

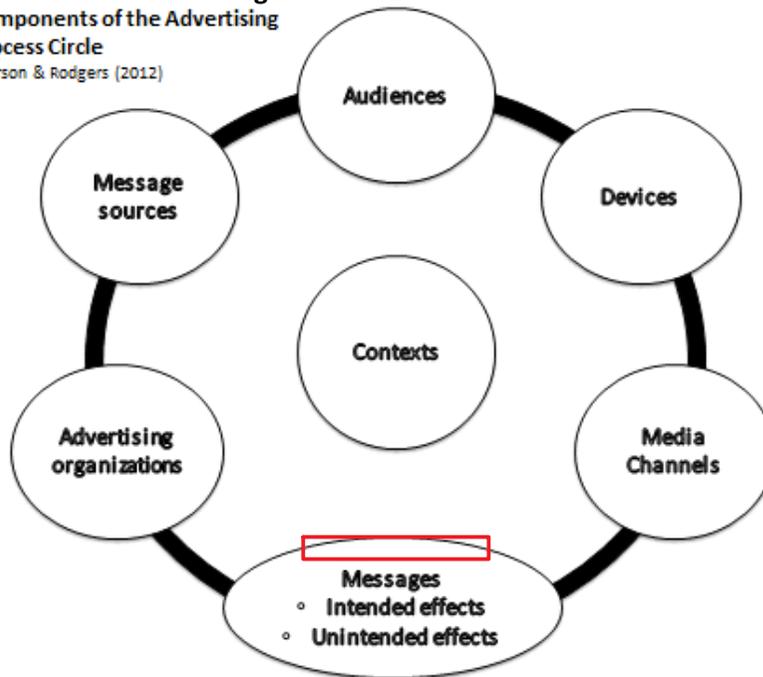
Introduction to Advertising Ethics & Law

Tuesday, January 14, 2014
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- **Advertising Ethics**
 - Well-founded standards of right and wrong that prescribe what humans ought to do, usually in terms of rights, obligations, benefits to society, fairness, or specific virtues.
 - How do YOU define advertising ethics?
 - A set of defined rules which controls the way communication takes place between advertiser and consumer.
 - Commonalities in definition of advertising ethics
 - Not deceptive
 - Intended/unintended consequences
 - Respective to copyright law
 - Being held accountable
- **Advertising Ethics**
 - "What is right and good in the conduct of the advertising function. It is concerned with questions of what ought to be done, not just what legally be done." (Cunningham 1999, p. 500).
 - Key distinctions--advertising ethics includes aspect of legal
 - Law/ethics not equated
- **Law & Ethics**
 - Law is a reflection of ethical judgments.
 - We make illegal what we consider most unethical.
 - Law is a subset of ethics.
 - Law cannot encompass all areas of ethics
 - Law--"rights"
 - Narrow in terms of advertising
 - Practical
 - Right to life, right to privacy, etc
 - Ethics--"responsibilities"
 - More broad
 - What's good for society
- **WHEN THINKING ABOUT ETHICS ~ WHY WOULDN'T LAW BE SUFFICIENT?**
 - Because law is often reactionary, where ethics ties back to personal moral values
 - Law is minimum base line, ethics should go beyond that
 - Laws can be outdated
 - There may not be a legal solution to a problem
 - Laws may be unethical
 - Slavery
 - Gay marriage laws
- **Why Law Often Is Not Sufficient**
 - Law represents the moral minimum.
 - Law is reactive and slow to change.
 - Problem may not be well enough understood to inspire legislation.
 - Legislative solution may not be available.
 - First amendment, freedom of speech
 - Legislation to solve one problem may create another equally difficult problem.
 - Political interests often outweigh ethical judgments.
- **Advertising Ethics**
 - Multi-level framework ~ why?

- Gives a integrative, richer depth
 - The framework enables us to think about ethical issues in advertising in an integrative manner and allows us to borrow insights outside of advertising and ethics per se.
 - What are the three levels?
 - Macro, micro, meso
 - Micro--individual
 - Macro--aggregate
 - Do they overlap?
 - They overlap, and are interrelated
 - Examples?
- **Components of the Advertising Process Circle**

Components of the Advertising Process Circle
Thorson & Rodgers (2012)



- How does ethics influence any/all of these?
 - Influences all of these
 - Audiences--unethical to market to audiences that can't make a decision for themselves
 - Children
 - Elderly
 - Devices -- privacy, targeted ads
 - Advertising organizations
 - Messages
 - Intended effects-->sales, ROI, brand awareness, brand loyalty, etc.
 - Unintended effects-->materialism, side effects, negative self-worth, obesity,
 - ◆ Derived from all of the circles
- **Advertising Ethics**
 - Micro-Level Ethical Issues
 - Common focus of research
 - Easier to research
 - Takes less time
 - What are typical issues?
 - Message
 - Product
 - Target audience

- Media
 - Behavior of advertising practitioner
- What theories are applicable to examine these issues?
 - Psychology
 - Social sciences
- What types of research designs are applicable to examining these issues?
- **Advertising Ethics**
 - Macro-Level Ethical Issues ~ aggregate effects of advertising.
 - Among most controversial issues in society ~ Why?
 - Harder to study, define
 - Complex
 - Sensitive
 - Social and economic criticisms on the marketing system.
 - We don't like introspection
 - Are practitioners more or less likely to realize these types of issues?
 - Far less likely
 - Macro-level criticisms are met with micro-level defenses ~ is this effective?
 - Not effective
 - Harder to study ~ Why?
 - Requires longitudinal data, takes several years, you have to look at several campaigns
 - Majority fall into 3 categories:
 - Encouraging excessive materialism
 - ◆ Issues associated with materialism
 - ◇ Affluenza
 - ◇ "keeping up with the joneses"
 - ◇ Training people to be consumers and not citizens
 - Reinforcing problematic stereotypes
 - ◆ Gender roles
 - ◆ Race, age, etc.
 - Creating false values ~ problematic behavior
 - ◆ Examples:
 - ◇ Body dysmorphic disorder
 - ◇ Glamourizing drinking/smoking
- **Macro Issues ~ Soda's contribution to the obesity epidemic**
 - Do you agree with UK authorities who says the Coke Ad is misleading?
 - Lean washing--making product seem healthier than it actually is
 - UK authorities said it wasn't clear enough that you had to do all of those things to burn all of those calories
 - Coca-Cola has come under intense scrutiny (what about PepsiCo?!)
 - They have since responded.... "obesity is "the issues of this generation."
 - Thoughts?
 - Leaves out talking about sugar
 - Says it's the consumers choice
 - Says that they're not the only ones
- **Drawing the Legal Line**
 - Is it the responsibility of law makers to assist with the obesity crisis? Or does this infringe on personal right?
 - NY Attempted Ban on Soda...
 - Sugar taxes?
 - France, Finland, Hungary all have taxes on
 -

Dissecting Ethical Dilemmas

Monday, January 27, 2014

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- **Descriptive Ethics vs. Normative Ethics**
 - Descriptive
 - Is
 - Social sciences
 - Normative
 - Ought
 - philosophy
- **2 areas of Normative Ethics**
 - Moral common sense vs. critical thinking
- **Moral common sense**
 - Avoid harming others
 - Respect others' rights
 - Don't lie or cheat (Be honest)
 - Keep promises and contracts (Be faithful)
 - Obey the law
 - Prevent harm to others
 - Help those in need (Be compassionate)
 - Be fair (Be just)
 - Reinforce the above in others
- **Problems with moral common sense**
 - What's wrong with just going off of these?
 - Baseline
 - More complex
 - Moral common sense--often don't coincide together
 - Topics in advertising
 - Negative ad campaigns
 - Interpersonal conflicts among lists
 - (e.g. other peoples lists are longer, shorter, or items are weighted differently)
- **Methods of Critical Thinking**
 - Aristotle—virtue as habit
 - Mill—utilitarianism (greatest good for the greatest number); outcomes
 - Kant—categorical imperative (action as universal law); duties; intentions
 - King—protection of rights
 - Bible, Other Religious Texts—Golden Rule
- **Methods of Ethical Analysis**
 - Virtue based
 - Prudence
 - Justice
 - Courage
 - (Aristotle)
 - Duty-based
 - Duties in relationships
 - Duties of loyalty to community
 - (Deontology)
 - Interest-based
 - Self-interested

- Group interest
 - Greatest good of greatest number
 - (utilitarianism)
- Rights-based
 - Rights as fair distribution
 - Rights as basic liberties
- **Nichomachean Ethics ~ Aristotle**
 - Highest goal: Happiness
 - Ethics and Happiness
 - Happiness depends on living accordance to virtues
 - Virtue: actualization of potential
 - Focus on virtues (patience, courage)
 - Virtues described in vices
 - Courage--being confident when you're scared or fearful
 - Patience--in response to anger
 - When we embrace virtues, but not only will we act ethically but we'll like it
 - Are we born good or bad?
 - No--all about learning and observing.
 - Learn virtues
 - What happens when we develop virtues?
 - Virtues part of personality
 - We enjoy acting virtuously
 - Two things happy
 - We have the capacity/rational to know what is ethical and we also have the willingness/motivation to be ethical
 - Moral motivation
 - Enjoy doing the right thing; self-interest.
 - To be happy, to feel good
 - Happiness, ethics, self-interest are all parallel
 - Role of emotion?
 - Can fade moral motivation
 - Virtuous person has disposition & enjoys doing the right thing.
 - Not a threat ~ aligned with reason.
 - We have to cultivate emotion--we can learn the right positive emotions
- **Deontology--Immanuel Kant**
 - Underlying principles are right or wrong regardless of circumstances--categorical imperative
 - Doesn't matter on situation/circumstances--if you say don't like, then you never lie
 - Moral compass is inherent in you
 - You can't learn it
 - Decisions are not made to achieve a desired end
 - It's neutral
 - Highest good ~ intrinsic and without qualification
 - Good without qualification--addition of that thing will never make thing ethically worse or negative
 - To act morally one must act from duty
 - Only thing that's good
 - Good will occurs when one acts from duty
 - Intrinsically good
 - Good without qualification
 - Not the consequences, but intentions.
 - Not about end result, but intention when you are making the decision
 - Criterion to be a moral person?
 - Bring about good results, Use proper means, Act with good intentions (will not be on

- o a test)
- o Moral Motivation
 - Knowing that you're acting out of duty
 - Cannot be learned or observed; deduced from reason; comes from within
- **Utilitarianism - Mills**
 - o Greatest Happiness Principle ~ Ethical act produces greatest good for the most people.
 - The goal is to maximize utility--goal is to maximize happiness
 - o Focus on moral rightness of results
 - Actions are neither moral or immoral ~ results that count
 - o Moral motivation
 - Sanctions
 - Internal
 - ◆ Yourself
 - ◆ (most important)
 - ◆ The ability to have sympathy for other people
 - External
 - ◆ Society and god
 - Feeling of sympathy for others
 - Bottom line--the most important in terms of moral motivation
 - Says that it can be learned
 - ◆ Through education/socialization
 - o Develop feelings?
 - o Strengths/Limitations
 - Limitation
 - Happiness does not equate to moral actions
 - Knowing which consequences take priority over others
 - Advertising to vulnerable groups...
 - Minorities
- **Five Elements of Case Analysis**
 - o 1. Describe
 - the key facts of the situation
 - o 2. Discern
 - the most significant ethical issue at stake
 - o 3. Display
 - the main options available to the decision maker
 - o 4. Decide
 - among the options and offer a plan of action
 - o 5. Defend
 - your decision and your moral framework

	Interest-based outlook	Rights-based outlook	Duty-based outlook	Virtue-based outlook
Describe	How did the situation come about? What are the key issues? Who are the key individuals and groups affected?			
	Identify interests	Identify rights	Identify duties	Identify virtues
Discern	What is the most significant of the issues – the one that might lie underneath it all?			
	Are there conflicting interests, and how basic are they?	Are rights in conflict with interests or with other rights? Are some weightier than others?	Does duty come into play? Is it in conflict with rights or interests? Can I prioritize these claims?	Is character an issue? Are there habits that bring us to this point or that will be reinforced?

Biases & Heuristics

Wednesday, January 29, 2014

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- **Ethical Evaluation Tools**
 - Conventional moral rules and codes
 - The golden rule, laws, corporate codes of ethics, etc.
 - Universal duty towards others
 - Kant's categorical imperative
 - Greatest good for the greatest number
 - Bentham & Mill's utilitarianism
 - Characteristics of a good person
 - Aristotle's virtue theory: bravery, honesty, temperance, generosity, justice, pride.
- **Steps in Making a Judgement**
 - Biases and other influences on perceptions and decision making (heuristics)
- **Rational Actors? Optimal Decision-Making Model?**
 - Cognitive and behavioral susceptibilities might lead (often unwittingly) to unethical decision making.
 - Overwhelming evidence that people do not always make decisions in a rationally optimal manner (Kahneman & Tversky, 2000).
 - Various heuristics and biases lead most people to systematically diverge from optimal decision-making.
- **Jack Abramoff Video**
 - Lobbyist
 - Very strategic person who became one of the most prominent lobbyists in Washington DC
 - Had a real impact on people's perception on democracy and how things work in Washington
 - He didn't think he was doing anything wrong until he hit rock bottom
 - Anytime you get something from someone you usually feel credited
 - If a normal good natured man can do it--anyone else can do it
 - Winning was everything to him
 - Normal behavior in Washington was to do what he did--but he went way over limit
 - Rationalization--things we give our self to make an excuse for our behavior
 - Two factors that probably convinced him that he wasn't doing anything bad
 - Picked clients whose causes he believed in
 - He was working as hard as he could to win for his clients
 - The means he was using to win didn't enter his mind
 - He had "compartmentalization"
 - One set of values for family, friends, religious life
 - One set of values for work life
 - Most Americans believe they are more moral than the people they are surrounded by
 - 92% say they are ethical
- **Conflicting Values**
 - Individual
 - Social
 - Religious
 - Organizational
 - Cultural
 - Other
- **Biases and heuristics that can cloud ethical decision making**
 - Obedience to authority