, as every public relations and advertising professional must, a proper marketing mix for the dissemination of a persuasive message. This checklist, or another like it, can be applied both to the act itself and to the communication technique. One of the admonitions contained in the PRSA Code of Professional Standards, for

instance, forbids the corruption of media channels. This checklist also speaks to that problem.

The message itself also has the potential for corruption. Obviously, moral intent and ethical technique do not necessarily guarantee subsequently ethical communication. For this purpose, these eight guidelines for evaluating the degree of ethicality in argumentation and persuasion might be useful.[22]

- A message should be *accurate*. It should stay both within the facts and within relevant context, and neither exaggerate nor make false claims.
- It should be *complete*. Although advocacy implies bias, it is necessary that all arguments be at least recognized. This also refers to the proper attribution of sources.
- Material should always be *relevant*. Superfluous information only serves to cloud the message.
- *Openness* implies that alternatives be recognized even if the intent of the message is to promote only one of them.
- The message should be made *understandable* through the minimization of ambiguity, avoidance of oversimplification, and distortion of accuracy.
- Sound *reasoning* should be in evidence, containing only appropriate appeals to values, emotions, needs, and motives.
- *Social utility* should be promoted.
- Communicators should demonstrate *benevolence* through sincerity, tact, and respect for dignity.

Propaganda versus Persuasion

What is Propaganda?

The term *propaganda* has a long and checkered history. Beginning with the Catholic Church, several hundred years ago, the term originally meant to spread the faith. More contemporary definitions indicate how far that original concept has fallen. Ted Smith, editor of *Propaganda: A Pluralistic Perspective*, calls propaganda:

> Any conscious and open attempt to influence the beliefs of an individual or group, guided by a predetermined end and characterized by the systematic use of irrational and often unethical techniques of persuasion.[23]

The atheism proponent and secular humanist Austin Cline defines propaganda as:

> any organized effort to persuade large numbers of people about the truth of an idea, the value of a product, or the appropriateness of an attitude. Propaganda isn't a form of communication which simply seeks to inform;

instead, it is both directional (because it often seeks to get people to act in some fashion) and emotional (because it seeks to condition certain emotional reactions to specific situations).[24]

Cline also points out the basic difference between arguments (in the sense in which rhetoricians use the term) and propaganda. According to Cline, the key difference is that:

> while an argument is designed to establish the **truth** of a proposition, propaganda is designed to spread the **adoption** of an idea, regardless of its truth and always in a one-sided manner. [emphasis in original][25]

Although there doesn't seem to be much connection between what public relations says it does and propaganda, the very nature of persuasion can easily lend itself to less than ethical practices. And most of public relations is still about persuasion.

So, does the act of persuasion through the mass media naturally equate with propaganda? Part of the answer has to do with our own ability, and willingness, to investigate the complexities of issues rather than just accept the simple explanation frequently offered by propaganda. A couple of important psychological theories come into play here, both of which have ethical ramifications.

Theory of Cognitive Dissonance

Dissonance theory, formulated in the 1950s, says that people tend to seek only messages that are "consonant" with their attitudes; they do not seek out "dissonant" messages. In other words, people don't go looking for messages they don't agree with already (who needs more conflict in their lives, right?). This theory also says that about the only way you are going to get anybody to listen to something they don't agree with is to juxtapose their attitude with a "dissonant" attitude—an attitude that is logically inconsistent with the first. What this means (theoretically) is that if you confront people with a concept that radically shakes up their belief structure, you might get them to pay attention. For example, this is the technique employed by some anti-abortion activists when they force us to look at graphic images of aborted fetuses. Although the experience may be truly uncomfortable, it does remind even the most ardent pro-abortion of those among us of the costs of the procedure. The attempt is to shock unbelievers into questioning their loyalties.

Later research revealed that people use a fairly sophisticated psychological defense mechanism to filter out unwanted information. This mechanism consists of four "rings of defense":

- *Selective exposure:* People tend to seek out only that information which agrees with their existing attitudes or beliefs. This accounts for our not subscribing to the *New Republic* if we are staunchly liberal Democrats.
- *Selective attention:* People tune out communication that goes against their attitudes or beliefs, or they pay attention only to parts that reinforce their positions, forgetting the dissonant parts. This is why two people with differing points of view can come to different conclusions about the same message. Each of them is tuning out the parts with which they disagree.
- *Selective perception:* People seek to interpret information so that it agrees with their attitudes and beliefs. This accounts for a lot of misinterpretation of messages. Some people don't block out dissonant information; they simply reinterpret it so that it matches their preconceptions. For example, whereas one person may view rising interest rates as an obstacle to her personal economic situation, another may view the same rise as an asset. The first person may be trying to buy a new home; the second may be a financial investor. Both are interpreting the same issue based on their differing viewpoints.
- *Selective retention:* People tend to let psychological factors influence their recall of information. In other words, we forget the unpleasant or block out the unwanted. This also means that people tend to be more receptive to messages presented in pleasant environments—a lesson anyone who has ever put on a news conference understands.

The Elaboration Likelihood Model

Some people seem easy to persuade and tend to believe almost anything, whereas others seem resistant to persuasion, have their own opinions, and often argue with those trying to persuade them. The fact is that audiences, or publics, exist in multiple forms and use multiple methods of reasoning out decisions, two of which have caught the attention of researchers over the past 30 years or so.

In 1980, Richard E. Petty and John T. Cacioppo developed what they called the *Elaboration Likelihood Model of Persuasion* in which they sought to explain these differences. They suggested that persuasive messages were transmitted and received through two different routes: the *central route* and the *peripheral route*. The central route is used by those people who think about messages extensively before becoming persuaded. In other words, they "elaborate" on a message and will be persuaded only if the message is cognitively convincing. The peripheral route is used by those who are unable or unwilling to spend time thinking about a message. Instead, recipients using peripheral processing rely on a variety of *cues* to make quick decisions, most of which don't bear directly on the subject matter of the message. For example, when President George W. Bush made his famous "Mission Accomplished" speech on board a naval aircraft carrier wearing a military pilot's flight suit, he was using several cues (the uniform and setting, among others) to reinforce his persuasive message.

Petty and Cacioppo stress that the central route and the peripheral route are poles on a cognitive processing continuum that shows the degree of mental effort a person exerts when evaluating a message. They are not mutually exclusive approaches. The more listeners work to evaluate a message, the less they will be influenced by cues not relevant to the message itself. The greater the effect of cues not relevant to the message, the less impact the message carries.

For central processing receivers, the cognitive strength of the argument being presented is extremely important. For these receivers, thoughtful consideration of strong arguments will produce the most positive shifts in attitude. In addition, the change will tend to be persistent over time, resist counterpersuasion, and predict future behavior. However, thoughtful consideration of weak arguments can lead to negative boomerang effects (the weak arguments are shown to be exactly what they are and the idea loses the respect and attention of the receiver).

According to Petty and Cacioppo, however, most messages are processed through the peripheral route, bringing attitude changes without actually thinking about the issue. Peripheral route change can be either positive or negative, but it won't have the impact of message elaboration and the change can be short-lived.

What does all this mean? For those in the business of persuasion, it means the job isn't as easy as it seems. And it means that the temptation to come up with newer, more inventive types of persuasive communication is compelling. That can also mean taking ethical shortcuts in order to achieve the kind of persuasion necessary to sell an idea. See the case study and discussion in the next chapter concerning the Edelman/Wal-Mart scandal for an example of how ever-newer persuasive strategies carry with them some dangerous moral pitfalls.

Propaganda Again

The media ethicist Jay Black suggests several insights based on a lengthy investigation into the concept of propaganda, which can be applied to the producers of propaganda, the contents of propaganda, and the consumers of propaganda. These relate closely to the theories just discussed, and show how important the role of the receiver is in the process of persuasion. On one hand, the person who is easily persuaded by propaganda:

> is probably seeking psychological closure whether rational or not; appears to be driven by irrational inner forces; has an extreme reliance on authority figures; reflects a narrow time perspective; and displays little sense of discrimination among fact/inference/value judgment.[26]

In other words, he is seeking information that he already agrees with, and is probably using the peripheral route to gather it. On the other hand, the person who is not easily persuaded by propaganda:

faces a constant struggle to remain open-minded by evaluating information on its own merits; is governed by self-actualizing forces rather than irrational inner forces; discriminates between and among messages and sources and has tentative reliance on authority figures; recognizes and deals with contradictions, incomplete pictures of reality, and the interrelation of past, present, and future; and moves comfortably and rationally among levels of abstraction (fact, inference, and value judgment).[27]

These traits are what Petty and Cacioppo have suggested as a defense against "peripheral cues," distracting and often unrelated information designed to persuade, often unethically. For example, picking a spokesperson solely on the basis of appearance is ethically questionable, but it may work on those using the peripheral route. For those central processors, it would be easily recognized as a cheap trick.

Black also suggests that propaganda contains characteristics generally associated with dogmatism or closed-mindedness. Conversely, ethical (and, as Black calls it, "creative") communication will expect, even encourage, its audience to investigate the validity and credibility of both the message and the source. Further, propaganda is characterized by at least the following six specific characteristics which make it more easily recognizable:

1 a heavy or undue reliance on authority figures and spokespersons, rather than empirical validation, to establish its truths, conclusions, or impressions;
2 the utilization of unverified and perhaps unverifiable abstract nouns, adjectives, adverbs, and physical representations rather than empirical validation to establish its truths, conclusions, or impressions;
3 a finalistic or fixed view of people, institutions, and situations divided into broad, all-inclusive categories of in-groups (friends) and out-groups (enemies), beliefs and disbeliefs, and situations to be accepted or rejected *in toto*;
4 a reduction of situations into simplistic and readily identifiable cause and effect relations, ignoring multiple causality of events;
5 a time perspective characterized by an overemphasis or underemphasis on the past, present, or future as disconnected periods rather than a demonstrated consciousness of time flow;
6 a greater emphasis on conflict than on cooperation among people, institutions, and situations.[28]

And finally, Black concludes with this sage advice:

A fully functioning democratic society needs pluralism in its persuasion and information, and not the narrow-minded, self-serving propaganda some communicators inject—wittingly or unwittingly—into their communications and which, it seems, far too many media audience members unconsciously

and uncritically consume. Open-mindedness and mass communications efforts need not be mutually exclusive.[29]

What Does It All Mean?

Public relations and advertising are not the same thing; however, they do share similar ethical concerns because of the nature of the communication act they share. The act of persuasion, common to both practices, is fraught with ethical complications. Whenever we seek to persuade, the potential to manipulate is a very real temptation. And, as we have learned, manipulation is coercive in that it puts the target of the persuasion in a position that limits his freedom of choice. This can be accomplished through outright lying or, more often, through withholding information vital to a complete understanding of an issue.

Although bias is usually assumed in persuasive acts, that does not mean that information will necessarily be restricted or choices limited. The ethical persuader is transparent at every level: who they are, who they represent, what they are "selling," and why. Incompleteness in any of these areas has the potential to turn persuasion into propaganda. Respect for those who are the targets of persuasion is paramount if either public relations or advertising is to be considered ethical. As we will see in the next two chapters, there are a number of obstacles to ethical action, and more than a few temptations to do that which is other than completely ethical. It is often in the grey areas that unethical action is rationalized. We will need to work all the harder if we are to shine the light of morality into those corners.

Chapter 8

Ethics and Public Relations

Honesty is often the best policy, but sometimes the appearance of it is worth six of it.

—Mark Twain

What is Public Relations?

That's not a easy question to answer. If you were to think that public relations is about putting a client's best foot forward, you'd be right. If you proposed that public relations is about dealing with the media (keeping your client's name either in the media or out of it), you'd be right as well. If you believed that public relations is helping clients and organizations get along with their constituencies, you'd be right again. In fact, public relations can involve all of these and more. Public relations involves everything from planning complex communications campaigns to writing a letter to the editor. It involves any activity that enhances the reputation of your client, mediates disputes between various publics and your client, helps to achieve mutual understanding among all parties involved in an issue, advocates on behalf of a client or cause, provides guidance and direction, and results in positive and mutual well-being.

In fact, modern public relations is an eclectic package encompassing a great many job descriptions, titles, and functions. The federal government even forbids the use of the term "public relations" to refer to roles whose functions in the business world would be identical. The practice is rife with terms synonymous with, yet subtly different from, "public relations." "Press agentry," for instance, is usually taken to mean the role of providing media exposure, whereas "promotion" combines media exposure with persuasion. "Public affairs" most often refers to those who deal with community or government relations; and the federal government's chosen replacement term is "public information."

Whatever definition you choose to describe public relations, it is always about communication and, as we have seen, there are a great many ethical considerations involved in the communicative act. Many would say that public relations is a breeding ground for unethical behavior; however, that would be a gross generalization at best and literally misleading at worst.

What's Good about Public Relations?

Nearly 20 years ago, Apple computers ran a campaign for the, then new, Macintosh computer. Its slogan was, "For every voice, a means to be heard." For many in public relations, this is the goal of the practice. Despite the fact that most people when they hear the phrase "public relations" think of corporate cover-ups and government spin, a great many others know that public relations, like persuasion in general, is only a tool. It's the purpose you put it to that dictates its morality. For example, the goal of socially responsible public relations is to better society by, among other things, allowing disparate voices the opportunity to join in the conversation. Certainly, this is true in a literal sense, because most of what we call "social service" organizations (the Red Cross, Greenpeace, Doctors Without Borders, etc.) have public relations functions that project their voices globally, and pitch their messages of a world motivated by compassion. From 1996 to 2006, the number of charitable non-profit organizations (NPOs) in the United States alone grew 69 percent, to nearly 100,000. And they all use public relations in some form to get out their messages. For instance, a 2004 study showed that the 100 largest NPOs in the U.S. were effectively using the internet to "present traditional public relations materials and connect with publics."[1]

A good international example is non-governmental organizations (NGOs). These are typically, but not exclusively, organizations created privately, frequently volunteer-based, that often deal with humanitarian issues in developing countries. The World Bank categorizes them into "operational" (those that work in delivering services, such as medical aid or food, or develop service programs on-site) and "advocacy" (those that promote a cause through typical public relations tactics). Most NGOs, especially those engaged in advocacy, couldn't survive without public relations. They must maintain an ongoing and positive relationship with their various publics in order to be successful. Depending on the focus of the NGO, typical public relations goals might be fundraising, political awareness and influence, recognition of social causes, etc. Among the numerous examples of NGOs are Amnesty International and the International Committee of the Red Cross.

In addition, it would be fair to say that the ideal of public relations, whether for profit-making or non-profit organizations, is to build relationships among constituents that will help the organization fulfill its goals—goals hopefully designed to benefit not just the organization, but also the various publics it serves. After all, organizations exist to provide either a product or service, which implies that is something the public needs or wants. Good public relations should make delivery of those products and services run more smoothly by keeping the overall image of the organization in good shape. Ideally, successful, ethical public relations will help both the organization and its publics achieve their mutual goals. In order to accomplish this, the ethical imperative of public relations has to be congruency between reality and image. In other words, what public relations says about a client or organization must match what is really going on.

One way to look at the paradigm of image versus reality is to view the three elements that make up successful and ethical public relations as regards image construction and maintenance. First is the reality itself—what the client or organization actually is, its product or services, its environmental practices, relationship with employees, the community, etc. Second is what it says about those things through its public relations. Third is what receivers of the message believe the client or organization to be. So, there are several possibilities:

- If the reality of the client or organization matches (is congruent with) the message it produces by its communication about itself, and the receivers of the message believe it, that would represent *ethical* and *successful* public relations.
- If the reality of the client or organization matches (is congruent with) the message it produces by its communication about itself, and the receivers of the message *do not* believe it, that would represent *ethical* public relations—but not necessarily *successful* public relations.
- If the reality of the client or organization is intentionally *not represented accurately* by its communication about itself, then the public relations is *unethical*, whether the receivers of the message believe it or not. This is the worst case as far as public relations ethics goes. And the worst part of the case is that, if the receivers *believe* the inaccurate information to be accurate, there are those clients, and their public relations representatives, who will still think they did a "good job."

So, What's the Problem?

Two primary concerns come up when people complain about public relations: It has too much influence on the news media, and it's just plain deceptive by nature (the final possibility in the paradigm of reality versus image above). On the first count, public relations does influence news—sometimes in positive ways, and sometimes in purely self-serving ways. Estimates have varied over the years of how much of what we see and hear on the news is prompted by public relations; whatever the number, it's probably a big one. We shouldn't assume that the "influence" is all bad, however. Business editors, for example, have to fill their pages some way, as do financial publications, and the myriad "trade publications" that serve everyone from golf aficionados to computer geeks (think *Golf Digest* or *Macworld* here). Companies such as PR Newswire and Business Wire make a living delivering public relations driven information to thousands of news outlets around the world every day. Their clients foot the bill—the media get the service for free. In one hand, public relations information such as this can be one of many sources journalists use for background into stories they are researching. On the other hand, the pure information overload can be distracting, and tempting. Although most journalists and editors assiduously edit infor-

mation originating from public relations practitioners, the need to fill time and space is a very real one.

Recent research by the journalism and advertising professors Jim Upshaw and David Koranda suggest that non-editorial content is beginning to seep into television newscasts. They found that 90 percent of the 294 newscasts analyzed had at least one instance per newscast of what they called "stealth advertising." Overall, they found 750 instances of "commercial influences," about 2.5 per newscast averaging 1 minute 42 seconds long.[2] What they were looking for was advertising; however, what they found was much closer to what is being discussed here. Their examples were composed, to a great extent, of what this book classifies as public relations. This is not an uncommon phenomenon among academics and others unfamiliar with the distinctions between PR and advertising. In fact, it might be said that much of what is transpiring in advertising today, especially on the internet, is actually public relations. That's the claim from the marketing consultants Al Ries and Laura Ries, whose book *The Fall of Advertising and the Rise of PR* is based on the premise that public relations has the ability to generate discussion about a product, as publicity (which is generally free).[3] This is referred to these days as "buzz." They make a number of points that are salient to our discussion here.

- Advertising draws attention to a product. It tells you what it is. PR insinuates messages about the product into the conversation going on in the real world beyond advertising. For example, you may see an new product advertised heavily on TV, and then start to see seemingly unprompted blog postings from users talking about the product. Chances are, the postings aren't entirely unprompted. They're part of a PR product publicity campaign.
- Advertising shouts its message. PR whispers. It's about information, albeit usually intentionally filtered, that aids the consumer in making a purchase decision. This is part of what is known as the *diffusion process*.

The theory of diffusion suggests that the adoption process goes through several stages ranging from the initial attention-getting stage through to the final reinforcement stage (following adoption). Advertising usually takes care of the first stage and the last. Everything else can, and often does, involve public relations. An important part of the process involves talking about the product or idea with other people who are asking the same questions or have already tried it themselves.

- Public relations tends to be "other directed." That is, its messages are passed on—through the media by means of positive publicity, and, increasingly, through word of mouth via consumers. Because public relations messages are often passed through intermediaries to end-users of the information (consumers), the credibility is usually higher. If you hear about a new

product through the news media, you will attach more credibility to the product itself. The same goes for if you get it from friends and neighbors, even if they are "friends" only in a broad, MySpace sense.

When a small-town newscast includes information about a local company hiring 200 people, it is news. When the bulk of the story comes from the local company, including interviews with the CEO, other officers, and new employees, public relations is going to be involved at some point. The fact the new company gets positive press makes the story successful public relations. Because the story is newsworthy, it's news. The danger comes when journalists and editors rely too heavily on public relations-generated information.

As we will see later in this chapter, transparency is the key. Public relations *masquerading* as news is unethical. If viewers and readers *know* it is public relations, it's ethical. Openness and disclosure are vital. Although public relations may certainly influence news, PR people often view it as their jobs to try to do so. Journalists, on the other hand, need to be cautious in relying too heavily on pre-packaged "news." For example, a recent survey of journalists suggested that blogs are having an impact on the way they gather information and on the tone and direction of their subsequent reporting.[4] This is good news for public relations practitioners looking for new ways to get their clients' messages out, but sounds a cautionary note for journalists looking for stories.

Another area in which public relations attempts to influence news is in the coverage of negative news about a client. An old adage used to be that the primary job of PR was to keep the client's name out of the paper. Today, that usually means only if it becomes associated with bad news. There is no denying that the job of *media relations* (a specific function within public relations) involves both getting good news out and dealing with bad news when it happens. Obviously, the most ethical approach to dealing with bad news (if it's true) is to admit it, say what your client is going to do to rectify the situation, and move on. However, as we will see later in this chapter, some who work in public relations don't always see ethical problems when they occur, or are hired simply to deal with them in the most efficacious way for the client, and only the client.

These "spin doctors" put the best face possible on a negative situation using techniques that can generally be classified as a type of equivocation. *Equivocation* is essentially the use of ambiguous language to either conceal the truth of something or to avoid admitting to a wrongdoing. Examples of this approach are: responding to journalist's inquiry by referring to an accusation as "ridiculous" or "absurd" without actually stating why, or impugning the source of the accusation, or refusing to respond at all by seeming to be offended by the very idea of being accused (e.g., "I'm not going to dignify that with a response"). All of these techniques are really dodges of the truth, and irritants for journalists. Technically, equivocation is not lying, but it is deceptive. Which is not to say that public relations people don't ever lie outright—and that brings up our second major complaint.

In 2000, the industry trade publication *PRWeek* presented the findings of a survey of 1,700 public relations executives asking about the ethics of the PR industry. The headline on the story read, "One out of Four Pros Admits to Lying on Job." The survey showed that 25 percent of the executives admitted they lied on the job, and 39 percent said they had exaggerated the truth.[5] These were tough findings for an industry forever in need of polishing its own image. Of course, the respondents on the survey were probably referring to everything from small, "white" lies to deception through withholding information. And, although all lies are unethical by nature, some, as the philosopher Sissela Bok noted, are far worse than others. What follows here is one of the most talked-about instances of public relations deception in the past 20 years. It represents what ethical public relations is decidedly *not* about.

On August 2, 1990, Iraqi troops invaded Kuwait. By January 1991, a coalition of international forces, including the United States, engaged the Iraqi military, and by February the First Gulf War was over. In hindsight, it seems simpler than it actually was. Although the United Nations officially sanctioned military action against Iraqi, the success of selling the idea to the American public wasn't a foregone conclusion. Even though polls conducted following the war showed a high level of support (around 80 percent), at the time of the Iraqi invasion and subsequent buildup and engagement by American and coalition forces, support hovered at around 50 percent or less.[6] What wasn't so clear is how the American public arrived at such a high level of support in such a short period of time. There are more than a few, including many in the public relations industry, who believe it was PR that tipped the scales.

In a public hearing of Congress's Human Rights Caucus on October 10, 1990, a 15-year-old Kuwaiti girl named Nayirah presented some startling testimony. She said she had seen Iraqi soldiers remove babies from hospital incubators, leaving them to die on the floor. Her stunning testimony was repeated worldwide and cited frequently in the ensuing national debate in the U.S. over whether to commit American troops to the Middle East conflict. President George H. W. Bush mentioned it frequently as he drummed up support for military action. As journalist Ted Rowse put it two years later, "It was a major factor in building public backing for war."[7] Shortly after the war ended, however, NBC news interviewed Kuwaiti hospital officials who flatly denied any such thing had ever happened. Almost a year later, a story by *Harper's* magazine publisher John R. MacArthur appearing on the *New York Times* op-ed page revealed that Nayirah was the daughter of the Kuwaiti ambassador to the U.S. and had not even been in Kuwait at the time she claimed the atrocities occurred.[8] It seems that all of this had been part of a complex public relations campaign mounted by Hill & Knowlton (HK)—at the time, the world's largest PR firm. HK had been talking with the government of Kuwait since just after the Iraqi invasion began and had taken over the operation of a "front" group called Citizens for a Free Kuwait, financed almost entirely by the government of Kuwait (which also paid HK $11.5 million to get its message out). Thanks in large part to HK's public

relations campaign on behalf of the Kuwaiti government, the United States entered the war, on a 52–47 vote. Although HK denied any wrongdoing, observers both inside and outside the field of public relations have denounced the use of deception, and it has become a case study in what not to do if you want to be considered ethical.

What follows next is an examination of some of the ways experts in public relations ethics have considered the problems covered here, and more.

Ethical Approaches Specific to Public Relations

During the past 40 years or so, those in the field of public relations, both practitioners and academics, have been fairly self-reflexive in addressing their own ethical issues. Next to news journalism, public relations is probably the most aggressive in pursuing a working "ethic" of proper behavior. This is probably on account of its drive toward professionalism, as detailed in Chapter 3. Serious philosophical research into public relations ethics has been going on since at least the 1980s, and has increased over time.

Much of this research incorporates elements of the classical theories of moral philosophy discussed in Chapter 4. In addition, there are a number of theoretical approaches that have been suggested over the years that are specific to the nuances of the practice of public relations. Following are some of those.

Five Baselines for Justifying Persuasion

The ethicist Sherry Baker outlines five different models that she says are most often used to justify persuasive communication. They range from the questionable to the ethically useful. Among the ethically useful models are the following:[9]

Enlightened Self-interest

- Under this model, the interests of both the client and the professional are best served by ethical behavior.
- Businesses do well (financially) by doing good (ethically). Ethical behavior makes good business sense. Doing good gives a corporation a competitive edge. Businesses should therefore engage in good deeds and ethical behavior.
- Willingness to forgo immediate benefits results in future benefits.
- Ethical behavior will prevent government regulation.

Social Responsibility

- This model recognizes the interdependency of persons in society—of persons as communal beings.
- Corporations have a responsibility to the societies in which they operate and from which they profit; they have obligations of good citizenship in

contributing positively to the social, political, environmental, and economic health of society.
- The focus of this model is on responsibilities rather than on rights.

Kingdom of Ends

This model is based on the philosophy of Immanuel Kant, and even borrows it name directly from one of Kant's major concepts—respect for persons.

- Individuals act as if they were members of a *kingdom of ends*—an ideal community in which everyone is always moral, one in which all people are treated as ends in themselves rather than as means to someone else's ends.
- Individuals treat others as they would wish to be treated and as others would wish to be treated.
- Individuals take responsibility for the moral conduct of the organizations with which they work.
- Individuals pursue the moral ideal with dignity and integrity, despite the behavior of those around them.
- Persuasive appeals are made to the decency in people and with respect for their rights as rational self–determining beings.
- Individuals and corporations take responsibility to promote and create the kind of world and society in which they themselves would like to live.
- Professional communications should dignify rather than debase society. Communicators function under the guiding maxims of a moral community engaged in the harmonious and cooperative pursuit of the good.

Responsible Advocacy

This theory of public relations proposes that the best way to practice public relations ethics is through the ideal of *professional responsibility*. This idea is in line with our discussion of professionalism in Chapter 2. According to Kathy Fitzpatrick and Candace Gauthier, "Modern day public relations efforts include both self-interested persuasive tactics as well as genuinely benevolent initiatives."[10] Their contention is that these imperatives can work together if we consider the public relations practitioner as a professional. The key points of this theory are:

- Public relations practitioners' greatest need for ethical guidance is in the reconciling of their conflicting roles of professional advocate and organizational social conscience.
- Public relations professionals best serve society by serving the special interests of clients or employers.
- First loyalty is always to the client, but public relations professionals also have a responsibility to voice the opinions of organizational stakeholders.[11]

According to the authors, three principles that could provide the foundation for a theory of professional responsibility in public relations are:

The comparison of harms and benefits: Harms should be avoided, or at least minimized, and benefits promoted at the least possible cost in terms of harms.

Respect for persons: Persons should be treated with respect and dignity.

Distributive justice: The benefits and burdens of any action or policy should be distributed as fairly as possible.

Fitzpatrick and Gauthier note the importance of recognizing these as *prima facie* (accepted as correct until proved otherwise), and not absolute, principles. They are principles that hold generally unless they conflict with one another. When only one of the principles is implicated in a moral choice, that principle should be taken as the controlling guideline for ethical conduct. However, moral dilemmas often involve conflicts between the principles. In these cases, the decision maker must employ his or her own values, moral intuition, and character to determine which principle is most important and most controlling in the particular context.

Two-way Communication and the "Corporate Conscience"

James Grunig proposes a model of two-way, symmetrical communication as the best way to achieve ethical decisions. Following a functional systems perspective, he bases his theory on the following assumptions:[12]

- Collaboration, working jointly with others, is a key value in ethical decisions.
- The process of dialogue with different people allows for both listening and arguing.
- Not everyone will get what they want, but dialogue will lead to the most ethical outcome.

This approach requires public relations practitioners to balance their role as advocate for their client with their role as *social conscience*. It also assumes that organizations will be voluntarily socially responsible instead of egoistic. From a systems perspective, mutual cooperation requires adaptation to the environment, which may be the most harmonious method of maintaining balance. However, it does recognize the possibility that controlling an environment may also be necessary for needed change to occur and a new and beneficial balance to be realized. For example, it may be necessary for a company to pursue its interests, knowing that the final outcome would be beneficial for most of the other systems in its relevant environment, even if some of those systems disagree with the change initially. Think of the Social Security Act of 1935. President Franklin Roosevelt

pushed it through during a very dark time in the United States and against some very strong opposition. Most agreed later that it turned out to be a good idea.

Grunig's theoretical approach, and many who use this approach as a basis for their own, assumes that public relations will become the "conscience" of an organization. The rational is that, because of PR's responsibility for maintaining communication linkages with corporate constituents, it is in a unique position to understand the myriad points of view presented by these publics. Generally speaking, other elements within an organization have a less holistic view of these publics. So, it makes sense to locate the "corporate conscience" within the public relations function.

Some important recent research by the ethics scholar Shannon Bowen seems to show that there are potential problems with assigning the role of "corporate conscience" to public relations practitioners.[13] In her study, a number of public relations practitioners were questioned using a combination of personal interviews and focus groups. The findings showed two fairly distinct and "entrenched" categories of practitioners when it came to the role of public relations, especially that of ethical counselor: those who were "antiethical" and those who were "proethical."[14] Bowen describes the results this way:

> Antiethical conscience role practitioners are often in favor of a professional perspective relying on codes of ethics or legalism [it's not about ethics; it's about what's legal]. They do not see ethics as germane to public relations counsel. Many public relations practitioners cite the fact that they do not have any training in ethics, feel ill-equipped to counsel others on such issues, or simply believe it is a matter better left to legal counsel. Others report that their reluctance stems from lack of access to the dominant coalition [primary organizational decision makers] or from an overwhelming number of other job responsibilities.[15]

Members of this group tended not to recall many ethical dilemmas. Bowen suggests that this could result from either an actual lack of ethical problems or an inability to recognize one when they encountered it. (Similar findings crop up in advertising as well, as explained in Chapter 9.) Those who viewed public relations as an advocacy function or a purely professional endeavor showed little desire to take on an ethics role. A contributing factor seemed to be their general lack of input into strategic decision making.[16] On the other hand:

> Proethical conscience practitioners often find themselves in this role through the demand for such counsel and the experience they hold with external publics. Many public relations professionals report that CEOs are initially reluctant to include them except when absolutely necessary, such as in matters of crisis. However, once their worth as ethical conscience is illustrated, they become an indispensable part of the dominant coalition.

The proethical practitioners tended to combine strong moral values with practical business sense, a position they believed would result in a more profitable company in the long run. Their approach seemed to be one of trust-building, believing that "ethical counsel and careful attention to ethical actions improved the reputation of the organization as credible, reliable, and ethical, and built 'public trust.'"[17]

Even though Bowen's findings turned up two distinct categories of practitioners with seemingly intractable points of view, nonetheless she maintains that the "corporate conscience" model of public relations is viable, perhaps even preferred. She notes that the data:

> strengthen the argument that public relations can contribute to an organization's strategic management, and by incorporating ethical decision-making and counsel that role can not only enhance organizational effectiveness but also contribute to the stature of public relations counsel as an ethical and valued voice in the dominant coalition.[18]

However, she points out that:

> For public relations to take strategic management responsibility at the organizational policy level, knowledge of ethical deliberation and active ethical counsel is absolutely required.[19]

The TARES Test

In their continuing effort to supply guidance to professional persuaders with useful ethical guidelines, Sherry Baker and David Martinson have outlined an elaborate test for judging the ethicality of persuasive communication.[20]

They suggest that the appropriate foundation of ethical persuasion is a clearer understanding of the difference between means and ends. They argue that "the end must be formulated in a way that places an emphasis on respect for those to whom particular persuasive communication efforts are directed."[21] They propose a five-part test of *prima facie* duties that they say "defines the moral boundaries of persuasive communications and serves as a set of action-guiding principles directed toward a moral consequence in persuasion."[22] They are:

Truthfulness of the Message

"The Principle of Truthfulness requires the persuader's intention not to deceive, the intention to provide others with the truthful information they legitimately need to make good decisions about their lives."[23] Among the considerations are:

- The communication should be factually accurate. It should not be deceptive in any way. It should present a complete picture and avoid communicating only part of a message, especially if omissions are intended to deceive.
- No false impressions should be communicated by the use of selective information.
- No information should be withheld that is needed by the audience in order for them to make an informed decision, especially if the omission of this information results in harm.

Authenticity of the Persuader

This has to do with the integrity, personal virtue, motivation, commitment to principle, and moral independence of the persuader. Among the considerations are:

- The action, or communication, should conform to the highest principles and personal convictions, and should arise from noble intentions. As Kant said, it should be done out of a sense of good will, not out of vested interest. The intent of the act should promote the well-being of everyone potentially affected. This means that loyalties need to be appropriately balanced.
- Persuasive communication, especially advocacy, should reflect the personal beliefs of the persuader. If you would be ashamed to be revealed as a participant in a persuasive campaign, then you shouldn't be doing it.

Respect for Those Being Persuaded

This principle requires that no one's autonomy be violated. Your audience must be free to make their own decisions, based on truthful and complete information. Among the considerations are:

- Persuasive messages should appeal to the higher natures of people, not pander, exploit, or appeal to their baser inclinations.
- Messages should exhibit a sense of caring for those being communicated to.

Equity of the Persuasive Appeal

This principles requires a "parity between the persuader and persuadee in terms of information, understanding, insight, capacity, and experience, or that accommodations be made to adjust equitably for the disparities and to level the playing field."[24] Among the considerations are:

- The persuasive act should be fairly carried out and should be just and equitable for all concerned. If there is a lack of understanding among any of your audiences, you should clarify and educate in order to reduce confusion.

- Vulnerable audiences should never be targeted with messages that are designed to exploit that vulnerability.
- All arguments should allow for reflection and counterargument.
- It should be clear to everyone that persuasion is being attempted. Persuasive activities should never masquerade as information-only campaigns.

Social Responsibility

This principle recognizes the professional obligation to act in the public interest and to balance loyalties among claimants. Among the considerations are:

- Any persuasive action should be responsible to society and to the public interest by working to improve life within the social realm.
- Potential harms that may result from the communication should be recognized and eliminated or reduced.
- Understanding should be promoted among all publics involved in the issue.

A Kantian Approach

Shannon Bowen suggests an approach to public relations ethics, specifically within organizations, that is based solidly on Kantian philosophy, especially his notion of autonomy and respect for persons.[25] Her model proceeds through several phases.

- *Phase 1* is issue identification, in which the PR practitioner must determine the importance of the issue. Typically, only complex issues move through the succeeding phases. Smaller issues are usually handled immediately, but can benefit from the complete process.
- *Phase 2* involves issues managers meeting in teams to discuss the issue, collect more information and research, or bring in experts to help analyze the issue. This is the point at which alternatives are discussed. It is also the first point at which ethical dimensions are considered. Because this theory is rules-based (deontological), it asks the decision makers to "do what is right" based on their duty to universal norms—usually concepts of fairness and rights.
- *Phase 3* engages the Kantian "law of autonomy," which refers to the moral conscience of the decision makers and reminds them not to submit to undue pressure from other organizational functions. It also allows decision makers to act according to their moral duties "without fear of harmful repercussions."[26] Each decision maker should be allowed to express himself freely, and that expression should be respected by the others involved in the decision. This argues strongly for an autonomous public relations function within organizations. This phase also requires us to ask if we are acting on

the basis of reason alone and not because of political influence, monetary influence, or pure self-interest.

- *Phase 4* applies the Categorical Imperative and asks questions such as "Could we obligate everyone else who is ever in a similar situation to do the same thing we are considering?" or "Would I accept this decision if I were on the receiving end?"[27]

- *Phase 5* asks the organization to consider its duty, its intention, and dignity and respect for the organization, publics, and society. This would imply a willingness to be open to the input of all stakeholders, and it would validate the Kantian notion of acting out of a good will. It asks the question, "Does this decision make us worthy of earning trust, respect, and support from our publics?"[28] "Publics and stakeholders are more likely to be satisfied with a decision when the intent of the organization toward them is based on a good will rather than when other interests taint it."[29]

- *Phase 6* calls for symmetrical communication about the results of the decision-making process. This approach works well in conjunction with phase 5 in that it allows for ongoing communication and contributions to the process by all parties.

Dialogue as the Ethical Component

The public relations ethics scholar Ron Pearson has developed a theory of public relations ethics based on the ideal communication situation as dialogue.[30] Pearson suggests that "establishing and maintaining dialogical communication between a business organization and its publics is a precondition for ethical business practices."[31] Both Pearson and Carl Botan[32] were among the early advocates for moving toward a dialogic, relational manager model of public relations. Botan summarizes their view as follows:

> A dialogic view of public relations . . . [is] humanistic, communication-centered, relationship-focused, and ethical. This perspective focuses on communicative relationships rather than on technical skills. Traditional approaches to public relations relegate publics to a secondary role, making them an instrument for meeting organizational policy or marketing needs; whereas, dialogue elevates publics to the status of communication equal with the organization.[33]

Pearson argues that organizations have a moral duty to engage in dialogue. He proposes two rules (using the Kantian "imperative" format) of ethical public relations:

- It is a moral imperative to establish and maintain communication relationships with all publics affected by organizational action.
- It is a moral imperative to improve the quality of these communication

relationships, that is, to make them increasingly dialogical (two-way symmetrical).[34]

The first of these rules essentially specifies that it is necessary for an organization to take consequences on publics into account when it makes strategic decisions. The second states that organizations have the moral obligation to communicate with those publics even though the organization cannot always accommodate the public.

James Grunig and Larissa Grunig included Pearson's obligation of dialogue in their discussion of ethics, using symmetry as a way of satisfying that obligation. Recall the earlier discussion of Grunig's model of two-way symmetric communication. They have translated Pearson's two moral imperatives into an ethical theory of public relations that incorporates both a consequential and a duty-based perspective:[35]

- *Consequential:* Ethical public relations professionals ask what consequences potential organizational decisions have on publics.
- *Duty-based:* Ethical public relations professionals then have the moral obligation to disclose these consequences to publics that are affected and to engage in dialogue with the publics about the potential decisions.

A Virtue Ethics Approach

Karey Harrison and Chris Galloway, Australian theorists, suggest a virtue-based approach to dealing with the complexities of public relations ethics.[36] They contend that simply having a practicable ethical model, such as an ethics code, to apply to decision making won't insure good ethical decisions. Rather, they propose that the virtue, or character, of the moral agent is more important. They believe that the environment in which public relations operates is often "murky" and this murkiness leads to moral confusion all around. Following on Aristotle's theory of virtue, they suggest that virtuous action results in a good feeling for the moral agent and, thus, becomes desirable over time. Moreover, the person of virtue values the intrinsic worth of right action (i.e., virtue is its own reward); whereas the person who lacks virtue might feel discomfort in being forced into right action, or even see no harm in avoiding it.[37] Achieving excellence in a practice, such as public relations, means doing something good for its own sake, and requires and develops the virtues of justice, honesty, and courage. They cite MacIntyre's requirements of these virtues:[38]

Justice demands that we:

- recognize the skills, knowledge, and expertise of other practitioners; and
- learn from those who know more and have greater experience than we do.

Courage requires that we:

- take self-endangering risks;
- push ourselves to the limits of our capacities; and
- be prepared to challenge existing practice in the interest of extending the practice, despite institutional pressures against such critique.

Honesty asks us to:

- be able to accept criticism; and
- learn from our errors and mistakes.

In order for individual virtues to be realized, the organization in which the individual works must develop an environment conducive to the development of good character—much in the way Aristotle suggested that the best form of government was one that would do the same. In order to actualize these virtues, the focus of right actions should be the public interest.

> If excellence and virtue are related to community, as Aristotle suggests, then public relations' chief internal good is its contribution to maintaining and enhancing the community's health. This may be the health of the community in the sense of everyone who lives in a particular place, or the firm as a community through facilitating mutual adjustment and adaptation between organisations [sic] and their publics.[39]

If this sounds a bit too idealistic, then, at the very least, "public relations practitioners may participate in and contribute to the internal good of organisations they choose to work for, as long at the organisation's focus is on doing something that is good for its own sake."[40]

Special Issues in Public Relations Ethics

As with all those who work in the mass media, those who practice public relations will encounter ethical dilemmas unique to their chosen profession. Although there are certainly similarities among the media requiring that some issues, such as truth telling, be dealt with in a similar fashion, there are also differences in objectives and the approaches used to achieve those objectives that will incur unique ethical responses. Some of the most common of those are listed here.

Conflict of Interest

Conflict of interest cuts across the media professions, but is especially important in public relations. Basically, a conflict of interest occurs when a professional has interests, usually either professional or personal, that come into conflict with another obligation. This is usually considered as affecting the professional's

impartiality. For example, a public relations firm attempts to take on two competing clients—perhaps two cell-phone companies. The question each of those companies is going to ask is whether the PR firm can possibly devote its full energy to pursuing their individual client's interests and maintain the confidentiality level required between the competing companies. If you were the CEO of company X and you found out that your public relations agency was courting a competitor, company Y, wouldn't you be concerned?

Types of Conflict of Interest

What's most troublesome about conflict of interest is that even the appearance of it can cause concern, and a conflict could possibly exist even if no improper or unethical acts result from it. There are a number of manifestations of conflict of interest, mostly having to do with a conflict of roles or a problem sorting obligations among claimants.

- A situation in which public and private interests conflict. For example, a PR professional working in a firm is required to take on a client account for a company he knows to be a notorious polluter. Perhaps the PR person is environmentally aware. His personal beliefs come into conflict with his obligation to serve the client.
- A situation in which outside employment may be in conflict with the primary occupation. In the example above, perhaps the PR professional also volunteers for a local environmental group. What then? Whose interests is he supposed to serve?
- A situation in which personal interests, such as family, come into play. For example, a public relations practitioner working for a corporation is asked to job out the monthly newsletter to a freelancer. It happens that her spouse is one of the best newsletter editors in town and makes a good living producing a number of corporate newsletters. Should he be denied the opportunity to bid on the job just because he's married to the person making the decision?
- A situation in which a professional receives compensation beyond salary for work either performed or to be performed. All media professionals need to be aware of the potential pitfalls of taking extracurricular "gifts" from clients. For example, a PR practitioner receives a free golf vacation from a client who owns a resort in Palm Springs. He is already being paid by his firm to handle the client's business, and this trip isn't necessary to the completion of his job in a professional manner. Should he accept it?

Ways to Mitigate Conflicts of Interests

The best way to handle conflicts of interest is to avoid them entirely—even the appearance of a conflict. Short of avoiding conflicts of interest, there are several other common ways to deal with conflicts of interest:

- *Disclosure:* Professionals are often required either by rules related to their professional organization, or by legal statute, to disclose an actual or potential conflict of interest. In some instances, the failure to provide full disclosure is a crime (in medicine and the law, for example). In financial public relations, for instance, violations of conflicts of interest over stock transactions are governed by the Securities and Exchange Commission and carry legal penalties.
- *Recusal:* Those with a conflict of interest are expected to recuse themselves (abstain from) decisions where such a conflict exists. Sometimes this is written into the code itself as a guideline or, at the very least, covered as a caution with examples explaining typical potential violations (see below).
- *Codes of ethics:* Generally, codes of ethics forbid conflicts of interest. Codes help to minimize problems with conflicts of interest because they can spell out the extent to which such conflicts should be avoided, and what the parties should do where such conflicts are permitted by a code of ethics (disclosure, recusal, etc.). Thus, professionals cannot claim that they were unaware that their improper behavior was unethical. As important is the threat of disciplinary action to minimize unacceptable conflicts or improper acts when a conflict is unavoidable.

Many codes have self-policing mechanisms; however, this too may be cited as a potential conflict of interest because it often results only in eliminating the appearance of the conflict rather than the actual offense. Such internal mechanisms often serve to hide the conflict of interest from public view.

PRSA's Take on Conflict of Interest

The Public Relations Society of America's "Member Statement of Professional Values" covers the subject this way:

Core Principle

Avoiding real, potential or perceived conflicts of interest builds the trust of clients, employers, and the publics.

Intent

- To earn trust and mutual respect with clients or employers.
- To build trust with the public by avoiding or ending situations that put one's personal or professional interests in conflict with society's interests.

Guidelines

A member shall:

- Act in the best interests of the client or employer, even subordinating the member's personal interests.
- Avoid actions and circumstances that may appear to compromise good business judgment or create a conflict between personal and professional interests.
- Disclose promptly any existing or potential conflict of interest to affected clients or organizations.
- Encourage clients and customers to determine if a conflict exists after notifying all affected parties.

Examples of Improper Conduct Under This Provision

- The member fails to disclose that he or she has a strong financial interest in a client's chief competitor.
- The member represents a "competitor company" or a "conflicting interest" without informing a prospective client.

In summary, conflict of interest, whether real or imagined, is a problem. Because public relations, to a great degree, is the business of image making and maintaining, it seems logical that appearances would be extremely important. It might be wise to follow the advice of Paul's letter to the Thessalonian Christians: "Abstain from all appearance of evil."

Withholding Information

Selective communication is morally suspect when it is intended to mislead or when it is used to conceal information that others need to make their own life decisions. Yet, not everything that is known, believed, or communicated within an organization needs to be made public.[41]

When is withholding information unethical? For example, journalists who do not present clear context may, unintentionally, be omitting information vital to understanding. Certainly, if this omission is unintentional, then the outcome can be said to be potentially harmful but the action not necessarily unethical. Remember, as many philosophers have pointed out, intent is vital to determining the ethicality of an act. Thus, when information is withheld, we need to determine the reason before we can condemn the act as unethical.

Advertisers and public relations professionals have long been accused of presenting information that is incomplete; and, as we have already discussed, that is not necessarily unethical because, by nature, both of these practices are supposed to be biased in favor of the client. No one expects an advertisement, for example, to include every detail of a product or its potential uses (although multiplying the uses of a product is usually a good thing. Think of Arm & Hammer baking soda. Who knew you could put it in your refrigerator to dispel

odors?). However, the recent laws regarding the advertising of pharmaceuticals reflects the growing concern with advertisers leaving out information vital to understanding the whole range of a product's potential effects. No prescription pharmaceutical may be advertised as having a specific positive effect unless it is accompanied by information concerning its negative side effects. The result has been commercials that are sometimes ludicrous in their happy-voiced disclaimers that, although the product may relieve your allergy symptoms, it may also cause nausea and vomiting.

And think of the countless times a political candidate's omissions of wrongdoing have been "found out" by the press despite an army of news secretaries painting an opposite image. Or the corporate PR people who routinely cover for mistakes and misdeeds. What were the PR people at Enron thinking while their company was going to pieces before their eyes? Did the public relations agencies for such companies as Enron and Firestone simply buy into their clients' lines of a solid investment or a safe product? When we think of company executives lying about their products or the value of their stock, where do we place their spokespeople in the hierarchy of deception? Surely, there has to be some culpability on the part of their media representatives. However, as stated throughout this book, it is not always easy to know every detail about a client or that client's product or company, and those gaps in knowledge may, ultimately, have disastrous consequences. At the very least, a PR firm's reputation may suffer during and following such disclosures.

There are times, however, when withholding information may be thought of as *not* unethical. As discussed in Chapter 3, consulting professionals generally maintain client confidentiality in order to defend them from competitors. Not everything needs to be made public. A company's research and development projects are clearly in this category, as are their plans to go public with their stock offerings (a position dictated by the Securities and Exchange Commission), potential expansion projects, or a myriad other "secrets" that ensure the privacy so needed in industries in which competition is high. Where, however, do we draw the line? When does discretion need to become disclosure?

The ethicist Michael Bayles delineates instances when breaching confidentiality (disclosing rather than withholding information) is usually thought to be ethical. He lists three kinds of reasons that can be given for a professional violating confidentiality: the best interests of (1) the client, (2) the professional, or (3) other persons.[42] Bayles considers disclosure in the best interest of the client to be rare and unadvisable since this could lead to a paternalistic stance rather than the ideal fiduciary position between client and professional.

Confidence can be breached, however, in the best interest of the professional in two kinds of situations: "when it is necessary for professionals (1) to collect a just fee or (2) to defend themselves against a charge of wrongdoing."[43] For our purposes, the second is the more important. Bayles suggests that clients will typically not wish to have information disclosed that might show they have done something wrong. The onus of correcting the wrongdoing is, then, placed

squarely on the professional in order to prevent harm to innocent third parties, which, concomitantly, injures the professional's reputation and credibility. For this reason, many in both advertising and public relations require disclaimers in their contracts that absolve them of blame should a client lie about a wrongdoing causing that lie to be passed along by the professional representative.

In the third instance, Bayles suggests identifying and weighing the values and interests of the client against those of affected third parties to arrive at a rule that can, then, be used in similar circumstances in the future. Further, all professionals may disclose confidential information to prevent illegal conduct.[44]

The somewhat tricky relationship between client and professional makes the decision to violate confidentiality a serious one. This step should be taken only when it is clear that:

1   the client has violated the law;
2   the client has done something that would harm the reputation and credibility of the professional; or
3   the client has done or plans to do something that will harm innocent third parties.

As we discussed in Chapter 6, avoiding harm is one of the primary obligations of the media professional. This is especially true of advertising and public relations because of their tendency toward client loyalty.

The PRSA's Take on Disclosing Information

Core Principle

Open communication fosters informed decision making in a democratic society.

Intent

To build trust with the public by revealing all information needed for responsible decision making.

Guidelines

A member shall:
- Be honest and accurate in all communications.
- Act promptly to correct erroneous communications for which the member is responsible.
- Investigate the truthfulness and accuracy of information released on behalf of those represented.
- Reveal the sponsors for causes and interests represented.

- Disclose financial interest (such as stock ownership) in a client's organization.
- Avoid deceptive practices.

Examples of Improper Conduct Under this Provision:

- Front groups: A member implements "grass roots" campaigns or letter-writing campaigns to legislators on behalf of undisclosed interest groups.
- Lying by omission: A practitioner for a corporation knowingly fails to release financial information, giving a misleading impression of the corporation's performance.
- A member discovers inaccurate information disseminated via a Web site or media kit and does not correct the information.
- A member deceives the public by employing people to pose as volunteers to speak at public hearings and participate in "grass roots" campaigns. [This will be discussed in more detail below under "new media."]

Corporate Social Responsibility (CSR)

Corporate social responsibility (CSR) is the latest concept in a long line of philosophies aimed at ensuring that companies and corporations accept the notion of being responsible to society beyond merely providing goods or services that benefit the public on a functional level. As pointed out in Chapter 2, social responsibility, at its most basic level, is about ensuring that what a company produces is useful to those for whom it is produced. Beyond that, however, there has always been an underlying belief that organizations should also act in a responsible manner in other areas, such as environmental stewardship, safety issues, and philanthropy. In the last decade or so, a movement has been afoot defining more broadly the level of responsibility expected of corporations in areas beyond those already noted, as well as an increased emphasis on ethics.

According to one of the many groups now consulting with organizations on how to adopt a CSR approach,

> Corporate social responsibility (CSR) is about how businesses align their values and behaviour [sic] with the expectations and needs of stakeholders—not just customers and investors, but also employees, suppliers, communities, regulators, special interest groups and society as a whole. CSR describes a company's commitment to be accountable to its stakeholders.
>
> CSR demands that businesses manage the economic, social and environmental impacts of their operations to maximise [sic] the benefits and minimize the downsides.[45]

Put more broadly, CSR

generally refers to transparent business practices that are based on ethical values, compliance with legal requirements, and respect for people, communities, and the environment. Thus, beyond making profits, companies are responsible for the totality of their impact on people and the planet.[46]

Or, as the executive vice president for Ogilvy Public Relations Worldwide puts it, "CSR is about one thing: that regardless of whether or not people are consumers of a given company's goods or services, they should benefit, ideally, from the very existence of the company. They certainly should not suffer from it."[47]

In a working paper from the John F. Kennedy School of Government at Harvard University, Jane Nelson, Senior Fellow and Director, argues that public trust in business has been undermined by corporate scandals and the perceived rise in power in the private (corporate) sector.[48] As anyone in public relations will tell you, actions speak louder than words. This has been true for a very long time. The poet Ralph Waldo Emerson once remarked, "What you are stands over you the while, and thunders so that I cannot hear what you say to the contrary."[49] The "bottom line" of CSR is about action, not so much about words. The big question plaguing CSR is whether it really is a movement dedicated to social change and welfare, or merely more of the same "PR."

Critics of CSR have suggested that it is virtually impossible to engender social good while enhancing the bottom line. A Stanford University report states bluntly that companies trumpeting CSR are sometimes the same companies engaging in activities that could be said to be less than honorable.[50] For example, Wal-Mart's success in the marketplace belies the fact that the company has continuously been sued over poor labor practices.[51] On the opposite side of the coin, Costco's employee benefits package is apparently seen as a bit too beneficial by its own shareholders, who are pressuring the chain to cut it in order to be more competitive with Wal-Mart. In other words, some have argued that the demands of the stock market provide a *disincentive* for doing too much social good. "When shareholders interests dominate the corporate machine, outcomes may become even less aligned to the public good."[52]

CSR and "Greenwashing"

Other criticisms cover the various methods sometimes used by corporations to affect a CSR attitude without actually engaging in CSR. The most recent example of this is called "greenwashing." Essentially, greenwashing is the act of literally pretending to be an environmentally friendly organization or of producing products or services beneficial to the environment. Sharon Bader, an Australian academic and expert on science and technology, says that "Greenwashing, Greenscamming and Greenspeak are all different terms for public relations efforts to portray an organisation [sic], activity or product as environmentally friendly."[53] The term relates primarily to environmental issues (which, if dealt with properly, are by definition a form of CSR), and is thus relevant both to public relations

and to advertising. Speaking specifically of greenwashing, Sheldon Rampton, research director for the Center for Media and Democracy (a media watchdog organization) writes of a "degraded information environment" in which some corporations intentionally put up green fronts while continuing to practice the opposite. Rampton calls greenwashing "ultimately an attempt to obscure awareness of environmental pollution by polluting language and thought itself in an attempt to stop people from thinking clearly about the issues they face."[54]

> The attempt to provide a "green" and caring image for a corporation is a public relations strategy aimed at promising reform and heading off demands for more substantial and fundamental changes and government intervention. Public relations experts advise how to counter the negative perceptions of business, caused in most cases by their poor environmental performance. Rather than substantially change business practices so as to earn a better reputation many firms are turning to PR professionals to create one for them. This is cheaper and easier than making the substantial changes required to become more environmentally friendly.[55]

Although there are a great many companies that are practicing legitimate environmental stewardship both as part of CSR and more directly through their products and services, the fear among critics is that (1) the incentive is more bottom line than altruistic and (2) some are paying only lip service to it with small but splashy public relations and advertising campaigns. In public relations theory, this technique is sometimes called *hedging and wedging*. The theory, originally developed by Keith Stamm and James Grunig, plays off the notion that public relations programs are often used to change attitudes, usually from negative to positive. As we already know from cognitive dissonance theory, people tend to ignore information they don't already agree with, so someone who holds a negative opinion of a company (say, for its poor labor practices) is not likely to attend to any positive spin concerning the issue, especially if it issues from the organization itself. However, if this same person holds no opinion of the company's environmental practices, its public relations effort might try refocusing attention on a potentially positive aspect of the company's practice, which, in turn, might distract from the negative aspect caused by its other practices.

According to the theory of hedging and wedging, human beings are completely capable of holding conflicting opinions, so when a person holds a "wedged" (firmly held) view and is confronted with a contrary view, he or she may then "hedge" his or her views. This is a cognitive strategy, usually completely subconscious, that prevents dissonance. Knowing this, a retail chain that has developed a poor reputation for labor practices might be able to divert attention somewhat by developing a "green" strategy not related to its labor practices. People who are concerned about its labor practices might, simultaneously, applaud the company's efforts on the environmental front. If the company's positive practices

gain enough attention, the negative opinion might eventually be pushed out or, at the very least, mitigated.

Although not all companies are using this approach when they become environmentally aware, there are some that do—so many, in fact, that a number of watchdog groups have sprung up to identify them. In addition to the ones already mentioned here, notable is Enviromedia's *Greenwashing Index*. Enviromedia Social Marketing is a Texas-based corporation that consults with clients on how to make their environmental efforts truly green. Its sponsored web site asks consumers of media to report on greenwashing attempts and to post them online, thus making even more consumers aware of the real versus the fake.[56]

Where Does Public Relations Fit In?

The corporate consultant Zena James says that "[T]he danger . . . is in paying lip service to CSR or 'using' it in a way that is not transparent. Badly thought through CSR practice will inevitably destroy trust, erode goodwill and damage reputation."[57] According to James, the role of public relations is to keep everyone informed throughout the process. Her key points, as relate to our discussion, are:

- Help the organization demonstrate its fundamental approach to CSR (which should include transparency and accountability).
- Ensure that efforts are not misinterpreted as tokenism or a part of marketing.
- Make sensible use of existing internal and external communications tools to substantiate the organization's commitment, to create dialogue, to respond to concerns, and to demonstrate direction.

Further, there are several important questions to be answered concerning the role of public relations in CSR. First, how much does a public relations/marketing plan relate to the reality of what the company actually practices? Second, if public relations plays a part in CSR, what, if any, are the ethical pitfalls of doing so? In order for public relations to be accountable either for the praise garnered from successful CSR or for its failure, it must be seen as somehow responsible. If we follow the model proposed by James Grunig—public relations as the corporate conscience—then it is either directly responsible for suggesting CSR as the high road to corporate good deeds or accountable for not doing so. However, if we view public relations as but one of many corporate mechanisms for managing communication, then we must investigate the intent behind the messages and the methods used to impart them, including messages about CSR. As stressed throughout this chapter, the obligations of public relations professionals are not only functional but also moral, and on that front we have a lot of guidance.

The Ethical Bottom Line for CSR

Ethically responsible public relations professionals will reject the notion of making claims that are either completely false or even somewhat misleading. To avoid real issues while focusing on distractions is decidedly not ethical. It is a form of deception. Public relations is in a unique position within most organizations in that it has a broader view of issues than most other entities. It needs to be informed in order to inform others. In discharging its obligation to the consumers of its messages, it must not engage in deception of any kind, even if it benefits its own client or organization. Thus, corporate social responsibility messages must accurately reflect the reality of the activities they are supposed to represent. If they do not, they are misleading. And, if these attempts are merely window dressing designed to distract from more complex and potentially problematic conversations, then they are also misleading. It may be true that a company is observing some form of environmental concern. It may also be true the same company is price gouging or treating its employees poorly. One does not offset the other. Good deeds should be recognized. Bad deeds should be redressed. It is the moral obligation of public relations professionals to recognize reality and to reflect it accurately in everything they do.

Public Relations Ethics and the "New" Media

The introduction of new methods of disseminating information and persuading audiences are changing the landscape of media ethics. Most, but not all, of these "new" media are computer-generated or computer-assisted. The allure of a democratized media has resulted in an internet presence that is both gratifying and alarming. According to a long-time web-content guru, Gerry McGovern,

> Traditionally, public relations was about honing a silvery message that communicated exactly what the organization wanted us to hear. Now, we can hear all sorts of voices on the subject. It's true democracy at work.[58]

Virtually anyone with access to a computer (or a device that can be linked to the internet) can voice his or her opinion instantaneously, and to millions of people. As you might imagine, this ease of transmission has great potential for abuse. As Aristotle pointed out in response to the argument that his rhetorical guidelines for persuasion could be used for evil ends, the ultimate use of any tool is up to the person who uses it. So it is with the new media. The most important thing to remember is that all of the approaches to ethical communication apply to the new forms as well. A hidden agenda on a blog site is still a hidden agenda. The rules for ethical persuasion still count, no matter the format in which the persuasion appears.

Public Relations and the Internet

Recent changes in technology have allowed organizations to reach out to their constituencies in ways never before imaginable. The computer has not only spawned word processing and desktop publishing, but also allowed us to reconfigure our communications and our modes of delivery. Additionally, technology has expanded the scope of both internal and external communications beyond that of traditional media. The role of everything from the news release to the corporate magazine has been broadened by the ability to make what was once a static delivery system now interactive. There are a number of relatively new methods for getting a public relations message out over the internet, including intranets, web sites, weblogs (blogs), web seminars (webinars), online newsletters, and podcasts. All have great potential for clarifying information and for persuading audiences. They also are burdened with predictable pitfalls—most, simply new versions of old evils. We are going to concentrate here on blogging, but it is indicative of the types of ethical problems associated with much of the new media.

Blogging—the Need for Transparency

Blogging is a relatively new phenomenon which has managed to catch on very quickly. In what is known as *conventional blogging*, anyone can write anything they want any time. It has become a haven for the verbose, highly opinionated, and often uninformed. Obviously, this is not what blogging in public relations should represent. The key difference is that PR people don't represent themselves. They represent their clients and/or organizations. In addition, public relations messages have to be economical and to the point, and, above all, accurate.

Blogging can be a less formal way of keeping people informed than many other media options. It's a low-cost publishing tool that has the advantage of being able to get company news out quickly. Unlike email, blogging is literally "broadcast" simultaneously to anyone who wants to read it. It is also egalitarian in a way that much of public relations communication is not. Blogs allow for instant responses, multiple conversation threads, and a sort of accessible history of issues that can be referenced, added to, and corrected at any time. However, there are disadvantages.

- Most people don't have very much to say that's interesting or the ability to write down their ideas in a compelling and clear manner.
- [It's often true] that the people who have most time to write have least to say, and the people who have most to say don't have enough time to write it. Thus, the real expertise within the organization lays hidden, as you get drowned in trivia.
- Organizations are not democracies. The Web makes many organizations look like disorganizations, with multiple tones and opinions. Contrary

to what some might think, the average customer prefers it if the organization they are about to purchase from is at least somewhat coherent.[59]

Blogging is a perfect example, then, of both the benefits and the potential problems often inherent in public relations communication. In addition to the functional disadvantages of blogging, there are several ethical problems that can arise in relation to this new form of communication.

For example, one of the major disadvantages of blogs not mentioned above is the tendency to want to respond immediately to queries and comments posted by other people. This often leads to not very well thought-out responses, which, for public relations professionals, is not a good approach to communicating with publics. Moral decision making requires a certain degree of reflection—time in which to consider the ethical ramifications of your actions. Immediate responses, by nature, are not reflective. But perhaps the most troublesome aspect of blogging, and with many of the new technologies now used in public relations, is the lure of anonymity.

What is Anonymity?

To be anonymous is to present yourself or your opinion publicly without disclosing your true identity. Historically, there have been many good reasons for people to remain anonymous. In societies in which free expression is limited, anti-government positions have often been stated publicly by anonymous writers in order to protect themselves from harm. Benjamin Franklin used anonymity under various pseudonyms to poke fun at both people and institutions, with the serious aim of improving society. Anonymity, in this sense, has been a mainstay of democracy in the United States since its founding. The Federalist Papers, which argued for ratification of the U.S. Constitution at a time in which it was being hotly debated, were written by James Madison, John Jay, and Alexander Hamilton, but under the joint assumed name of *Publius*. This anonymity allowed them to express more openly their views without fear of censorship or retribution. In an important 1995 Supreme Court decision, the Court held that:

> Protections for anonymous speech are vital to democratic discourse. Allowing dissenters to shield their identities frees them to express critical, minority views . . . Anonymity is a shield from the tyranny of the majority . . . It thus exemplifies the purpose behind the Bill of Rights, and of the First Amendment in particular: to protect unpopular individuals from retaliation . . . at the hand of an intolerant society.[60]

In other words, following on the writings of John Stuart Mill, a democratic society can often be as intolerant of minority opinion as an authoritarian one, but in a democracy it is incumbent upon the people to allow for such opinion. In

the marketplace theory of free speech, all information is welcomed—even if it is presented anonymously. However (and this is a big "however"), anonymity also allows for abuses without accountability. It is easy to say something that others find objectionable when you cannot be held accountable for your words. More importantly, it complicates the issue of credibility.

For example, suppose you read some information online suggesting that a local politician has been having a sexual relationship with a married man. The information has been posted anonymously on a blog site you frequent. How do you know the information is legitimate? How can you evaluate the reliability of the information without knowing the credibility of the source? Or the motivation of the source? Remember that Kant said the only moral act was one done from a good will—that intention was everything. Recall the Elaboration Likelihood Model discussed earlier. Those tending to decipher persuasive attempts cognitively will always ask about source credibility, seeking to know the source of the information in order to determine the expertise and, even more importantly, the motivation of the sender of the message. Those using the peripheral route will often accept ideas they already agree with or simply be convinced by cues, such as *seeming* expertise on a subject, without necessarily considering motivation. We are often convinced by a seemingly well-constructed argument, especially if we don't stop to consider the motivation behind it.

What is Transparency?

Being transparent in public relations (or any form of public communication) means that both your identity and your motivation are apparent to those whom you are trying to persuade. The media ethics scholar Patrick Plaisance suggests that "Transparent interaction is what allows us as rational, autonomous beings to assess each other's behavior. Our motivations, aspirations, and intents are fully set forth for examination."[61]

> [C]ommunication is based on the notion of honest exchange. This norm of forthrightness, or being "aboveboard," is what is known as being transparent. And society would not be possible if we did not place a premium on the spirit of openness, or transparent behavior.[62]

Using a Kantian approach, Plaisance points out that communication that is intentionally opaque as regards the sender's identity and motive manifestly disrespects the humanity and autonomy of the receiver. In other words, the receiver is being used as a means to an end. Transparency in media communication, or in all communication for that matter, is the mainstay of human interaction. It is the mortar that binds us to each other in mutual respect.

> [T]ransparent behavior can be defined as conduct that presumes an openness in communication and serves a reasonable expectation of forthright

exchange when parties have a legitimate stake in the possible outcomes or effects of the communicative act. It is an attitude of proactive moral engagement that manifests an express concern for the persons-as-ends principle when a degree of deception or omission can reasonably be said to risk thwarting the receiver's due dignity or the ability to exercise reason.[63]

In a practical sense, transparency in public relations means being up front with your identity as a PR professional and with the identity of those whom you represent. However, in order to avoid the automatic defense mechanism that most of us employ against a persuader's vested interest, some in both public relations and advertising are moving into an old use of new media—the anonymous identity, or, worse yet, the fabricated identity.

THE WHOLE FOODS CASE

For six years, John Mackey, the CEO and co-founder of Whole Foods, a nationwide organic grocery chain, appeared as a regular blog poster on *Yahoo Finance* stock forums.[64] During that time, he posted dozens of negative attacks on his company's biggest competitor, Wild Oats. He questioned their corporate structure, verbally berated their management, and generally denigrated the value of their stock, often suggesting it was overpriced. At the same time, he praised his own company, its management, and even predicted its success in the stock market. On the face of it, this would appear, at worst, an unseemly display of corporate precociousness. The catch was, he was posting anonymously. He used the pseudonym Rahodeb (an anagram of his wife's name, Deborah) and hid behind the mask of anonymity to bash his competition.

His vehemence eventually began to attract attention. When questioned by other bloggers, he steadfastly asserted his innocence as just another anonymous poster. Once it became clear who he really was, the Federal Trade Commission published some of his online comments in an anti-trust suit file against Whole Foods in its bid to take over Wild Oats. Mackey maintains that he was simply acting as a private citizen, and has a right to do so. While his anonymous postings were being written, he simultaneously maintained regular postings under his real name on the Whole Foods blog site. Although he denied it, many believe that this was all part of a larger, and intentional, corporate strategy to lower the value of Wild Oats so that a buyout would be easier and cheaper.

The question for us is whether this type of deception is ethically acceptable; to answer that, we need simply to question motivation. The discussion of conflict of interest earlier is also applicable here. When someone argues a point of view from a vested interest (they can benefit from the decision they promote) we naturally suspect them. When they do so from a position of anonymity, and with a sense of expertise, we are left not knowing whether to question their motivations or not.

Would we have been more suspicious of John Mackey's arguments condemning his competitor had he been open about his identity? Probably. We would have realized he had a very vested interest in trashing his competitor and would have taken his comments with a huge grain of salt. In other words, our defenses would have gone up immediately. Recall that ethical persuasion requires that the person being persuaded have all the facts she needs to reflect critically on a situation and make an informed decision. That includes the identity of the persuader and his motivation. Without that complete information, we are being effectively deceived.

GOVERNMENT PR POSES AS NEWS

In 2004, a number of news organizations reported that federal investigators were looking into television segments in which the Bush administration had paid people to pose as journalists.[65] Their segments included praise for the new Medicare law, especially its prescription drug benefits, which had been highly controversial. Several of the segments included pictures of President Bush receiving a standing ovation from a crowd as he signed the new Medicare bill into law.

These taped "news" segments were actually produced by the Department of Health and Human Services and intended for use by local television stations, who often have difficulty filling news holes with local-only stories. This type of product is typically called a video news release (VNR) and should have been labeled as such by the company who produced them, along with the name of the company and its client. In fact, the sources of these "news" segments were not identified, and two of the videos ended with reporter-like sign offs—"In Washington, I'm Karen Ryan reporting." As it turned out, the "reporter" was a hired actor paid to read a script prepared by the government.

In addition to the unlabeled VNRs, a script accompanied the tapes that could be used by local news anchors to introduce what the administration later described as a "story package." One such script suggested that anchors use this language:

> In December, President Bush signed into law the first-ever prescription drug benefit for people with Medicare. Since then, there have been a lot of questions about how the law will help older Americans and people with disabilities. Reporter Karen Ryan helps sort through the details.

Lawyers from the General Accounting Office reported to Congress that the television news segments were a legal, and effective, way of educating the public on this new Medicare law—despite their admission that the source of this information campaign was intentionally omitted and the "reporters" had been paid actors. And, even though federal law prohibits the use of federal money for "publicity or propaganda purposes" not authorized by Congress, the Depart-

ment of Health and Human Services suggested there was nothing wrong with their approach to disseminating this information. Their spokesperson went on record as saying, "The use of video news releases is a common, routine practice in government and the private sector. Anyone who has questions about this practice needs to do some research on modern public information tools."

In fact, VNRs have been used for years to promote both products and ideas. Pharmaceutical companies, especially, have used them to promote their products by placing them within a narrative framework, or human interest environment. These short segments (usually "feature-length," 90 seconds to three minutes) are easily sandwiched into local news programs to fill empty news holes. As more local stations cut newsgathering budgets in the late 1980s, the use of VNRs became more prominent. The real problem was that the sponsors, and the producers, of the segments were not always mentioned, giving the false impression that these were either locally produced, legitimate news segments, or nationally produced segments "shared" with the local station.

Although it may be perfectly legal to produce and to run VNRs without citing the source, it violates the ethical requirement of transparency, thus it violates the trust relationship between the public in its information sources. This violation occurs at several levels. First, any public relations firm that produces VNRs for a client is morally obligated to make it clear that it is a video "news release" and indicate who the client is. Without this information, we are left either to question the credibility of the piece (especially if we are central-route processors), or simply to accept it as legitimate news based mostly on its news-like presentation (peripheral-route processors). In either event, we are cheated out of information vital to our understanding of the issue and to our subsequent decision-making ability.

It is important to note, however, that the onus of disclosure doesn't rest solely with the public relations firm originating the VNR. It is shared by the news organization that runs it. It is incumbent on local news stations to reveal the sources of their stories. News directors must distinguish between news and public relations, both for themselves and for their audiences. Their integrity is as much at stake as that of the PR people who produced the information in the first place. It is certain that much of the information generated by public relations professionals is newsworthy; however, astute journalists need to distinguish the difference between pure publicity and news value, and ensure that their final product is composed entirely of the latter.

THE EDELMAN–WAL-MART SCANDAL

Another, perhaps better-known example, is the so-called "'Wal-Mart'" scandal involving Edelman Public Relations, one of the nation's largest PR firms. A pair of seemingly independent travelers drove their recreational vehicle around the country, stopping overnight at Wal-Mart stores everywhere they went. (Wal-Mart

allows RV parking for free in their lots overnight.) The pair subsequently inter-viewed Wal-Mart employees at these stores and posted glowing blog accounts of these happy individuals and the wonders of working for Wal-Mart. This blog and another, also seemingly independent and ostensibly set up by Wal-Mart "fami-lies," eventually came under suspicion. A *New York Times* story revealed that both blogs were supported by Wal-Mart and developed by Edelman Public Relations as part of a "stealth" marketing plan. In fact, one of the blogs was written al-most entirely by Edelman employees posing as Wal-Mart employees. For many in public relations, this was a big step over the line. In responding to questions about the fake blog (flog) scandal, Emmanuel Tchividjian, the executive director of Ethics Consulting Practice of the public relations firm Ruder Finn, described the problem this way:

> [T]here is something new at work when it comes to the Internet, in terms of morality and ethics. The big element here is that of anonymity. When we complain that someone lied to us, we say, "He lied to my face. He looked at me and lied." That factor of human interaction is gone when it comes to the Internet. You can use an assumed name and nobody can trace you. This goes to the whole issue of transparency. If you follow the PRSA code, for example, you wouldn't do that.[66]

As with the other examples cited here, the question is not so much whether what is being said is true. The question is whether the people who are giving us information have a vested interest in the outcome, and, if so, why they are hiding their identities. Public relations, in order maintain its own integrity, must be en-tirely transparent and above board. Hiding behind the free speech right to ano-nymity may be all well and good for whistle blowers and others fearing for their livelihood, reputations, or even their lives, but there is no acceptable reason for anyone engaged in public relations on behalf of a client to act anonymously.

What Does It All Mean?

Public relations is an eclectic practice with a great many job descriptions involv-ing myriad functional obligations. As we have learned, along with these func-tional obligations, there will always be accompanying moral obligations—either directly or indirectly related. As the message vehicles available to public relations professionals evolve and increase in number, there will always be a temptation to avoid moral obligations in favor of the purely functional. As noted, these ethical lapses are often discovered by the very audiences involved in the communica-tion. In the case of Whole Foods' CEO, it was initially the other bloggers who suspected the ruse.

Public relations, more than any other media industry, is entering with gusto into the realm of new media, especially the opportunities provided by the inter-

net and the concept of social marketing. However, public relations professionals must continue to follow the dictates of their already established standards, either codes provided by professional organizations such as PRSA, to the idea of social responsibility, or to their own personal ethics. A basic rule of thumb is that, if it was unethical before, it will be unethical now. Despite the advent of new ways to communicate with people, respect is still respect. The only way to ensure ethical practice is to practice ethics in everything you do.

Chapter 9

Ethics and Advertising

> Many a small thing has been made large by the right kind of advertising.
>
> —Mark Twain

In a special issue of the *Journal of Business Ethics* in 2003, Richard Beltramini of Wayne State University introduced the group of articles by asking whether advertising ethics was an oxymoron. Citing the numerous complaints regularly leveled against advertising, Beltramini argues that it draws so much attention precisely because it is "the most visible business tool today, exposing the public to thousands of messages each day."[1] He rightly suggests that the emergence of new technology and delivery methods have posed new ethical problems that will naturally require a reassessment of the methods used to evaluate ethicality in the past. He issues a call for action for practitioners to "adhere to potentially even higher standards of ethical conduct than other business functions."

What follows in this chapter is a recounting of some of the charges leveled against advertising, and an exploration of the research into possible answers. As with public relations, we cannot assume that advertising is unethical by nature. But, in order to prove that, we must point out not only its faults, but also its value to the economic well-being of and its potential contribution to society.

What Is Advertising?

John Phelan, a professor of communications and media studies and media reform activist, defines advertising as a three-part process including the advertisement itself, the advertising agency that produces and places it, and the entity who pays for and sanctions the process and the outcome (the advertiser).[2] First, there is the *advertiser*. This is the client of the agency:

> Usually a corporate seller of commodities, the advertiser can also be a political party, a government, a public utility, a religion, a social movement, a charity. Any entity which chooses some medium of the public forum to reach large numbers of the public with a message and is willing and able to pay to do so.

Then there is the advertising *agency*—the entity that solicits, creates, and places advertisements and, frequently, measures their effects. Finally, an *advertisement* is any public form of announcement, usually a commodity, aimed to promote the acceptance or purchase of or a preference for the commodity. The commodity can be a product, service, idea, entity, or person.

Phalen points out that most advertisements are pretty straightforward—simply announcements about the availability of basic commodities, along with their attributes and prices. In addition to these are a "culturally significant" smaller number of ads promoting everything from political parties, candidates, and issues to those creating favorable images for various industries, organizations, or ideas—usually to dispel (or distract from) some unpopular belief about them. Finally, there are that small number of ads, often highly visible, that call attention to whatever it is they are selling by using emotional appeal and other cues that attract the less cognitively inclined among us (the "peripheral" processors of the ELM model discussed earlier).

What's Good about Advertising?

There is no denying that advertising does good things. Among them, advertising supports a free press. In the United States, most media (both entertainment and news) are supported by advertising dollars. Given their aversion to government control (prevented by the First Amendment), the various media must seek support elsewhere. Although subscriber fees (magazine and newspaper subscriptions, cable television fees, and burgeoning internet pay-to-access sites) defray a portion of costs, these media, and others, simply wouldn't be viable without other means of support. And that support almost always comes in the form of advertising. Very little of the media in the U.S. today exists free of advertising revenue, including the new media, which are struggling to come up with a workable business model—so far, still based on advertising income.

Advertising is also necessary to the functioning of a free-market economy. It informs the public about the availability of new products and explains the benefits and improvements of existing products, services, and ideas. It helps sustain the healthy competition necessary to such an economy and contributes to general economic growth by so doing. It can result in lowering prices and a general participation by the public in the process of normal consumption. As mentioned previously, the Supreme Court has even equated consumers with citizens, saying, in essense, that in some instances the decisions we make as consumers can be more important to our daily lives than those we make as citizens. To that end, advertising can also inform citizens about the ideas of political candidates, their policy decisions, and often something of their character, and it can bring candidates to our attention who might not otherwise be known.

Finally, advertising, in and of itself, is often viewed as an art form. It employees millions of people who plan, design, write, and create the messages and

images we see every day in thousands of advertisements. As with any art form, the best of advertising is witty and entertaining, uplifting and inspirational.

So, What's the Problem?

Because media are so dependent on advertising revenue for survival, an increase in advertisements and commercials is inevitable, even unavoidable. The result is that we are bombarded with advertising messages, causing what has often been called "information clutter." Well over 50 percent of all newspaper pages are filled with advertising, roughly the same number for magazines, and a lesser quantity, but more intrusive in many ways, for radio and television. The average television entertainment half-hour is really only about 20 minutes of programming. The remainder is filled with advertising. Most recently, radio has begun to digitally compress news interviews and talk shows in order to cram in even more advertising. Internet pages are quickly becoming filled with annoying pop-ups, distractingly busy images, and even sounds—including outright sales pitches using both video and audio. Access to news stories frequently pass through "welcome pages" with full-screen, animated advertising acting as road blocks between us and the information we are trying to access.

A side effect of the media's dependency on advertising dollars is that, in order to survive, media must reach the type of audiences sought by their advertisers, and produce the type of programming and information content that will attract the largest numbers of that audience. This raises a multitude of issues including the cultural and social implications of both advertising and the programming it supports.

Before we tackle those issues, let's first take a look at some of the approaches to ethics in advertising suggested by modern research. What follows are several ways of looking at modern marketing/advertising communications from a "big picture" perspective. Following that, we will discuss some of the specific issues that constitute much of the potential ethical problems associated with advertising.

Ethical Approaches Specific to Advertising

Advertising is a much-studied industry. Much of that research is related to the effectiveness of advertising and is industry-generated; however, a fair amount of research is given over to ethics. Recent research has also begun to focus on such topics as advertising on the internet and the effects of direct-to-consumer (DTC) advertising, especially pharmaceuticals. Some of these will be addressed later in this chapter. First, however, we will look at some of the more general approaches to studying ethics in advertising.

Moral Myopia

Minette Drumwright and Patrick Murphy have coined the phrase "moral myopia" to describe the position of many in advertising towards ethics.

> [M]oral myopia as a distortion of moral vision, ranging from shortsightedness to near blindness, which affects an individual's perception of an ethical dilemma. Moral myopia hinders moral issues from coming clearly into focus, particularly those that are not proximate, and it can be so severe that it may render a person effectively morally blind. If moral issues are not seen at all or are somehow distorted, it is highly unlikely that sound ethical decision making will occur.[3]

In personal interviews with advertising professionals in eight large metropolitan areas across the country, Drumwright and Murphy found two kinds of practitioners: those who are ethically sensitive and those who are not. For the latter group, ethical issues simply do not "appear to be on the radar screens." In most cases, these practitioners either thought that ethical issues don't apply or, if they noticed them at all, did not discuss them. This is owing to either a failure to see an ethical problem at all or a tendency to rationalize a problem, further distorting its ethical dimensions.

Drumwright and Murphy categorize a number of reasons (or excuses) for avoiding ethical issues. The following stand out.

- *An unwavering faith in consumers*—A belief that consumers are too smart to fool through unethical practices, thus advertising messages need not be evaluated for ethicality. The paradox is that advertising is created to persuade, and admitting that it is powerless in the face of smart consumers seems contradictory.
- *Passing the buck*—Putting the onus of ethicality on parties other than the advertising practitioner (parents, peers, the media, clients, etc.). In other words, society is to blame if something unethical is slipping into advertising. This raises anew the question of whether advertising creates or reflects societal mores. More importantly, it absolves advertising of any responsibility in the creation of these messages. As we have seen previously in this book, responsibility and accountability are shared throughout the communication process.
- *Legality equals morality*—A belief that laws governing advertising are sufficient as ethical guidelines. This also leads to the notion that advertising legally sanctioned products (cigarettes, for instance) leaves the moral decision up to the consumer (buck passing). The law, however, only covers the most blatant offences within society. The nuances are much harder to deal with. Ethics is full of nuances, and typically requires a determined conversation to ferret them all out. In other words, ethics covers what the law does not,

and requires hard work. Assuming that what is legal is also the sum of what is ethical is a lazy response to a complex problem.

- *Moral muteness*—The tendency to not rock the boat. Even if advertising practitioners feel there is an ethical problem, there is often a reluctance to bring it up in order to avoid confrontation—which could lead to losing the client. This phenomenon is defined as a situation in which advertising practitioners "do not recognizably communicate their moral concerns in settings where such communicating would be fitting."[4] This "muteness" is manifested in several ways: not blowing the whistle or questioning unethical decisions; not speaking up for ethical ideals when that action is clearly called for; and not holding others accountable for their actions.[5] The authors subsequently identified several excuses that are most frequently used to rationalize moral muteness. Among them are the following.

  - *Compartmentalization*—Separating personal ethics from occupational behavior. This results in at least two sets of standards. As discussed in Chapter 3, the tension between professional and personal ethics is always present; however, if ethics is avoided altogether in one's professional life, the conflict between personal beliefs and what one must do on the job can be very great indeed—and cause a great deal of dissonance. In addition, this compartmentalization is often the result of assigning different virtues to what one does as a professional from what one would ascribe to a "good" person. For example, if an advertising practitioner's primary (functional) virtue on the job is creativity, then other (moral) virtues, such as compassion, may be ignored simply because, when one is at work, the proper measurement of success is usually considered to be functional. According to Drumwright and Murphy, compartmentalization leads to the avoidance of responsibility for the negative effects of advertising.
  - *The client is always right*—The agency model of the client–professional relationship discussed in Chapter 3 privileges functional over moral responsibilities. There is an inclination in advertising to put the clients at the very top of the list of claimants purely because they pay the bills. This leads to a lack of critical judgment, especially as regards ethics. The authors call this a "please-o-holic" tendency, which places the agency in a subordinate position to the client, and, to an extent, absolves it of any moral responsibility (passing the buck, again). As we have seen, the proper relationship between professional and client is a fiduciary one in which decisions as well as responsibility are shared.

Finally, Drumwright and Murphy discovered a second group of advertising practitioners "who typically recognized moral issues and talked about them inside the agency with their co-workers and outside the agency with their clients and potential clients."[6] Although this was a smaller group, comparatively, they

were "notable exceptions" that they labeled "seeing, talking" practitioners. The authors noted that the most significant difference between these and the previous group seemed to be the moral climate in which they operated. They worked within agencies that "appeared to have some authentic norms regarding ethical behavior that were widely held and clearly articulated by members of the community."[7] In line with the major premise of this book, the "seeing, talking" advertising practitioners tended to adhere to a more formal moral decision-making framework involving recognition of the issue, communication about it, and the decision itself.

- *Recognition*—This group of practitioners seem to recognize moral issues when they encounter them, and count on their clients to view issues similarly. Thus, these practitioners "did not conceive of their roles as merely doing their clients' bidding. Instead, their roles encompassed making judgments and asserting opinions, as would be expected of a trusted partner."[8] In other words, they follow the fiduciary model outlined in Chapter 3. However, for most of those interviewed who fall into this "seeing, talking" group, the issues they were most likely to recognize were discrete, narrowly focused on the immediate and not on long-term or unintended social consequences. They suggest, in agreement with other, earlier research into advertising, that societal issues are perhaps thought of as too vague and the results difficult to calculate—one of the primary drawbacks to considering a broader definition of social responsibility among organizations in general.
- *Communication*—The "seeing, talking" practitioners also believed in open and direct communication, including that concerning ethical issues, which included plainly stating their own ethical values to potential clients to make sure that those of the client would match up favorably with theirs. They also cited the importance of agency-wide values initiated by those in charge and officially stated as part of the agency culture. These were frequently codified and prominently displayed, not merely as window dressing, but as an affirmation of a recognizable moral climate.
- *Decision*—Another hallmark of this group was the willingness and moral courage to say no, to each other and to their clients. This is in direct contrast to the sentiments of the other group of practitioners for whom the desires of the client were law—ethical or not.

According to Drumwright and Murphy, the "seeing, thinking" practitioners "appear to have mastered the various aspects of Rest's model of four psychological components determining moral behavior: '1) moral sensitivity (interpreting the situation), 2) moral judgment (judging which action is morally right/wrong), 3) moral motivation (prioritizing moral values relative to other values), and 4) moral character (having courage, persisting, overcoming distractions, implementing skills).' "[9] The result is what they call "moral imagination"—"being able to see and think outside the box, envisioning moral alternatives that others do not."

On the whole, the research conducted by Drumwright and Murphy, and their accompanying analysis seems to confirm what others have suggested and point to new methods of understanding advertising practitioners and the way they deal with ethical issues. Ultimately, the importance of a moral community/culture can't be overstated, for only within a nurturing environment can moral action be unabashedly practiced. The authors end with a list of propositions, among which are the following suggestions about what sort of working environment is most conducive to a higher level of moral sensitivity.

- Leaders who create a context in which moral imagination can flourish in the offices in which they work.
- Agencies with a highly communicative corporate culture.
- Agencies with frequent internal communication about core values.
- Agencies with frequent communication between upper management and lower-level employees about tough ethical issues.
- Agencies with formal ethics policies that have been widely disseminated within the organization and discussed among co-workers.

A Philosophical Approach

~~Chrisopher~~ Hackley and Phillip Kitchen, British academics in business and marketing, claim that modern marketing communications have evolved into a "Leviathan," much in the way Hobbes described government. That is, today's marketing environment is a vast and omnipresent element of modern society. As such, it deserves more than an examination of mere professional responsibility and simple "moral decency in human exchange relationships."[10] They view the ubiquitous nature of modern marketing as having an overall societal effect of "circumventing the moral development of citizens."[11]

They begin by assuming, as do many others, that advertising "does not, in general seek to promote the advancement of human moral sensibility."[12] They point out that one of the major dangers of marketing is that it is able, and quite willing, to combine emotional and rational appeals, suggesting that, in most cases, the emotional reaction to marketing precedes the rational. Recall the discussion of the Elaboration Likelihood Model in Chapter 6 that supports the notion that consumers of persuasive communication tend to process information either cognitively or peripherally, or by using a combination of the two methods. For Hackley and Kitchen, the real question is whether modern consumers process the overload of information presented by marketing by falling into "confusion, existential despair, and loss of moral identity," or "adapt constructively . . . and become intelligent, cynical, streetwise, circumspect Postmodern Consumers who are just as savvy as advertisers who are trying to persuade them."[13] Drumwight and Murphy's argument presented above seems to support the notion that many in advertising tend to believe this latter construction of consumers.

Hackley and Kitchen argue that even if the consumer has developed certain

avoidance strategies, the sheer weight of marketing communications ultimately confuses consumers, thus "disarming critical and evaluative faculties, and impairing the presumed moral and economic quality of buying decisions."[14] Another variable in modern consumer culture is the blurring of the lines between marketing communications and entertainment. The influence of the symbolic in film has led, they believe, to an entertainment-based advertising medium in which products are more likely to be sold based on symbolic context rather than literal descriptions of their salient features. In other words, a bar of soap becomes a refreshing spring day rather than a head-to-head competitor with other bar soap with differences defined in actual qualities instead of images.

For an answer to this problem, the authors suggest we look at the classical philosophical perspectives relevant to the modern consumer and the marketing "Leviathan." They begin with Plato, who, as you recall, didn't have a lot of faith in the people to run their own society. He believed that the masses had neither the education nor the experience to make complex decisions and were ruled mostly by emotion. Plato believed that the information people obtain from their senses, and which they tend to use in making life choices, was merely the result of the projection of reality, not reality itself (remember the parable of the cave?). For Plato, education was the answer—free of the "corrupting influences of popular drama, poetry, and personal property."[15] According to Hackley and Kitchen, we can infer that Plato would view modern marketing communications as "as a wasteful and corrupting force for evil incompatible with stability and social justice."[16]

Plato's most famous student, Aristotle, had notably different take on the place of "things" in the lives of human beings. Unlike Plato, Aristotle conceived of life as including a sufficient supply of "goods," without which people would be forced into a life of asceticism, sustained only by intellect. On the contrary:

> [An ethical man] is an individual who seeks personal happiness in this world as if life is a skill to be mastered, and a sense of deep responsibility toward others is as inherent a part of such a man as is a sense of responsibility towards himself.[17]

Because Aristotle places responsibility for moral development on the individual and not on the state (except as a supporting environment), he would probably view modern marketing communications as simply another dilemma to be investigated and solved by the morally mature person in the same way as life's other challenges.

John Stuart Mill, in the nineteenth century, suggested that freedom of speech was a paramount consideration in modern society. Private behavior, according to Mill, cannot and should not be restrained by either government or society itself. Rather, individuals should remain free to explore the natural limits of their potential through the normal experiences of life and a natural give and

take of the various influences that make up a personal and self-fulfilling life. This approach is, of course, reflected in Mill's "Harm Principle" discussed in Chapter 4.

> Postmodern consumers would simply have to regard the Communications Leviathan as an opportunity for personal development. In a process of cultural laissez faire, some would fail to cope and be 'cretinized' by the mass communicators: others would evolve into morally mature, critically aware individuals who might not have done so without the intrusive and challenging presence of the Marketing Communications Leviathan.[18]

On the other hand, given that modern marketing communications is ubiquitous in its nature and has definite social ramifications, Mill might have viewed it as a "an instrument of oppression rather than one of liberty,"[19] thus requiring some sort of social or government intervention. The "tyranny of the majority" that Mill warned about, on this view, could be (or maybe should be) applied to the Leviathan of modern marketing communications.

The authors conclude by noting that the cumulative effect of modern marketing communications may impair both the critical and moral reasoning of individuals flooded with an endless barrage of messages on a daily basis. And, although a normative ethical approach to this problem can be derived from the works of classical philosophy, its multi-dimensional aspects probably require a closer look at political science as well for further insight into the political-economic model that fosters the modern marketing "Leviathan" in the first place. Ultimately, they suggest that the persistent ethical issues

> concern the intellectual bases for the construction of normative ethical approaches concerning the formation of the legal framework for marketing communications, the conduct of professionals within the industry in designing marketing communications strategies, and the role of the Leviathan in framing the behaviour [sic] and values of the Postmodern consumer.[20]

Approaches to Professional Ethics

Johannes Brinkmann, a Norwegian sociologist and business ethicist, suggests that marketing ethics would be best viewed as a professional endeavor, allowing it to be subject to the various approaches common to professional ethics. Assuming the criteria of professionalism (as described in Chapter 3 of this book) are met, more or less, by marketing, he outlines four approaches to *professional* ethics that are typically used in business and marketing (and, by extension, advertising).[21]

The *moral conflict approach* recognizes that for most professionals ethics is a pretty abstract concept, until they are forced to face an ethical dilemma.

[B]usiness ethics can be an abstract issue for most ordinary business people unless it is experienced in the format of urgent and threatening conflicts and dilemmas.[22]

The problem with this approach is that, unless there is a conflict, very little attention will be paid to ethics in general.

The *professional code approach* suggests that moral dilemmas are best handled by the implementation of rules, typically set down as codes.

Such codes draw maps of expected conflicts, expected or suggested solutions and, perhaps, predictable sanctions. Codes try to exploit the positive functions of legal regulation by institutionalizing rules and laws which are valid for organization members who accept the rules by signature when joining or when passing exams.[23]

Strengths of the code approach include the above-mentioned plus such additions as peer pressure from those in the profession, limitation of power, and a broadening of social responsibilities. On the downside, codes are sometimes imprecise, heavy on symbolism, and difficult to enforce.

The *professional role morality approach* views ethics from the perspective of rights and obligations inherent in the role itself, as opposed to personal ethics. Given that professionals are typically considered to be relatively autonomous in their actions, they are also more responsible for their actions. Conversely, because professional roles generally limit choices to those requiring *professional* expertise only, moral responsibility can be reduced somewhat. Thus, professionals may, when faced with criticism, simply blame the role. For example, the degree of obligation owed a client can outweigh the degree of obligation owed a third party. Or, as Brinkman points out, the professional could simply say, "I withheld information, or even lied as a *professional*, not as a *person*."[24] The major drawback to this approach is that the role becomes the sole arbiter of ethical action rather than the moral agent acting as a "subject with free choices."[25]

The *moral climate approach* posits that ethics is best understood as being part of an overall climate or culture that a professional is socialized into. A moral climate both shapes and is shaped by its participants.

Derived from a work climate definition, moral climate has been defined as "stable, psychologically meaningful, shared perceptions employees hold concerning ethical procedures and policies existing in their organizations."[26]

The strength of this approach is that it is holistic—it includes the entirety of the cultural and social context in which decisions are made, allowing for a broader consideration of issues, causes, conflicts, and affected parties. The weaknesses of this approach are that it is dependent on the degree to which the individuals internalize the goals of the moral climate (make it a part of their personal and

professional ethical system), and the possibility that any given moral climate may be biased in its values in favor of the organization.

Brinkman suggests that these various approaches are not mutually exclusive, and, in fact, are complementary and can be combined—with moral climate being the best approach as a base for incorporating the others.

> Moral climates can prevent and handle moral conflict and can be learned by newcomers together with rules and roles. Climates are more or less dependent on ethical codes. Role players produce and reproduce moral climates. Many moral conflicts can be understood as role conflicts, codes describe role rights and duties, etc.[27]

Special Issues in Advertising Ethics

As with the other media discussed in this book, advertising has a number of flashpoint issues that seem to recur as areas of concern and subsequent investigation. The ethics scholar John Alan Cohan takes the position, often stated in this book, that,

> in itself, advertising is neither morally good nor bad. The ethics of advertising has to do with an evaluation of the content and techniques deployed in given bits of advertising, or prestige value of material things.[28]

Many of the ethical issues discussed here have to do with content and techniques. Others are broader and deal with larger societal issues, such as consumption being equated with happiness. For example, in a report on ethics in advertising produced by the Vatican (yes, the Vatican), the overarching concern appears to be that advertising often generates its own values or, at the very least, is extremely "selective about the values and attitudes to be fostered and encouraged, promoting some while ignoring others."[29] And advertising can sometimes promotes values that are not necessarily compatible with a healthy society (healthy on many levels). For example, advertising tends to focus on material gain. In fact, much of advertising promotes a blatantly consumer-oriented culture. For those with enough income to pursue such goals, this might not be a problem (functionally, at least). However, for those millions of society's members who have trouble enough making ends meet, the feeling of being left out or of needing to compete in the acquisitions race can be problematic. As Cohan puts it, "Advertising often fosters the philosophy that human happiness depends on the possession or prestige value of material things."[30]

However, the historian Michael Schudson suggests that "People's needs have never been natural but always cultural, always social, always defined relative to the standards of their societies."[31] Recall that Aristotle would not have us live without the material things that make life comfortable and aesthetically pleasing. On the other hand, he would also not have us value the acquisition of mate-

rial goods above the acquisition of a good character, which ultimately is what leads to a good life. Regardless, we must also accept that advertising is required by its very nature to paint such a picture—consumption leads to pleasure, which leads to happiness. Whether this is literally true or not, we must remember that advertising is an otherwise valuable element and a mainstay of a free-market economy. It is also capable of doing so without disrespecting those to whom it appeals—consumers.

Following, then, is a short list of some the most common ethical concerns associated with advertising. Note that these are not mutually exclusive and often overlap.

- *Advertising often attempts to bypass rational thinking and, in so doing, sometimes creates a sort of fiction by avoiding the literal truth.* Much of advertising is aimed at peripheral processors, especially for those products that are difficult to distinguish among, thus requiring the creation of images in order to sell them (perfume, soap, colas, etc.). Because of this requirement, advertising uses all the techniques of entertainment at its disposal to both attract the consumer to products and distract the consumer from consideration of the rational and definable differences among products—which creates grey areas that truth-in-advertising laws don't cover, and which are vague enough to be ethically troubling.

  Some of these grey areas include "puffery," the use of vague words or phrases such as "the best" or "most desirable." Carl P. Wrighter called these "weasel words" and warned that they can seem to say something that they don't literally mean.[32] For example, "helps your body grow" doesn't really answer the question of how it helps, or what exactly it's helping—good eating habits, exercise, steroids?

  Another, much larger, problem is the creation of images or a kind of *symbolic ambience* in order to sell products, services, or ideas when comparing actual product attributes doesn't seem to suffice. *Symbolic ambience* can be defined as the use of emotional images and cultural symbols to create a context for a product, essentially void of actual product attributes.[33] For example, scenes of crowded, upscale bars full of young, good looking people are a time-honored technique for selling certain types of beer. Or snowy landscapes equal "pure" products. Or a fun day at the beach means that you're obviously enjoying the right brand of cola. These, and hundreds of other similar ambience-creating methods, all avoid the more difficult chore of a straightforward comparison of products.

- *Advertising tends to classify audiences by type, sometimes leading to stereotyping.* Because audiences are typically classified by a generic typing (typically using demographics), there is a tendency to ignore the subtleties of human character in favor of the most obvious characteristics of a group. The result is that often advertising paints too simplistic a picture of some people, which can be misleading and, sometimes, even offensive. For example, in

recent years television has created a genre of men on numerous sitcoms who could only be classified as "the bumbling husband" type. Advertising, in turn, has mimicked this stereotype by picturing both boys and men as incapable of understanding the mysteries of laundry, or cooking a family meal without purchasing it in a bucket, or keeping themselves clean more than a few minutes at a time. Examples range from Homer Simpson to the title character on *Everybody Loves Raymond*. It may seem silly, but doesn't this lower in some way the expectations women have of men in a home setting?

The converse of this is that advertising often ignores certain audiences because they don't fit the demographic. Because advertising, and marketing in general, rely on demographic information (age, education, income, habits of buying and consuming, etc.) to determine their audience, there is a temptation to ignore certain segments simply because they don't fit into the required demographic—the very young, the very old, the poor, for example. If you belong to one of these groups, you may begin to feel that you are not important. The sad fact is that some groups wouldn't appear at all if it weren't for stereotypes. For example, how many Native Americans have you seen in television commercials who weren't stereotyped in some way? Now, ask yourself why they don't appear.

- *The increasing sophistication of advertising can lead to a lack of transparency.* Consumers have traditionally been able to avoid advertising, but in the "old days" it was much harder. You literally had to skip the advertising in magazines (which was pretty difficult to do), get up and go to the kitchen for a snack during commercials on TV, switch stations on the radio whenever an ad came on, or just generally ignore what was being shouted at you from every sign on a block of retail stores. Of course, advertising countered with increasingly intrusive techniques to gain your attention, including placards on grocery carts and bathroom stalls, unending rows of kiosks at shopping malls, louder and flashier television commercials, and increasingly larger advertising supplements in newspapers and direct mail.

With the advent of digital media, advertising seized on yet another chance to get your attention; however, the new technology has also created new ways of avoiding advertising—zapping commercials with digital recorders, setting pop-up and spam blockers on computers, etc. The important thing to note here is that, up to this point, consumers have mostly been able to recognize advertising for what it is, and avoid it as they saw fit. We know from both elaboration likelihood and cognitive dissonance theories that, if we recognize that a communication is persuasive, we can set up psychological defenses against it. But, what if we don't know it's a sales pitch? In response to technological advances that have allowed consumers to avoid certain types of persuasive messages, advertisers have responded with increasingly sophisticated means of calling attention to their products, including methods that avoid the appearance of advertising altogether. This raises the important ethical concern of whether advertising masquerading as

"friendly conversation" (or anything other than what it truly is) is deceptive or not. Advertising within social media (sometimes called "viral" marketing) is one of those techniques that will be discussed below.

• *Advertising can be offensive and tasteless.* Because of the need to get the attention of audiences, advertisers often resort to techniques designed to "cut through the clutter."[34] This generally means ads designed to get your attention, and nothing gets attention like shocking visuals or copy. In addition, sometimes advertising that we may find offensive has been deliberately designed to "push the creative envelope"—often a euphemism for "you're not hip if you think this ad is offensive." Other times, advertising professionals are charged with selling products that, by their nature, require approaches that may offend some people. For example, how does one sell perfume or cologne when the main purpose of the product is to attract someone sexually? In order to deal with these issues, many involved in advertising take an approach described earlier as moral subjectivism—everything is a matter of personal opinion or taste, thus it really isn't legitimate to say an advertisement is tasteless or immoral.

Let's turn now to dealing with some of these concerns in more detail beginning with those grey areas where truth often becomes the victim of creative presentation.

Creating the Image: Between the Truth and the Lie

Advertising isn't just about information dissemination; it's also about persuasion, and, as we know, the act of persuasion is fraught with ethical dilemmas. For example, advertising can be outright deceptive, as in all those weight-loss ads claiming remarkable results literally overnight, or the myriad products advertised to enhance sexuality (your spam filter probably handles most, but not all, of these). In the cases where the veracity of the claim is clearly in doubt, intelligent consumers tend to discount the advertisement and the product immediately. For most of us, our "qualified expectation of reality" negates the more blatant attempts to fool us. However, there will always be those, either desperate or merely gullible, who will be fooled. Advertising practitioners cannot simply rely on the old adage *caveat emptor* (buyer beware) when deliberately attempting to mislead consumers. In these cases, the various laws and agencies controlling advertising can be called on to intercede between consumer and advertiser. But these very obvious ethical, and legal, violations are not the most troubling aspects of potentially deceptive advertising.

The real difficulty comes in the grey areas of advertising—somewhere between the absolute truth and the absolute lie. Much of advertising is designed to *motivate* people rather than to *inform* them—either to buy something, adopt an attitude conducive to consuming, stick with a product or idea, or to literally

adopt a way of thinking that can lead to the acceptance of an entirely new idea or product. On the face of it, this is not unethical; however, a potential problem occurs when advertising switches from enumerating actual differences among competing brands to creating a *symbolic ambience* through the use of such things as cultural symbols (American flags), music (your favorite rock song), emotional narratives (happy puppies frolicking with happy nuclear families), and sexual images (always young, barely clothed, and in provocative poses) in order to distinguish their product from other, similar products.

This might be called *advertising through implication*. The *New Oxford American Dictionary* defines *imply* as to "strongly suggest the truth or existence of something not expressly stated." For example, in 1990 the Leo Burnett agency produced a short television commercial for the investment firm Dean Witter. It was composed of seemingly original 1920s newsreel-style footage of a man obliquely identified as Dean Witter giving a fatherly pep talk to a small group of businessmen sitting and standing around a table in a richly appointed office, sipping coffee. The footage was a faded black-and-white, scratchy, jerky, piece—complete with jump cuts and tinny sound. A quiet, East-coast-accented voice emanates from a gentle, spectacle-wearing man we suppose is Dean Witter, advising his comrades that "We measure success one investor at a time." The commercial subtly implies that this footage was shot in a time before advertising learned to manipulate the truth—a time when even businessmen were kind and gentle. Of course, the footage was shot in 1990, using actors, and intentionally designed to look authentic. It's also unlikely that Dean Witter had an East cost accent, given that he was raised and lived in California, but that's the sound we expect, because that's what nearly everyone in movies from the period had. It came to be called "Mid-Atlantic English"—slightly reminiscent of a British accent—and was widely used by both film actors and broadcasters of the period preceding World War II. The point is, no one says the accent is authentic. No one says the footage is authentic. No one says the man speaking is actually Dean Witter. But it is *implied*. Notably, nothing is expressly said as to why anyone should invest with Dean Witter. What the ad does is create an "emotional bond" between the brand and the potential consumer of the product.

According to the advertising researcher Rosalinde Rago, the classical approach to marketing has traditionally been to compare products by "performance advantage." However, with the rise of new technology and proliferation of ever-newer channels of communication, "product differentiation based on functional differences has become increasingly difficult."[35]

> [A]s brand clutter increases and functional benefits become less distinct and less likely to be acknowledged, marketers have had to rely more on those intangible characteristics of a product and its advertising that serve to establish a unique relationship—or emotional bond—between the brand and the target consumer.[36]

Because of the ease with which consumers can avoid commercials in this new environment, "Advertising today cannot argue. It must entice. It must seduce. It must present an attitude about the brand that insinuates itself into consumers' lifestyle aspirations and self-perceptions."

> More and more advertising is being developed, which, in addition to illuminating the functional benefit, is designed to engage the viewer in the commercial tale. It demands that the viewer participate and, himself, supply some of the meaning.[37]

This approach is especially important for *parity products*, those whose attributes are shared broadly with competing products, thus making differentiation more difficult—if not impossible. These include such items as soap, shampoo, cola drinks, beer (especially mass-produced American beer), athletic shoes, perfume and cologne, laundry detergent, and investment firms—to name just a few. The result has been that advertising agencies frequently resort to creating an image that then has to compete with other images for other products. By relying on image rather than actual product attributes, the focus is shifted from the product to an illusion of a better life associated with the purchase of the product. Consumers are left to judge, if they can, the actual differences among products, and are sometimes the poorer for not understanding exactly what they are buying other than an image.

Take cola drinks as an example. Most people have a preference and, subsequently, can identify their favorite in a taste test. On the other hand, sugar content seems to have played a significant factor in the early days of taste testing, in which Pepsi typically came in ahead of Coke. In reality, most cola drinks look alike, taste somewhat the same, contain similar ingredients (including caffeine), and are difficult to differentiate through advertising according to their actual physical properties. The result is that we have an ongoing battle between cola cultures, with the prize an increasingly younger, hipper audience. Because the content is not the issue, image becomes the selling point. Recently, an Australian research team found that adding caffeine to a soft drink does not enhance flavor. The obvious question then becomes, "Why is it being added?" According to the head of the research team, Russel Keats, it is "unethical" because it is simply being used to addict young people to sugary drinks.[38]

> Children don't have the cognitive ability to understand why they may be getting moody or irritable because their caffeine high has waned over time and they're wanting more.
>
> If it's there purely not as a flavouring [sic] but as an addictive agent or to promote caffeine dependence, then that would be unethical.[39]

The point is, advertising a product based on a created image while avoiding the realities of the product's contents couldn't be said to be entirely ethical—

especially if the contents are unhealthy. Obvious products in this category include, for instance, cigarettes, which historically were sold based on image alone while consumers were led to believe that image trumped reality. But think about the health factors involved in fast food, alcohol, soft drinks, candy, and myriad other products sold almost entirely through the creation of cultural images. How many of us think of the content of a fast-food sandwich while we're watching a fast-food commercial late in the evening after having skipped dinner? But is it entirely up to us to weigh the pros and cons of running out to the nearest drive-in for a burger and fries?

Some in advertising have also noted the movement toward fuzzier product identities. Brad VanAuken, a professional consultant on brand strategy, suggests that advertising has become too reliant on emotion as a sales technique. He cites the Continental Airlines slogan "More airline for the money" as an example of branding through an easily recognizable performance characteristic—a reason to choose them over other airlines. Then their slogan was inexplicably changed to "Work hard. Fly right," which, according to VanAuken, not only doesn't mean anything, it's also "silly."[40]

He also points out that, even if we are sold products through emotional appeal, we still want "reasons" other than emotional stimulus before we go into debt over a $50,000 BMW or a $10,000 Rolex. We may not need a more expensive car or expensive jewelry in order to live completely productive and satisfying lives. However, if we were to at least consider quality and performance, then our decisions would be based on legitimate differences that perhaps meet our actual needs. After all, a BMW is a great performance car, and a Rolex "takes a year to build."[41] We can justify purchases as being based on other than emotional satisfaction, but we must have access to that other information presented and available to us in order to do so.

Puffery

Even if an advertisement does present attributes or performance claims, it doesn't necessarily follow that the claims are legitimate. It may be only mildly frustrating to consumers to notice that the claim a dandruff shampoo "fights dandruff" doesn't say it eliminates it altogether, or that "Four out of five dentists surveyed recommend sugarless gum for their patients who chew gum," is so over-qualified as to be meaningless as a statistic. However, advertising that sets up a false impression of a product or a product's benefits to the consumer by seeming to promise actual performance characteristics is acting unethically.

For example, a few years ago, the advertising agency for KFC produced an ad series that was eventually taken out of play on the order of the Federal Trade Commission (FTC). Kentucky Fried Chicken had already opted for calling itself KFC in order to remove the "Fried" part from its image. But they took a giant step backward when an ad claimed that "Two Original Recipe chicken breasts have less fat than a Burger King Whopper. Or go skinless for 3 grams of fat per

piece." According to Bob Garfield, who writes a regular feature for *Advertising Age* on TV commercials, this was an example of "desperate and sleazy tactics" prompted by the upsurge in consumer willingness to "put their money where their arteries are."[42] As if to slip under the legal wire, fine print briefly flashed the message that KFC is "not a low fat, low sodium, low cholesterol food." The reality is that there is a five-gram difference between the two fast-food mainstays, and that neither product is especially good for you. The point is that KFC wasn't actually saying their deep-fried chicken is good for you—they were saying that it had less fat than another fatty, fast-food product. They were *implying*, however, that it was good for you, and that's the problem.

In response, the FTC charged the company with making false claims concerning nutritional value, weight-loss benefits, and health benefits that are not substantiated. Eventually, KFC withdrew the claims. However, this case exemplifies the problem of making direct comparison claims for products that are significantly the same (nutritionally at least) and helps explain why so many such products are marketed using images rather than facts. It also points to the problems inherent in exaggerating claims, whether through image cues or simply "fuzzyfying" the facts.

The KFC case is pretty easy to understand as ethically problematic. But what about those claims that are not patently false yet seem to say something about a product that isn't exactly provable? Techniques ranging from annoying to downright unethical allow for product claims to be made in ways that are either too vague to be understood or too misleading to be considered the literal truth. This is often referred to as "puffery," which the FTC has defined as a "term frequently used to denote the exaggerations reasonably to be expected of a seller as to the degree of quality of his product, the truth or falsity of which cannot be precisely determined."[43] This would include such claims as:

- We make the world's best mattress (Serta)
- America's favorite neighborhood (Applebees restaurants)
- Nobody does breakfast like IHOP does breakfast
- Fly the friendly skies of United

What these, and thousands of other claims like them, have in common is that they express subjective rather than objective views, and are based on the notion that a "reasonable person" would tend not to take these claims literally (the *qualified expectation of reality* test). As with most such definitions, however, what constitutes a "reasonable person" is open to interpretation. The advertising critic and scholar Ivan Preston wants to know if the FTC chooses to "protect only reasonable, sensible, intelligent consumers who conduct themselves wisely in the marketplace? Or does is also protect those who act less wisely?"[44] He argues that the defining factor separating a reasonable person from anyone else should be that "in the given context . . . [the latter] are poorly informed or utterly

uninformed. They have not obtained all of the information that can affect the decisions they will make."[45]

Preston is bothered by advertisers' seeming assumption that such claims are not false—that "who's to say you won't experience a sense of utter freedom while driving that new car?" is a legitimate matter of opinion and it *could* happen. However, Preston asserts that these features are "attached to products in an entirely arbitrary manner, there because the message says they are, and *only* because the message says they are."[46] He calls such claims as "Reebok believes in the athlete in all of us" *social-psychological representations*. Claims such as these imply that a product "possesses a feature that in truth exists only in consumers' social environments or within their own personalities or mental states of mind."[47] The problem with claims such as this is that expressions of self-image

> [are] not truly part of the product, but [are] associated with the product only in the representation. The message implied to the consumer, however, can be that the feature will accompany the product with such certainty that it may be treated as if it were an actual part of the product.[48]

Unfortunately, the law doesn't cover these vague areas of illusory attributes and implied promises. The law says a claim must be false to be harmful. Preston insists that "The question is not whether [puffery] is false . . . but whether it is deceptive."[49]

The Ethical Bottom Line for Creating Symbolic Ambience

Does selling a product by creating an image using emotion or other cultural or social cues in order to avoid outright product comparisons necessarily constitute unethical behavior? That would be too harsh a judgment; however, advertising professionals must realize that they have an obligation to present products in such a way as not to build a false impression of what a consumer may expect from a product or to create a "need" based solely on an image. That advertising may create a desire is not necessarily damning. What is questionable is the exploitation of emotions or the circumvention of rational thought processes—which is manipulative. When that happens, a consumer's freedom of choice is limited and her autonomy is violated.

Remember, respect for those with whom you communicate dictates that they understand fully the content of your message. They may not be fooled by talking frogs or football-playing Clydesdales. But they may actually believe that buying a diamond ring designed exclusively for a woman's right hand which says, "me" instead of "we" (which is what the one on the left hand apparently says) somehow makes a woman independent and in charge. After all, the same company that came up with this idea also came up with the concept of the diamond engagement ring some 80 years ago (yes, only 80 years ago) and marketed it through one of the largest advertising agencies of the time. Today, more than 80 percent

of American brides receive a diamond engagement ring at an average cost of $3,200.[50] Can advertising create a need? Yes. Can it do so by simply creating an image? Yes. Is there anything potentially unethical about this? Yes.

Fudging facts and playing with words and images to create a picture that is not quite true is an obvious ethical violation. However, sidestepping reality by projecting an illusion of a product is also problematic, and a dubious practice at the very least. When we do this, we run the risk of misleading our audiences, especially if what we create doesn't address the real needs of the people paying money to participate in our fantasy. Contrary to what some believe, advertising is not in the business of selling dreams. It is in the business of selling things. To the extent that advertising agencies can avoid images that say little or nothing about the actual product, service, or person being "sold," they should do so. At the very least, such images need to be based on real assumptions about the actual affects of the product, not merely on a created illusion.

A Reflection or a Creator of Reality: Stereotyping

Happy, good-looking, thin, mostly white, heterosexual, young people inhabit the world created by advertising. Although many have argued that advertising merely reflects the society and culture inside of which it is produced, the question exactly what parts of society, which of its cultures, and what values of that society and those cultures are chosen to be portrayed is a big one. Others argue that advertising is extremely selective about what it shows us as reality. Common complaints are that certain values and cultures are virtually ignored. The Vatican report suggested that

> the absence from advertising of certain racial and ethnic groups in some multi-racial or multi-ethnic societies can help to create problems of image and identity, especially among those neglected.[51]

Over the years, we have seen an increase in the inclusion of some ethnic minorities in advertising; however, recent research into television commercials suggests that, as far as the largest minority segments go (blacks and Hispanics), there is still serious underrepresentation. Some have pointed out that, despite an increase in representation of some minorities, others are ignored.

> It is clear that minority groups represent important segments to all types of companies that provide goods and services to Americans. However, advertisers' recognition of the importance of the groups is inconsistent. Many advertisers do not specifically target any minority group. Most advertisers that specifically target minority populations identify Hispanics as their primary minority group target, with Asians identified as their second most important target and with blacks, the largest group, as their third priority. Other groups, such as Native Americans, are rarely targeted.[52]

Because of the lack of representation in advertising (and other media, for that matter), we are often left with an incomplete or erroneous image of some members of our own society.

> Consequently, to the extent that members of the host society are denied an opportunity to learn about minorities through the media (either in programming or through advertisements) due to insufficient frequency of appearance, or are provided with mainly stereotypical representations, the effect may be to perpetuate stereotypical attitudes toward minority groups, as well as to interfere with the acculturation process of those minorities.[53]

If we don't see ourselves in the media we consume, or we do see ourselves, but in a way that doesn't really represent who we are, can we then say that those media are truly a reflection of society? Can we legitimately blame advertising, for example, for its abbreviated view of our world? What are the constraints that have led to the incomplete and often inaccurate image that we see when we look into the mirror that is modern advertising?

What is Stereotyping?

The way we most commonly use the term is an outgrowth of a concept first proposed by the journalist, media scholar, and critic Walter Lippmann in 1922.

He believed that people simply are not equipped to deal with the subtlety and variety presented by the "real environment" in which they live. Instead, they must construct simpler models of that environment so that they can better manage it. Stereotypes are those models. However, they are not individually constructed. Stereotypes are the Platonic shadow-show put on by our own culture—a figment of reality at best. As Lippmann put it,

> For the most part we do not first see, and then define, we define first and then see. In the great blooming, buzzing confusion of the outer world we pick out what our culture has already defined for us, and we tend to perceive that which we have picked out in the form stereotyped to us by our culture.[54]

Lippmann's work was primarily in reaction to a world driven in part by a burgeoning new media whose "screech, blare and color" were simultaneously clamoring for the public's attention. He suggested that it was with the help of stereotypes that a media-based society transmitted its cultural canon and explained the complexities of modern life. The narratives that people need to put their world into perspective were created, in part, by these stereotypes.

For Lippman, stereotypes were the domain of unconscious thought and preceded reason insofar as they are created without our direct experience or involvement.

We are told about the world before we see it. We imagine most things before we experience them. And these preconceptions, unless education has made us acutely aware, govern deeply the whole process of perception. They mark out certain objects as familiar or strange, emphasizing the difference, so that the slightly familiar is seen as very familiar, and the somewhat strange is sharply alien.[55]

This is a view of stereotypes as being inherently dangerous in that they sidestep rational thought in favor of a shadowy illusion of life, leading the masses clinging to a culture they barely understand while rejecting out of hand that which is foreign to them. Lippmann's vision of how people use the "pictures in their heads" to construct reality, especially a reality they have not experienced first hand, has remained pretty much intact as a concept. He believed that stereotypes were an inevitable by-product of modern existence. In a sense, he was right. They are inevitable—especially in advertising.

Advertising and Stereotyping

The average American will spend one and one-half years of his or her life watching television commercials. The ads sell a great deal more than products. They sell values, images, and concepts of success and worth, love and sexuality, popularity and normalcy. They tell us who we are and who we should be. Sometimes they sell addictions.[56]

How does one go about explaining an important concept, a product's salient attribute, or the complexity of a cultural ritual in 30 seconds? The limitations of space and time are a very real constraint on advertising. Is it possible for a wedding photographer, for instance, to develop a one-page print ad for her services without using stereotypical images of the traditional, Western-culture wedding? Probably not. Would we consider those images harmful? Probably not. But they are limiting, present only a single cultural picture, and reinforce certain cultural expectations at a number of levels. Nonetheless, stereotypes allow advertising to shortcut lengthy explanations by setting a context everyone already understands and moving directly to the sales pitch.

On the face of it, stereotyping is a neutral tool; however, because advertising both reflects and creates an image of society, it has the power to reinforce the positive or the negative, the helpful or the harmful. Obviously, then, stereotypes can be problematic. They can:

- reduce a wide range of differences in people to simplistic categorizations;
- transform assumptions about particular groups of people into "realities";
- be used to justify the position of those in power;
- perpetuate social prejudice and inequality.[57]

The most troublesome aspect of advertising is its potential effects on how we view ourselves and others. How many believe that the Irish are heavy drinkers, that Mexicans are lazy, that blondes are dumb, that white men can't jump? Far too many, actually; but those are the most egregious stereotypes, and more easily recognized for what they are. What about the more subtle stereotypes? How do we come to a place in our society where young women believe that what constitutes "normal" weight is barely enough to sustain life? Or that being a male in today's society means being macho, muscular, athletic, and in charge? Or, conversely, that being a male means not being capable of doing anything remotely domestic? Two theories can help us understand why this can and does happen.

Cultivation theory suggests that repeated exposures to media portrayals of a stereotype may result in public acceptance of the stereotype as reality. Over time, the ubiquitous nature of television may tend to provide a consistent, if inaccurate, picture of reality. For example, television sitcoms and commercials both frequently present women as nurturing—to their husbands, children, neighbors—while men are seen as bumbling, sloppy, self-absorbed. Sure, it's funny, sometimes endearing, and cues on what we may already believe. And, if we see this enough, it may eventually become a permanent part of our way of thinking about women, men, and marriage and its concomitant roles. That is the problem. If we accept these stereotypes as reality, how narrow is our understanding of actual women and men and actual marriages, and who ultimately suffers because of that?

Expectancy theory states that repeated media portrayals can build or reinforce expectations that are held for a group. For example, if we are exposed to the same stereotypes repeatedly, we come to expect that people who belong to the group being portrayed consistently in a stereotypical manner will, in fact, act that way in real life. If we belong to that group, we may even begin to believe that we should act that way. The more limited the exposure we have to anything other than the stereotype, the more we will tend to imprint the stereotype on the real individual. If you are a young woman and you consistently see women portrayed as air-headed "shopaholics," you may, over time, begin to adopt that cliché as a way of life. According to the advertising scholar and researcher Kim Sheehan, the actual effects of these theories are mitigated by the degree to which three variables are present.[58]

- *The range of stereotypes presented over time*—Although it may be true that portraying young women as addicted to shopping constitutes a stereotype, whether we tend to believe the stereotype is accurate may depend on how many other "types" we are exposed too. For example, if the shopping addict is only one of a number of stereotypes of young women we see consistently over time (e.g., as aspiring student, young professional, romantic partner, family member), then we will have a more complete picture of what constitutes a "young woman."

- *The frequency of portrayals of individual stereotypes*—This links closely with the range of stereotypes because a single image not repeated consistently over time is not likely to become a stereotype. In order for that to happen, it must be repeated to the exclusion of other possible images, ultimately presenting a one-dimensional portrait of a type.
- *The valence of the stereotype*—Are the portrayals negative or positive? Although a positive stereotype is still a stereotype, it is less likely that the results of viewing the stereotype will be harmful. A negative stereotype consistently presented over time (frequency) without balancing, contrary, or compensating images can cause a negative image to be imbedded in the life-view of those watching it. As Sheehan puts it:

> Seeing one single, consistent portrayal of a group of people can affect how we perceive all members of the stereotyped group, either while we are creating advertising messages or when we encounter members of the group in the real world.[59]

Although stereotypes abound in advertising, we'll address only one here as an example of how they work and their potential affects. The lessons learned from this example are applicable to all stereotypes and the solutions are the same.

Portrayals of Women and Girls

> Desperate to conform to an ideal and impossible standard, many women go to great lengths to manipulate and change their faces and bodies. A woman is conditioned to view her face as a mask and her body as an object, as things separate from and more important than her real self, constantly in need of alteration, improvement, and disguise. She is made to feel dissatisfied with and ashamed of herself, whether she tries to achieve "the look" or not. Objectified constantly by others, she learns to objectify herself.[60]

Advertising plays a very large role in what the media activist Jean Kilbourne describes as the selling of women to the cosmetics, clothing, and lifestyle industries. The combined messages these industries send out via advertising define a version of "beauty" that is "unattainable for all but a very small number of women."[61] The perfect woman is chic, free of blemishes (in theory, mostly thanks to makeup, but in practice thanks to digital photo manipulation), sexually desirable, vulnerable, and, above all, painfully thin. In fact, we rarely see "real" women in advertising at all, resulting in a kind of invisibility of normalcy that can leave the majority of women staring into a cultural mirror and seeing nothing at all that resembles them looking back. The result is that over time women begin to internalize these stereotypes and subsequently reject their own reality as something in need of constant adjustment.[62]

This process of begins startlingly early. The average North American girl will watch 5,000 hours of television, including 80,000 ads, before she starts kindergarten.[63] In 2002, an Australian study showed that teenage girls who watched television commercials in which underweight models appeared lost self-confidence and became more dissatisfied with their own bodies, and that girls who spent the most time and effort on their appearance suffered the greatest loss in confidence.[64] The National Institute on Media and the Family cites studies showing that the way girls are portrayed in the media, and advertising in particular, have an overall negative effect.[65] For example, at age 13, 53 percent of American girls are "unhappy with their bodies." This grows to 78 percent by the time girls reach 17.[66]

In addition to body image, girls are confronted with images that portray them as sexually erotic at increasingly young ages. Stereotypical images show young girls not only as sexual but also as powerless and as victims. Young women who consume these images over time are strongly influenced by "stereotypical images of uniformly beautiful, obsessively thin and scantily dressed objects of male desire."[67]

> The pressures on girls are exacerbated by the media's increasing tendency to portray very young girls in sexual ways . . . [T]he fashion industry has begun to use younger and younger models, and now commonly presents 12- and 13-year-old girls as if they were women. Camera angles (where the model is often looking up, presumably at a taller man), averted eyes, wounded facial expressions, and vulnerable poses mimic the visual images common in pornographic media.[68]

Other research has found that the images presented to girls are so narrow as to present a mostly stereotypical picture of who they should be. For example, a study analyzing Saturday morning toy commercials showed that, with regard to work roles, no boys had unpaid labor roles, and girls were mainly shown in traditional female jobs or roles of unpaid labor.[69] Another suggested that "media also presented an overwhelming message that girls and women were more concerned with romance and dating . . . while men focus on their occupations."[70]

Women and girls are bombarded with images of thin, sexual, and often powerless and passive, versions of who they should be. Both cultivation theory and expectancy theory are at work here, and the overall effect is painfully evident. A photograph of a teenage girl appeared on a blog site recently. She was wearing a T-shirt that read, "If found, return to the nearest mall." She was smiling.

The Ethical Bottom Line for Stereotyping

Advertising practitioners aren't likely to give up using stereotypes, nor should they. As already mentioned, the physical and temporal constraints on advertising literally require that a shorthand method of presenting information in

context be used. Nonetheless, given the potential for problems associated with stereotypes—inaccurate or negative portrayals of entire social and cultural groups being the most prominent—advertisers should err on the side of caution. As with any media form, we need to consider any potential harm that is being done, intentionally or otherwise, by our messages. For advertising in general, and stereotyping in particular, harm is a highly potential by-product of the message. Advertising professionals cannot ignore that potential. This doesn't mean that stereotypes should be eliminated altogether. Lippmann was right—a part of our world view is, of necessity, based on these stereotypes. We simply can't know everything about everything. However, we must resist the urge to classify too narrowly that which we don't know. By doing so, we automatically reject the nuances of life. Advertising should help us understand those nuances, relying on stereotypes only when absolutely necessary.

As Sheehan suggests, one of the best ways to do this is to present a range of images more fully representative of reality. Given that in order for most advertising to be effective it must be repeated over time, there would seem to be enough leeway to expand on any portrayal of any group so that a rounded, not a flat, image is created. Another, often cited, suggestion is for advertising agencies to hire people who are members of audiences that are consistently being stereotyped. At the very least, these people may bring an enhanced sensibility to potentially stereotypical messages.

As to the neglect shown to some groups within society who appear only as stereotyped sidebars to some advertising (the old, the very young, the poor)—until advertisers get out among the people who inhabit the real world not reflected in their demographic analyses, those groups will continue to be underrepresented or misrepresented. Ultimately, the best way to get rid of stereotypes is to meet the real people you are portraying. This can be accomplished by simply consulting with groups who represent your target audience and asking them their opinions. Respect for others as ends and not just as means to an end, as Kant reminds us, is the real bottom line.

Advertising and the Need for Transparency

Problems arise when advertising shifts from being obvious, thus avoidable, to being hidden or disguised as something else, so as not to be so easily avoided. As mentioned earlier, new technology has made avoiding advertising, especially on television, much easier, forcing advertisers to come up with ~~every~~ newer approaches to getting your attention. Many of those approaches utilize techniques more often associated with public relations; however, they still fall under the rubric of "marketing." There are a wealth of terms currently in use to describe these related techniques: Buzz Marketing, Word-of-Mouth-Marketing (WOMM), Viral Marketing, Stealth Marketing, and Social Media Marketing.[71] They all refer to roughly the same technique—spreading the word about a product or idea by using the consumer to help promote it for you. An article published by the

Wharton School of Business at the University of Pennsylvania notes that this technique

> assumes that a person-to-person marketing message is much more powerful because it is so personal—and that it could potentially reach more people than a broadcast message, if only it is buzzed about in great quantity by people who have very long contact lists and no qualms about promoting products to anyone who will listen.[72]

Although these techniques can be practiced ethically, there are numerous pitfalls associated with them, all having to do with transparency. As the Wharton article points out, these tactics raise "the specter of a paranoid future where corporate marketers have invaded every last niche of society, degrading all social interaction to a marketing transaction, where no one can be certain of anyone else's true opinions or intentions."[73]

Definitions

Viral marketing or *advertising* refers to using existing blogs and social networks (MySpace and Facebook, for instance) to increase the level of brand awareness of a product. *Viral* is an unfortunate word choice in that it is most often associated (at least in the past) with the spread of sickness or disease. The idea is the same, though. Marketers put out information in various forms on blog sites and other seemingly amateur venues in order to spread the word throughout the internet much faster (and cheaper) than traditional advertising can—thus the term *word-of-mouth* marketing. We will treat "word-of-mouth marketing" here as the overarching term under which the others described below fall. The driving concept is that people will pass on or "share" information, especially if it is exciting or creative. The rise of YouTube to the status of a multi-million-dollar business in just a few years is a testament to this approach. The ethical down side is that information disseminated this way can take on a false credibility because it seems to come directly not from an advertiser but rather from people just like you and me. As the marketing professor Jerry Wind notes, "For years, people recognized the power of word-of-mouth in convincing, influencing, affecting consumer behavior. It has more credibility than traditional advertising."[74]

Buzz marketing is essentially the same concept, except that the advertising aspect is more hidden beneath layers of person-to-person communication. The technique attempts to make advertising seem more like a conversation between friends in which information is exchanged spontaneously. This may even include actual marketing representatives posing as members of the target audience, often in chat rooms or specific blog sites devoted to the topic under discussion. This more insidious form of buzz marketing is called *stealth* or *guerilla marketing*. According to the Canadian law firm McMillan, Binch, Mendelson, stealth marketing is "marketing that promotes a product without disclosing any direct connection between the advertiser and the message."[75]

> Stealth marketing involves a marketer engaging with customers without disclosing that they are in fact paid by the business for which they are marketing a product or service. For example, a business might hire an actor or charismatic person to use a certain product visibly and convincingly in locations where target consumers of such product are located. While using the product in the location, the actor will also discuss the product with people he or she meets in that location and possibly hand out samples. The actor will often be able to sell consumers on their product without those consumers even realizing it.[76]

This approach is based squarely on the understanding that people will drop their defenses to persuasion if they don't think they are actually being pitched to. In other words, people are more likely to accept at face value recommendations about a product, service, or idea if (1) it comes from someone they know, even tangentially, and (2) they thus believe that the person has no vested interest or ulterior motive in presenting them with the information.

As traditional outlets (such as TV and magazines) decrease, become saturated, or are ignored, advertisers must seek ever-newer venues in which to sell their products. Social media outlets are an obvious choice, especially for the various forms of word-of-mouth marketing. *Social media* can be defined as an integration of technology with social interaction. Some have called it the "new democracy." Internet forums, message boards, blog sites, etc., are all forms of social media. Obvious examples are such sites as MySpace and Facebook, popular among college students and, increasingly, others. These are places in which people share everything from their personal lives to heated political commentary to creative work. It is also a place in which, increasingly, advertisers seek to become your friend, and that is what we will focus on here.

To Disclose or Not to Disclose: Is There Really Any Question?

That probably depends on whom you ask. In 2005 the non-profit watchdog group Commercial Alert filed a complaint with the Federal Trade Commission citing what they saw as a deeply disturbing marketing trend. The complaint stated that

> companies are perpetrating large-scale deception upon consumers by deploying buzz marketers who fail to disclose that they have been enlisted to promote products. This failure to disclose is fundamentally fraudulent and misleading.[77]

Commercial Alert cited several instances of what they called "stealth marketing." The most familiar (probably because of a *New York Times* article) was the 2002 campaign initiated by Sony Ericcson Mobile for its T68i mobile phone and digital camera. The initiative, called "Fake Tourist," involved placing 60

actors posing as tourists at attractions in New York and Seattle to demonstrate the camera phone. Some of the actors asked passersby to take their photo, which demonstrated the camera phone's capabilities.[78] Others frequented trendy lounges and bars, engaged strangers in conversation, and found reasons to use their new mobile phones to elicit interest. In neither case did the actors identify themselves as representatives for Sony Ericsson.[79]

Most notably, the complaint also targeted the number-one maker of household products in the United States—Procter & Gamble (P&G). In 2001, P&G started "Tremor," a word-of-mouth marketing program that actively recruited teenagers to pitch P&G products to their friends.[80] By 2006, some 225,000 teens were enrolled in the program. The teens were provided with such incentives as coupons, discounts, free downloads, and product samples. The idea was that they would then play up the use of P&G products to their social networking friends. The "connectors," the name used to define their function, were free to disclose that they were working for P&G, but were not required to do so. In 2005, P&G broadened its focus to include "moms." Again, this group wasn't required to disclose their affiliation with the company or let on that their praise of its products was somewhat "induced."

Commercial Alert's complaint criticized P&G's policy of not requiring transparency in their marketing efforts. According to *BusinessWeek*:

> Without such disclosure, Commercial Alert Executive Director Gary Ruskin sees the danger of the basic "commercialization of human relations," where friends treat one another as advertising pawns, undercutting social trust.[81]

P&G countered that by not requiring its "connectors" to disclose that they are working for the company, they are put completely in charge of what they choose to tell their friends. However, others point out that such disclosure would jeopardize the sales pitch by undermining the credibility of the "connectors."[82]

In December, 2006, the FTC, in a staff opinion, denied the request to investigate P&G's marketing techniques. They did, however, agree that "companies can deceive people by deploying 'sponsored consumers' who hide that they are paid to promote products."[83] The Commission stated that

> in some word of mouth marketing contexts, it would appear that consumers may reasonably give more weight to statements that sponsored consumers make about their opinions or experiences with a product based on their assumed independence from the marketer . . . In such circumstances, it would appear that the failure to disclose the relationship between the marketer and the consumer would be deceptive unless the relationship were clear from the context.[84]

But, what if that relationship is not completely opaque, only a little blurry? In an article for CNET News.com, the journalist Stefanie Olson deals at length

with the growing problem of the blurred line between "friends and flaks" on MySpace.[85] The major concern is that although ads on most web sites are "typically set off from editorial and clearly labeled . . . [on] social networks, ads and marketing pitches can come in any form, without a label. Even stickier on MySpace, it can be difficult to tell a genuine member from a marketer."[86] According to a report from the research firm eMarketer, social networking sites such as MySpace are full of marketing campaigns set up as "profile pages" for hundreds of advertising "partners," none of whom identify themselves as such to visitors. Instead, they offer free music downloads, celebrity gossip, comic books, games, coupons for products, and myriad other opportunities to become subtly exposed to products. Olson cites Renee Hobbs, director of the media education lab at Temple University, as pointing out that

> [m]ost American teens perceive the presence of bands, celebrities and comics on MySpace not as marketing, but as an opportunity for friendship. Teens' response to these marketing messages is linked developmentally, because they are at an age where they are using relationships to develop a sense of identity.[87]

But, what if the relationship isn't even a relationship? What if those passing on the sales pitch aren't even aware they are part of the marketing plan? In 2000, Fallon McElligott, the ad agency for Lee Dungarees, came up with an idea to make their client's product more appealing to 17- to 22-year-olds.[88] Playing on the amateur multi-media-author appeal, they created a series of three, grainy, apparently home-made video clips. The small films were sent out over the internet to some 200,000 web surfers in the target age group. The videos were designed to appeal to the quirky, naïve nature of budding MTV music video producers who would, of course, pass them on to their friends all over the web. The films directed the receivers back to the sites of the "creators" of the clips, who had fully formed internet lives and lots of quirky interests (one was a 24-year-old race car driver). The problem is, they weren't real. Instead, they turned out to be the fictional creations of a marketing plan. The plan, however, worked. Some 100,000 surfers visited the three sites the first week and, when the ruse was intentionally revealed a few months later, unwitting participants were already hooked. It was revealed that the characters were actually part of an online video game in which the only way a player could reach the advanced level was to go out to a store and retrieve the product identification numbers ("secret code") off Lee jeans and other items. Sales of Lee products rose by 20 percent in 2000.

The one thing all of these cases have in common is that the marketing tactics they use are purposefully designed create a sense of security for the consumer. However briefly, they believe they are sharing an experience with someone free of motivation other than friendliness.

[T]he gambit essentially is the same: to slip into the conversational pathways of those who heavily influence their peers. That way, instead of coming from a faceless and distrusted corporate conglomerate, the marketing message seems to emanate from the most powerful endorser possible: your coolest friend.[89]

The Ethical Bottom Line for Word-of-Mouth Marketing

The fact is, word-of-mouth and buzz marketing work and, because they work, advertisers will continue to use them. As the business professors Andrew Kaikati and Jack Kaikati note:

> Despite the criticisms from various quarters, stealth marketing is here to stay. It has a powerful role to play when it is tastefully implemented. As traditional television advertisements continue to lose their effectiveness, brand managers are being pressured to think outside the box by going undercover to reach consumers. To capture the attention of jaded, fickle consumers, they will continue to devise new approaches that are harder to detect. Brand managers are gambling that the benefis of stealth marketing will outweigh the castigations by critics.[90]

These authors, like the myopic advertisers defined earlier, seem to believe that the marketplace is full of intelligent and independent-minded citizens who "can choose the messages they want to engage with while ignoring the vast majority of ad clutter."[91] They believe that the ethicality of the new marketing tactics will ultimately be decided by these "savvy consumers" who will "determine when stealth marketing has crossed some ill-defied line."[92] Their only fear seems to be that, as these tactics become more popular, they will lose their stealth value, forcing advertisers to "seek even more creative tactics to stand out in the competitive marketplace."

The "ill-defined line" being crossed here is not so fuzzy as to go unnoticed by others in the field, however. The Word of Mouth Marketing Association (WOMMA), a leading organization representing marketers who practice this brand of advertising, has developed a code of ethics aimed specifically at such practices as stealth marketing. It clearly calls for what it terms "honesty of identity," which includes:

- Clear disclosure of identity is vital to establishing trust and credibility. We do not blur identification in a manner that might confuse or mislead consumers as to the true identity of the individual with whom they are communicating, or instruct or imply that others should do so.
- Campaign organizers should monitor and enforce disclosure of identity. Manner of disclosure can be flexible, based on the context of

the communication. Explicit disclosure is not required for an obviously fictional character, but would be required for an artificial identity or corporate representative that could be mistaken for an average consumer.

- We comply with FTC regulations regarding identity in endorsements that state: "Advertisements presenting endorsements by what are represented, directly or by implication, to be 'actual consumers' should utilize actual consumers, in both the audio and video or clearly and conspicuously disclose that the persons in such advertisements are not actual consumers of the advertised product."

- Campaign organizers will disclose their involvement in a campaign when asked by consumers or the media. We will provide contact information upon request.[93]

In addition, the organization has developed a "tool kit" composed of a set of 20 questions that can be used to judge the ethicality of a word-of-mouth marketing campaign. It includes such advice as always insisting on disclosure, making sure the opinions expressed by advocates are honest ones, and instructing advocates in ethical practices and behaviors.[94]

The WOMMA code and the increased scrutiny of word-of-mouth practices have encouraged some agencies, such as BzzAgent, one of the largest and most visible buzz marketing agencies in the U.S., to adopt policies that require its agents to disclose their identities. But, as with much else in media ethics, the functional results often dictate the moral response. It seems the practical aspects of disclosure suggest that word-of-mouth campaigns are generally more successful with identity disclosure than without. Apparently, credibility vanishes once people find out they've been duped, and the backlash from consumers can be detrimental to the overall campaign, and the product being sold.

Regardless of the practical motivations behind disclosure, advertisers have a moral obligation not to hide their identities. As previously noted, the ethics scholar Patrick Plaisance argues that transparency

is an attitude of proactive moral engagement that manifests an express concern for the persons-as-ends principle when a degree of deception or omission can reasonably be said to risk thwarting the receiver's due dignity or the ability to exercise reason.[95]

In other words, we violate the dignity and autonomy of our audiences when we seek to deceive them, and many forms of word-of-mouth marketing do exactly that. If we are to act as morally responsible communicators, we must treat the "other" as if he or she actually were our friend.

Offensive Advertising

The code of Advertising Ethics and Principles of the American Advertising Federation states that, in the matter of taste and decency, "Advertising shall be free of statements, illustrations or implications which are offensive to good taste or public decency."[96] That's a tall order. And a little vague. What exactly are "good taste" and "public decency" and who gets to define them?

A Matter of Taste?

Is offensive advertising truly in the eye of the beholder? Some would have us believe so. Certainly, many in advertising adhere to the tenets of ethical subjectivism, believing that there is no such thing as offensive—it is all just a matter of taste. And, as the Romans said, *de gustibus non disputandum* (there can be no dispute over matters of taste). There is also no disputing that advertising sometimes produces material that some find offensive. The first question we need to ask is why it is offensive to some and not to others.

James Barnes and Michael Johnson, both professors of marketing, suggest that ads may appear as offensive to some because of either the nature of the product itself (condoms, sanitary napkins, etc.) or their creative execution (using sex to sell, for instance).[97] The fact of the product itself being offensive is not generally under the control of the advertising agency—except that it can always decline to take the account. In addition, social mores, including taste, change over time, affecting the first factor. For example, advertising condoms was once considered pretty much off limits. Today, ads for condoms appear regularly in a number of mainstream magazines, though not as much on TV. Exposure to the product can be thus controlled to some extent by placement. On the second factor, creative execution, the agency can be said to have much more, if not total, control. The Australian marketing professor David Waller found that even if a product itself might be considered "controversial," it doesn't necessarily follow that advertising it would be viewed as offensive.[98] If it was considered offensive, it is more likely that something else about the ad was offensive other than the product itself. For example, Waller found that people tended to be offended by such associative aspects as sexist images, violence, stereotyping, indecent language, anti-social behavior, and nudity—aspects over which advertisers usually have control.[99]

The adverting professor Timothy Christy, however, argues for a more holistic approach. He suggests that variables such as the descriptions of the product, the execution being used, the medium in which it is displayed, and the audiences that are least/most likely to be offended should be considered as a whole. For example:

> the use of nudity by itself may be offensive to some, but if nudity is used to promote a product associated with sex to certain audiences in a medium

that includes sexual content, the likelihood of offense is lessened. This example alludes to the importance of understanding consumers and tailoring messages to target audiences accordingly.[100]

He suggests that advertisers can control the level of potential offense in an ad by better understanding how consumers are offended in the first place—in other words, understand your audience. This, he argues, is a by-product of the fact that advertisers are often quite different from those to whom they advertise—a point also relevant to stereotyping.[101]

In Great Britain, the advertising industry has set up an independent body to police the rules laid down in their various advertising codes—a self-regulatory system. A 2002 report on serious offence in non-broadcast advertising (magazine, billboard, etc.) found that "the majority of the population are quite positive towards advertising, but some feel that sometimes ads just go too far."[102] The findings suggest that the reaction to offensive material can be broken down into "emotional" offense and "rational" offense, roughly corresponding with the way people process advertising (e.g., the elaboration likelihood model). For example, an ad depicting a blatantly violent image might elicit an emotional reaction whereas one using subtle yet harmful stereotyping might prompt a more rational objection. Additionally, people seem more likely to be offended "by proxy" (on behalf of someone else) than to be personally offended; for instance, passing a public billboard containing a sexual image while walking with a child. Not surprisingly, the research showed that offense differed with the age of the viewer.

> Younger people tended to be less sensitive in relation to "traditionally" offensive areas, such as sexual images, violence and bad language; but they tended to be more sensitive than older people when thinking about how groups and individuals were portrayed, and were more concerned about the negative portrayal of vulnerable groups.[103]

All groups seemed to agree that the most sensitive images were those that sexualized children or degraded, demeaned, or humiliated vulnerable groups (ethnic minorities, seniors, women, the poor, etc.). However, over three quarters of the people surveyed also felt that it is wrong to use sex to sell unconnected products. Similarly, the majority agreed that violence should never be portrayed in advertising.

Probably the most important finding, and one supported by a number of researchers, is that context affects the level of offense experienced. In other words, the location and type of media were crucial in deciding whether someone was offended or not. If an ad using overt sexual images were placed in a magazine targeted to adult readers, children would be less likely to see it, as would members of religious groups—thus the ad would be less offensive. Choice also plays an important part, because people can choose whether to buy or read certain publications (or prohibit their children from doing so) and thus avoid being

offended. Conversely, offensive advertising placed in public places (billboards, posters, store signage) is most likely to be viewed negatively.

Finally, what's being advertised plays a role as well. People are less likely to be offended by advertising produced by charities (non-profits) for "good" causes even if it uses "shocking or distressing" images. For example, an ad for AIDS awareness stressing condom usage probably would not offend, whereas an ad *for* condoms by the manufacturer might. So where does that leave us? According to the advertising professor Kim Sheehan:

> Images that are shocking, disrespectful, or out-and-out disgusting must be evaluated within the context of where they will appear. The sensibilities of the target audience who will see the message must also be considered. This recognizes that a message that is completely appropriate to one target audience may be inappropriate for another.[104]

However, is advertising's only responsibility as regards offensive material to place it where those most likely to be offended won't see it? Or is it a much larger issue of what the Yale Law professor Stephen Carter calls "the coarsening of society" in general, and the part advertising plays in that process?[105]

Whom Are We Offending, and Why?

A 2007 ad by the Italian fashion house Dolce & Gabbana, appearing in *Esquire* magazine and elsewhere around the world, was pulled by the company after being banned in Italy and Spain following protests. In the ad, a woman,

> fully clothed in a tight dress and spiked heels, lies on her back, hips raised as a bare-chested man holds her down and four other men look on. The menace in the situation is underscored by the fact the woman is blankly unsmiling and some of the men appear to have slight sneers on their faces.[106]

Consumer groups and women's organizations immediately took offense. Kim Gandy, president of the National Organization for Women, called it "a provocative ad," but one that is "provoking things that really are not what we want to have provoked. We don't need any more violence."[107] Wally Snyder, president and CEO of the American Advertising Federation, says that the ad ran afoul of what he calls "taste and decency," and certainly does not "advance the image of the advertising industry."[108]

Another area of advertising that walks a very thin line is "shock advertising." *Shock advertising* can be defined as an appeal that "deliberately, rather than inadvertently, startles and offends its audience."[109] The business professor Darren Dahl says that this tactic purposefully elicits offence through the process of "norm violation," by literally flouting law or custom (obscenity or indecent sexual references) or moral or social codes (profanity or vulgarity), or simply

by outraging the moral senses (violence, disgusting images).[110] For example, the clothing giant Calvin Klein began outraging consumers in the early 1980s with blatantly sexual images of adolescent models such as Brooke Shields (blue jeans) and a childlike Kate Moss (Obsession perfume). In 1995, a campaign featuring "pubescent models in provocative poses caused major controversy and debate when they crossed the line between fashion and pornography."[111]

> The advertising campaign—which used images of models who were reportedly as young as 15—was meant to mimic "picture set" pornography of the '60s. In the magazine ads, young models posed suggestively in a sleazy suburban "Rec Room," complete with cheap paneled walls, a paint splattered ladder, and purple shag carpeting. The TV spots left little doubt that the images intended to imitate pornography.[112]

Eventually, the Justice Department launched an investigation to determine whether the ads violated child pornography laws. The ads were subsequently withdrawn, but not before Klein's reputation for "cool" had skyrocketed. In 1999, another Calvin Klein campaign targeted even younger children, photographed in black and white, frolicking in their underwear. Again, experts pointed out that the images were pornographic because children were sexualized by the particular style of the ads. The ads were pulled within 24 hours.

By contrast, consider an ad campaign that ran in 2000 sponsored by the Breast Cancer Fund. The posters, which ran in public venues such as bus stations, mimicked typical magazine ads in *Cosmopolitan* and catalog images such as those in *Victoria's Secret*. The models, clothed in trendy underwear, were seen revealing mastectomy scars where their breasts would normally be. The copy read, "It's no secret society is obsessed with breasts, but what are we doing about breast cancer?" One billboard company that had originally donated space refused to use the posters at all. Several other posters were removed following complaints. As we have seen, potentially offensive advertising used in a "good" cause is less likely to be viewed negatively; however, that doesn't mean that it won't offend people at all.

So, what's the difference? We can look back at Chapter 7 for part of the answer. In judging the use of certain means to reach a desired goal, we have to ask ourselves whether the goal itself is moral and whether the means used to achieve it are moral. The variables that concern us here are whether the goal, or ends, of advertising a particular product are morally worthy and thereby mitigate the use of morally questionable means. If the end is not viewed as morally worthy, then the use of morally suspect means is questionable. Let's assume, for argument's sake, that the goal of simply selling a product or gaining brand recognition in and of itself is basically amoral—that is, it is neither moral nor immoral. It is an economic goal. Further, let us argue that raising awareness of breast cancer and its effects is a good thing—a moral act.

The question posed at the head of this section, "whom are we offending, and why?" now comes into play for both scenarios. Advertisers can rather easily predict whether a campaign will be offensive, and who is most likely to be offended. The part of the question that goes to the morality of the act is the "why" part. By applying the criteria of means and ends, we could say that using shock advertising to draw attention to a moral cause is *probably* ethical—remembering that unethical techniques are still suspect, even in a good cause. However, if we accept that selling a product or simply drawing attention to a brand is an amoral end, then the morality of using potentially offensive tactics to accomplish that end deserves a much harder scrutiny. As David Waller reminds us:

> For those involved with controversial products or controversial campaigns, it appears that they should be aware of the potential to offend the public . . . [They] should also be aware of what issues are the ones that offend their customers, and be socially responsible enough to refrain from openly being offensive.[113]

Further Use of the Means–Ends Paradigm in Advertising

We can use the means–ends paradigm detailed in Chapter 7 and applied above as a good starting point from which to investigate ethicality in advertising overall. We can look at the means used (how are we doing it?), and the ends sought (why are we doing it?) in order to judge the ethicality of an action. A good end does not necessarily justify questionable means, but it does help (the breast cancer example). Conversely, an ethically unjustifiable end (selling cigarettes) cannot be vindicated by ethical means. We must use a modicum of caution, however, in judging the validity of both means and ends. If we take too critical a stance regarding the purpose of advertising, almost nothing can be justified. For example, if we assume that the practice of advertising naturally subverts personal autonomy, or produces, de facto, a society of mindless consumers, then no amount of moral justification will suffice. On the other hand, if we conceive of advertising as a necessary component of a free-market economy and as an important contributor to the "marketplace of ideas," then we must regard it as also capable of acting ethically—indeed require it to do so. As the Vatican report suggests, "[a]dvertising can violate the dignity of the human person both through its content—what is advertised, the manner in which it is advertised—and through the impact it seeks to make upon its audience."[114]

In using the means–ends paradigm, however, we must also consider the important role of intent. Aristotle defended his how-to book on persuasion (*Rhetoric*) by arguing that the act of persuasion is neither good nor evil. Only the person using it can determine its morality by his intent. A person of good character would not perform an evil act. Likewise, Kant argued that an act can be judged moral *only* by the intent of the actor. Thus, a moral act is one that is

intended by the actor to do good, not evil. How do we factor intent into the equation? The following example will help illustrate.

An end might be viewed as morally unjustifiable by most people—such as selling cigarettes. However, the means used to accomplish the selling could be entirely above board. For instance, some cigarette ads even mention the health risks or include information on how to quit. So, if the goal (or end) of advertising is to sell a particular product or idea, then we can first ask whether that end is, in itself, morally justifiable. If we assume that the *act of selling* is itself neither moral nor immoral (amoral), then we must ask if the *product* being sold is questionable. For example, if cigarettes are thought by many to be a bad (even evil) product, can any tactic used to sell them mitigate that fact? *An immoral end cannot be justified by moral means.* On the other hand, alcohol abuse is epidemic within certain groups in our society. Is it the alcohol that is bad, or is it the act of selling it to those who are most vulnerable to its abuse the immoral part of the equation? In this case, the tactic used to sell the alcohol (means) is beside the point. If we cannot judge the ethicality of an act by either its ends or its means, we must question its intent, which goes to the act itself. When the very act of selling something is questionable (it *could* cause harm) but not necessarily morally unjustifiable (the use of alcohol, unlike tobacco, is not necessarily harmful), then it cannot be amoral. That is, morality can then be attached to the act. In this case, the act of selling alcohol by intentionally targeting at-risk groups is unethical.

We can use this same paradigm to explore each of the problems in this chapter by asking if:

- the act itself is morally *unjustified*: the selling of harmful products such as cigarettes;
- the act itself is morally *justified*: making people aware of the breast cancer epidemic;
- the means are questionable: use of potentially offensive images, or the creation of misleading images instead of the use of simple facts, or the use of stereotypes that might prove harmful over time to certain groups within society;
- the intent is honorable or not: concealing the identity of product "advocates" in order to deceive consumers into believing they are talking to "regular people."

What Does It All Mean?

Of all the media discussed in this book, advertising is probably the most criticized, and, sometimes, the most maligned. We should remember, however, that advertising is not inherently unethical any more than public relations or journalism. It contributes to the culture in which we live, both by reflecting it and by contributing to it. As the Vatican report on advertising puts it, "[A]dvertis-

ing can, and often does, play a constructive role in economic growth, in the exchange of information and ideas, and in the fostering of solidarity among individuals and groups."[115] Advertising can be creative, often humorous, and even uplifting at times. Many consider it an art form.

We must also remember that what advertising seeks to accomplish, in most cases, is the sale of a product or the adoption of an idea (often leading to the sale of a product). Advertising affects the consumer directly, in myriad ways—some good, some bad. Because of this, a "fundamental principle" is enjoined: "[T]hose who commission, prepare or disseminate advertising . . . are morally responsible for what they seek to move people to do."[116]

The ethics of advertising don't boil down to simply recognizing shady tactics. It is a matter of wanting to do the right thing. As we have seen, that is most often effected by working from within a moral climate in which ethical issues are recognized and dealt with.

> The indispensable guarantors of ethically correct behavior by the advertising industry are the well formed and responsible consciences of advertising professionals themselves: consciences sensitive to their duty not merely to serve the interests of those who commission and finance their work but also to respect and uphold the rights and interests of their audiences and to serve the common good.[117]

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