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## Citation Information

Jones, Mary Gardiner. "The Cultural and Social Impact of Advertising on American Society." *Osgoode Hall Law Journal* 8.1 (1970) : 65-89.  
<http://digitalcommons.osgoode.yorku.ca/ohlj/vol8/iss1/3>

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# THE CULTURAL AND SOCIAL IMPACT OF ADVERTISING ON AMERICAN SOCIETY

Mary Gardiner Jones\*

*Commissioner Jones addresses herself to the effect of what she describes as television's "too much and too narrow and too simple a value system" and its impact on the national culture and values. She questions the impact of this cultural spillover on the many diverse life styles not reflected. Commissioner Jones then questions the appropriateness and adequacy of present regulatory patterns both public and private to deal with the social problems raised by the cultural and value content of advertising. Having recognized the difficulty of policing values and cultural overtones, Commissioner Jones proposes several means by which freedom and diversity of ideas would be promoted so that television would reflect a wider variety of values, cultures and life styles.*

The concerns raised by FTC Commissioner Jones in the article which follows pose extremely interesting questions with regard to Canadian television. Although for a number of reasons the cultural spillover of the advertising view-of-life (stress on the satisfaction of needs and desires rather than on the presentation solely of product information, external rather than internal motivations, material solutions rather than recognition of individual capacities, disregard for minority values, cultures and life styles, etc.) is somewhat less marked in Canada than in the United States, there continues to be a considerable concern in this country about the potentially undesirable characteristics of broadcast advertising. Some notes relating to the relevance of Commissioner Jones' comments to the Canadian context follow:

1. What is the effect on the content and impact of commercials of the supervision in Canada of food and drug continuities aired on radio and television under the pre-clearance procedure instituted in 1932 and continued today under section 11 of the BBG's broadcasting regulations? Most of the complaints directed towards the adverse effects of hard sell are focussed on foods, drugs and cosmetics, and instead of the post hoc controls exercised by the FTC, Canadian copywriters have been required in these areas to observe the constraints in both the Department of National Health & Welfare's 40-page "Guide for Manufacturers & Advertisers" and in BBG Circular 123, December 1, 1965, as enforced by a prereview system that probably modifies as many as 25% of the ads submitted. Where preclearance is carried to extremes, as in the provincial and Commission supervision of beer and wine broadcast advertising (in the five provinces allowing it), it is arguable that the resulting ads, which have tended to be antiseptic, uninformative and overlain with an air of unreality, may be just as unhealthy as the unregulated alternative.

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\*Commissioner, Federal Trade Commission.

2. It is obvious that the existence of the CBC, notwithstanding its many organizational shortcomings, has lessened considerably the impact of commercialism in the social sense on Canadian television. Lamentably, however, the two major contributing factors (the CBC policy of non-sponsorship of public affairs and information programming, and the constraints imposed by the CBC Commercial Acceptance department) have never been the subject of any informed or methodical public scrutiny. These factors, together with the generally lower total advertising expenditure in Canada per capita (about \$50 in 1969, compared with over \$100 in United States: CRA) have noticeable effects on the social impact of advertising and deserve much greater attention than they have so far received.

3. Recent regulatory proposals by the Canadian Radio-Television Commission affect the interaction of commercials with program material in differing degree. On the one hand, the Commission has recently confirmed a proposal to open the body of television newscasts to commercials, subject to certain spacing safeguards, the prohibition of news readers in the ads concerned and the distinction of ads from news matter (the BBG regulations prohibit commercials entirely from the body of the newscast: see s.5 of the AM, FM and TV Regulations and *BBG Circular 25*, February 24, 1961, and *BBG Circular 137*, January 18, 1967). On the other hand, the Commission has also restructured the BBG commercial quantity rule (presently allowing up to 12 minutes per hour on television) by (a) including all non-program material within the 12-minute limit, save for 30 seconds of public service messages; and (b) restricting the total number of interruptions in the program. See generally, *CRTC Public Notice, 1970-6*, February 12, 1970, *CRTC Transcript of Hearing*, Ottawa, April 14-22, 1970, and the eventual regulations announced on May 22, 1970. The interruption rule appears to have been suggested by the findings of the CBC research study published in *Canadian Broadcaster*, February 8, 1968, but it, along with the news rule, also has obvious relevance to the cultural spillover problem suggested by Commissioner Jones.

4. Although there is continuing pressure to have the policy revised, the Commission has so far managed to maintain its CATV no-commercials licensing policy outlined in *Community Antenna Television*, [1969] CRTC Announcement (May 13). [Cf. however the Kirkland Lake exception discussed in *CRTC Transcript of Hearing*, Ottawa, November 25-27, 1969, Volume 2, pp. 232-251.] Commissioner Jones' comments probably provide the most telling rationale for continuing such a ban, inasmuch as it supposedly promotes the kind of local and minority character of CATV programming free from commercialism that the Commission has encouraged. An eventual compromise, perhaps along the lines suggested by the FCC in its CATV program origination notice [see 34 *Fed. Reg.* 17651, October 31, 1969, at para. 37] is widely anticipated however.

3. The most interesting speculation centres around the relationship between the cultural spillover noted by Commissioner Jones in regard to commercials and the same spillover in Canada in regard to American programming, as recently highlighted by the CRTC's tightened Canadian content regulations. [See *CRTC Public Notice 1970-6*, February 12, 1970, *CRTC Transcript of Hearing*, Ottawa, April 14-22, 1970, and *CRTC Announcement*, May 22, 1970.] It is an interesting fact that many of those who wish to see a distinctive Canadian outlook and life style presented on television decry as American the precise qualities noted by Commissioner Jones in regard to excessive commercialism. If the materialistic, over simplistic, externally motivated and instantly rewarded life style, far from being "American", is inherent in the use of a mass medium-like television for the advertising of consumer products, then it may be that Hoss Cartwright is not the real villain of the Canadian nationalist after all. See also O. J. Firestone, *Broadcast Advertising in Canada*, (Ottawa, University of Ottawa Press, 1966) pp. 51-124 for some related comments on the effects of advertising.

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Most thoughtful observers agree that the media — and particularly TV — constitute a significant communications tool even though their impact cannot be precisely defined and may in fact differ widely in terms of the differing segments of the population represented in their audience.

The dynamism attributed to the media is not limited to programmatic content. It is equally — and perhaps even more significantly — attributable to the advertising appearing in media. A prominent advertising official termed advertising “a catalytic force in our whole economic system and a major influence on the content of mass media which shape our national culture and our political values.”<sup>1</sup> Many people are of the view that the advertisement is more real than the program or the substantive part of the publication.<sup>2</sup>

If we consider the role of advertising in our economy, the influence of the media becomes even more clearcut.

Certainly economists — both proponents and opponents of advertising — agree that it is advertising which is of central importance to launch new products on the market, to enable companies to enter new markets and to develop mass markets for products.<sup>3</sup> The fact that industry spends a total of \$15 billion a year on advertising its products is convincing evidence of the businessman’s conviction that advertising is an effective communications tool to reach individuals and persuade them to action.<sup>4</sup>

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<sup>1</sup> Dr. Leo Bogart, Vice President of ANPA, Speech to the 10th Annual Meeting of the American Academy of Advertising, reported in *Advertising Age*, Feb. 12, 1969, p. 1. See also Thomas G. Armstrong, Exec. VP Gray Advertising Inc., IAA Talk, September 26, 1969; “Nowhere is the speed of that change more apparent than in the realm of ideas and attitudes, *the very realm we as advertising practitioners inhabit and exert our influence*” [emphasis added].

<sup>2</sup> Marshall McLuhan believes that “more pain and thought, more wit and art go into the making of an ad than go into any prose feature of press or magazine.” He noted that when the USA sent special issues of the principal American magazines overseas to the Armed Forces with the ads omitted, the men objected and insisted that the ads be included. Lee Loevinger, former FCC Commissioner, echoes this approach and notes that to the viewer, the

“improbable heroes and heroines of programs can be dismissed as fictional and their environments can be regarded as fragments of a dream world. But not so commercials. Insistently they say, this is real, this is available, this is for sale and you should have it.” Lee Loevinger, “Mass Versus Media — Who Controls”, Address delivered at University of Wisconsin, Feb. 11, 1969.

See also address by E. S. Hallman, Vice President of CBC, to the 54th Annual Conference Association of Canadian Advertisers, May 7, 1969, in which he said:

“Today’s best commercial messages display truly brilliant marriages of art, show business and information. And some of the worst display a ghastly forced union between amateur show business and the hard pitch.”

American Broadcasting Company’s commentator Edward P. Morgan said that “TV commercials in all their situation sequence are frequently better than the programs they support.” *7 TV Digest* No. 26 at 6 (June 26, 1967).

<sup>3</sup> Jules Bachman, *Advertising and Competition* (1967), p. 37, Donald F. Turner, “Advertising and Competition”, address delivered to Federal Bar Association, June 2, 1966; John Galbraith, *Industrial State* (1968), p. 205. “The Role of Advertising Today”, *Printer’s Ink*, June 19, 1963, p. 20 and pp. 430-456.

<sup>4</sup> In 1965, the 125 largest national advertisers each spent 7.9 million dollars or more for advertisements placed in eight media. The top five companies each spent more than 100 million dollars. The great bulk of total advertising billings goes to TV. Bachman, *op. cit.*, p. 14.

The question then is to understand how advertising seeks to communicate and what it is that advertising is communicating.

## II

Advertising philosophy as to what makes an effective advertising message has changed over the years as its perceptions of its audience's needs and interests have changed.<sup>5</sup>

Advertisements today are said to be primarily designed to communicate by evoking the overall feelings of their audience and associating their expectations and desires — both material and psychological — in some way with the product.<sup>6</sup> As one advertising expert put it,

“the role of advertising is to connect human desires with production and so to create mass markets and to make the satisfaction of these desires an economic function.”<sup>7</sup>

A review of some 500 current TV commercial story boards submitted to the Federal Trade Commission pursuant to the Commission's advertising monitoring program, furnishes us with a cross section of advertising commercials currently being viewed on TV.

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<sup>5</sup> Thus Tyler in his 30 year survey of advertising points out that in the 30's, service ads giving health or recipe information or editorializing about product information were very popular. In the 1940's ads tended to shift towards humor, emotional appeals and before and after demonstrations. The objective seemed to be directed towards getting ads read rather than selling the reader on the product. Ads in the 1950's had to cope with *brand* competition and hence placed more accent on direct selling themes. Advertising's tendency in this period to stress reality in their depiction of their products has been attributed by one advertising expert to the public's interest after the wartime scarcities in the ever increasing profusion of goods which were coming onto the market in the postwar era. Wm. D. Tyler, "Magazine Advertising of the Past 30 Years," *Advertising Age*, October 20, 1969, p. 94 ff.

<sup>6</sup> A British professor of advertising in defining the advertiser's techniques, observed that:

“Most of the things we want are not material but mental. We want states of mind. The advertiser beginning with a material object which is to be sold, suggests the states of mind which may be achieved by the purchaser. This face powder, he says, will make you more beautiful, this arm chair will not only support your weight in physical comfort but put you in a relaxed and useful frame of mind, this ship will not merely carry you from Point A to Point B but introduce you to the romantic atmosphere of foreign lands.” Walter Taplan, *Advertising, A New Approach* (1960), p. 30.

<sup>7</sup> Clay Buckhout, Remarks to Advertising Club of Minneapolis, March 29, 1962. Ads in the '60's are said to have shifted away from hard facts about products and towards softer sell pitches, irreverence and the substitution of imagery and mood for product claims. This shift is claimed to have been responsive to the public's desire for the finer things of life, to the growing affluence of the country and its saturation with life's necessities — a product both of the nation's prosperity as well as of the psychological situation of rebellion and self-expression. S. J. Dietz, "Are Ad Trends Changing? Yes With Public Moods," *Advertising Age*, May 12, 1969. It has also been said that advertisers in the 1960's seemed to be more concerned with competing with each other in an effort to attract the attention of the consumer.

A typical theme running through these commercials is to hold the product out as the pathway to success and happiness and the antidote to what is otherwise a drab, boring or lonely life. Thus dishwashing liquids are advertised as sweeping away the dullness of life. They are the housewife's pathroad to beauty and romantic excitement. Their use will make the whole world soft and gentle. Bath soaps have a similar rejuvenating capacity. Use of these products is associated with cool sophistication, weddings, traveling and entertainment — enjoyment of life at its unhampered best. Some bath soap advertisers stress the sensual success which will immediately accrue to the user, others the ability of the product to resolve all husband and wife crises and still others the health and exuberance or the happy family do-it-togetherness which will be engendered by the product.

Hair products are like bath soaps. They too can supply the answers which all individuals are seeking with their remarkable capacity to turn loneliness into social success, to transform unwanted singleness into glorious marriage, or to reawaken romance, vitality and beautiful motherhood out of middle aged drabness.

The advertising of household products seem in general to be more functionally oriented and concentrate on the ability of the product to meet the real cleaning needs of the housewife. Their appeals are directed to the harassed housewife-drudge whose principal preoccupation and concern in life apparently is to sweep away dirt, make her beautiful household shine like new and remain an elegant, suave and sophisticated wife and hostess — all without the expenditure on her part of either time, energy or skill.

Food ads, by contrast, seldom make any reference to the performance, quality or ingredients of their products. Their themes seem to run the gamut from offers of free bonus gifts to associating use of these products with fame, wealth, health, vitality, happiness, loving husbands and other characteristics of supermortals and dreams.

From soaps and wax to coffee and cereals, the primary persuasive themes running through these ads are humor, emulation, identification and appeals to the viewer's fears, greed, envy, desire for status, social applause or yearnings for romance, happiness and vitality.<sup>8</sup> Their major objective seems to be twofold: first, to inform the public that their products exist — not how they are made or perform; and second, to persuade the viewer to buy the product because its use will achieve what is assumed to be the needs and desires of all of the viewers for instant and effortless results whether these be related to the functioning of the product or to the emotional or social needs and fantasies of the user.

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<sup>8</sup>This summary of principal advertising themes is very similar to a list of advertising themes prepared by Taplan in his book on advertising, Taplan, *op. cit.*, pp. 26-7. Taplan summarizes the advertiser's approach:

"The desires for health, for love and for happiness to say nothing of such urges as the wish to cherish and protect children are common enough. They are frequently appealed to in advertisements . . . and always with a view to selling something to those whose hearts are touched" (p. 82).

The Commission's yearly analysis of cigarette advertising reflects a similar emphasis.<sup>9</sup> Describing the various themes of individual cigarette companies, the Commission's report of June 1969 made the following observations about their individual ad campaigns:

Of the American Tobacco Company:

"... the effort to associate cigarette smoking with ideas and individuals likely to be emulated seems to continue."

Of Liggett & Myers Tobacco Company:

"In a series of tv commercials, L&M is associated with relaxation, affluence and male glamour, always with a light touch. Typically, the hero is seated at a swank restaurant or sidewalk cafe meditating 'when I light up an L&M I don't want to be interrupted'."

Of Lorillard Corporation:

"Kent, once the 'thinking man's cigarette' that featured low tar yields, is now depicted as a means for entering a romantic fantasy world."

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"Lorillard advertising now concentrates on visceral smoker satisfaction, on projecting an escape world of romance and fun, and on appeals to popularity, wealth, winning friends, gaining independence, and getting ahead."

Of Philip Morris, Inc.:

"Philip Morris advertising is fairly simple and straightforward, attempting to create strong images or types for its brands, for example, associating the smoking of its brands with male virility; with feminine independence, chic, and freedom from drudgery; and with sophistication and 'anglophilism'. Apart from an occasional reference to filters in advertising for the Philip Morris brand itself, the firms' ads tend to divert smoker anxieties through humour and through associating smoking with desirable objects."

Of Reynolds Tobacco Company:

"The vital force of spring ('Take a puff . . . it is springtime'; all Salem ads are filmed in the spring); the lush flora and fauna that spring engenders; and the romantic attachments and nostalgia that it inspires are the subjects of virtually all Salem ads. Recently, cityscapes have also made an appearance. City dwellers are reminded that 'you can take Salem out of the country but you can't take the country out of Salem.' All the romance, joy and beauty of springtime are inextricably bound up in each puff of Salem—the cigarette smoke is like a breath of fresh air. The campaign is similar, in its associations and its invitation to the consumer to enter a delightful world of greenery, growth and rebirth, to the new Kent campaign. . ."

Of Brown & Williamson:

"Smoking itself is depicted, subtly and with a touch of humor, as satisfying and easing tense or socially awkward situations. A man in a hurry to telephone is offered a Viceroy by a lady already in the booth. When she emerges sometime later, he is now all smiles and his cigarette is nearly consumed. A tense young man waiting for his date is offered a Viceroy by her father. When she finally comes downstairs glowing, she must resign herself to a chess game between father and date, with the latter nonchalantly lighting up another Viceroy."

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<sup>9</sup> FTC, Report to Congress Pursuant to the Federal Cigarette Labeling and Advertising Act, June 30, 1969, pp. 14-26.

It is clear from this brief survey of typical ads that they convey a very specific view of American society as it can be generalized out of the individual characters appearing in these ads and the "real life" settings in which they are depicted.<sup>10</sup> There is little doubt that to the viewer, these ads convey the message that the setting and people of the television commercial represents the real world with real products available to the viewer if he follows the prescriptions of the TV message.

### III

Television is said to reach about 80% of the population. The average TV viewer is exposed to some 40,000 commercials a year.<sup>11</sup> HEW'S former Secretary Robert Finch stated recently that the average human being over his productive life span watches TV commercials for more hours than he ever spends in school. The average pre-school age child is estimated to have absorbed more hours of unstructured TV input than the hours an average student at a liberal arts college spends for four full years in the class room.<sup>12</sup>

Looking at these facts Secretary Finch then asked:

"... what is the industry doing with those hours? What are those hours doing to us, as a people? Indeed, do we have ways of measuring the experience of the TV medium or our national life style?"

The question posed by Mr. Finch goes to the basic problem which must be of concern to all of us, government, business and the public. Aware of the dynamism of this media and of its potency as a communications tool, we have to ask ourselves what significance this cultural spillover of American advertising has on the value systems, life styles and attitudes towards society of the many diverse individuals in our nation.

What are the non-commercial messages which come through the advertisement on television? The conscious appeal in the television commercial — understandably enough — is essentially materialistic. Central to the message of the TV commercial is the premise that it is the acquisition of *things* which will gratify our basic and inner needs and aspirations. It is the message of the commercial that all of the major problems confronting an individual can be instantly eliminated by the application of some external force — the use of a product. Externally derived solutions are thus made the prescription for life's difficulties. TV gives no recognition to the individual's essential responsibility for at least a part of his condition or to the importance to the individual of proving his own capacity to deal with life's problems. In the world of the TV commercial all of life's problems

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<sup>10</sup> Robinson and Swinehart, "World Affairs and the TV Audience," *AAUW Journal*, March, 1969, p. 120.

<sup>11</sup> Attributed to David Ogilvy, "Advertising's Creative Explosion", *Newsweek*, August 18, 1969, p. 66.

<sup>12</sup> Robert H. Finch, speech to the Television Bureau of Advertisers, Washington, D.C., October 21, 1969.



and difficulties, all of our individual yearnings, hopes — and fears — can yield to a *material* solution and one which can work instantly without any effort, skill or trouble on our part.

A second inescapable premise of these ads is that we are all externally motivated, concerned to do and be like our neighbors or to emulate popular successful individuals. Certainly the existence of individuals who are driven by their own inner needs for self-expression and for self-fulfillment and who are more concerned with “being” than with “having” receives no recognition in the TV commercial. Personal success in the TV ad is externally contrived, not the product of years of study and training. In short, advertising’s messages tend to convey a single, overly simplistic — and I believe in some instances — distorted answer to the needs and ambitions, fantasy yearnings and fears, the hopes and felt inadequacies of the complex individuals who make up American society.

In addition to the value systems of the TV world, the TV commercial also presents a very special and limited view of American society. Here, according to the TV commercial, are real life people of the real world going about their daily business. Here is what the young and successful are wearing and how they furnish their homes. The cultural setting of the TV world — its people and their surroundings — mirrors a specific aspect of American culture — typically that of the white suburban middle-income, middle-class family. Until very recently, blacks and Spanish speaking Americans were unknown to the American society of the TV commercial. Americans living in rural areas or in megalopolis were similarly ignored.

The problems implicit in the world of the TV commercial do not stem from any conception that the picture of American life or of the values conveyed are not found in American society or are inaccurately depicted. Indeed, we must assume that the TV commercial accurately mirrors a part of American life and an integral part of the value systems probably held by many, if not most, Americans.<sup>13</sup> Of course individuals are concerned with interpersonal relations, with status, with success. Ads *do* furnish a

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<sup>13</sup> See, for example, the discussion by E. John Kottman, “Marketing Notes and Communications”, 33 *Journal of Marketing*. 64 (1969) in which he wrote:

“Advertising is admittedly far from perfect, but so is our culture — and it is our culture that created advertising as we know it and now is so well reflected by it. As John Hobson said, ‘Advertising is the mirror of our society and if the face we see in the mirror is, on occasion, more ugly or illiterate than we hope, it is no good solving the problem by breaking the mirror.’ [John Hobson, “The Social and Economic Context of Advertising,” 112 *Journal of the Royal Society of Arts*, 573 (1964)]. The mirror analogy should not be interpreted as meaning that advertising only reflects, and that it exerts no influence on the culture. Advertising’s exact or even approximate influence is incalculable, but it is probably tremendous, which accounts in part for advertising’s being a frequent scapegoat. Perhaps it always will be, but analysis in the future will be more enlightening and fruitful if it is viewed in the context of a highly industrialized society and discussed in a precise and thoughtful language.”

vision of a type of life style with which many people will desire to identify or emulate. Material things of course give us pleasure. The white middle class suburban family does typically live in the type of surroundings so exclusively depicted in the TV commercial as American way of life. Thus there is nothing affirmatively misleading about TV's portrayal of this particular aspect of American culture and society. But it is simply one segment of the real world neither better nor worse than any other segment.

Accepting the premise that these advertisements are not false in this sense, we still have to ask ourselves whether the TV world's view of America's life style and value system is representative of all aspects of American society and if not, whether advertising's reflection of selected aspects of America's culture and of America's values to the exclusion of others in fact reinforces and thereby gives undue weight to their credibility and desirability and whether this is in the best interests of society. Do we not have to guard against what is perhaps a natural jump on the part of many — and indeed a jump which is basic to the advertising appeal — that the familiar is good and that the association of things with happiness and other good things does give those things a credibility they might not otherwise have or merit. The advertiser knows this about product association. He has been less aware of this association process with the cultural setting which is also being sold by his commercial.<sup>14</sup>

We have already seen some of the consequences of the cultural blindness found in TV's picture of American society. The Kerner Report said this:

"The communications media . . . have not communicated to the majority of their audience — which is white — a sense of the degradation, misery, and hopelessness of living in the ghetto . . . They have not shown understanding or appreciation of — and thus have not communicated — a sense of Negro culture, thought, or history . . . Most television programming ignores the fact that an appreciable part of their audience is black. The world that television and newspapers offer to their black audience is almost totally white, in both appearance and attitude.

The absence of Negro faces and activities from the media has an effect on white audiences as well as black. If what the white American reads in the newspapers or sees on television conditions his expectation of what is ordinary and normal in the larger society, he will neither understand nor accept the black American."<sup>15</sup>

Surely no one doubts today that the almost total absence from advertising's picture of America of blacks and other minority groups in our

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<sup>14</sup> For another highly critical view of the values implicit in today's commercial and its impact on society, see Jules Henry, *Culture Against Man* (Random House, 1963); also Herbert Marcuse, *One Dimensional Man* (Beacon Press, 1969), pp. 57-8 ff.

<sup>15</sup> While the Kerner Report's discussion of the impact of the media on American outlooks and attitudes was based primarily on its programmatic contents, its observations are even more graphically true of the world of the TV commercial. *Report of the National Advisory Commission on Civil Disorders* (July 1967), pp. 382-83.

society, or of any other type of life than that depicted in the typical commercial must have some impact on the countless millions of Americans who live in rural areas or in megalopolis, or whose life style is quite different from that reflected in the advertising message. Certainly the material wealth pouring out of the TV tube in no way reflects the way all or even a majority of Americans are in fact living today — or indeed may want to emulate.

A similar one sidedness characterized the value system implicitly portrayed in the typical TV commercial. To many, this value system represents the typical "American" answer to life's problems. I am not sure — apart from the TV world — that it in fact reflects the complexities and maturity of the responses which many individuals practice in their own lives. Certainly most people in our society, on reflection, would be aware that the purchase and consumption of *things* will not in fact provide answers for most of their inner needs and hopes. Yet the TV commercial tends to hammer away at a notion which many people would like to believe is true — that there *is* an easy simple effortless and instant solution for life's problems. There is a similar distortion in the preoccupation in the TV commercial with externally motivated people concerned with "having" rather than "being." If we tend to believe and give credence to what we see and hear most often, can we be satisfied with the values held by these outer directed individuals? Clearly there are many Americans who attach importance to those individuals who are driven by their own inner sense of self-expression and self-fulfillment regardless of the popular acceptance of their particular value goals? Certainly we as a society find room — and have respect — for all human beings because of their essential humanity and decency, their being rather than their becoming or their having. And if so, should we insist that advertising contribute to an implicit respect for these values, for the diverse expectations of individuals and for their manifold personal wants and needs?<sup>16</sup>

Since advertising of necessity must replay or reflect some cultural aspects of our society and will inevitably embody selected individual values, we have to come to grips with the question of whether it should consciously reach out to make certain that all aspects of American culture and of individual values are not ignored in the total commercial content of TV so that those not portrayed are not unconsciously rejected as less desirable.

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<sup>16</sup> Advertising must resolve the age old question — now far more crucial in today's dynamic society — of whether it continues to respond to the beliefs of the "average" American whoever that may be, advertising should in fact cater to that norm or average, as Andrew Kershaw of Ogilvy and Mather urges, or whether this is one of advertising's faults which must be corrected as Stephen Dietz urges. Andrew Kershaw, Director, Ogilvy and Mather (Canada) Ltd., "Economic and Social Realities of Advertising," speech, Toronto, Ontario, Feb. 20, 1967; Dietz, "Are Ad Trends Changing . . .," *op. cit.*, *Advertising Age*, May 12, 1969.

## IV

Advertisers are not uncritical of their product. They recognize its cultural spillover.<sup>17</sup> Many of them are seriously concerned with advertising's performance in today's society of rapidly changing consumer values and sense of ethics and morality. They criticize advertising's product as lacking in taste and as contemptuous of the consumer.<sup>18</sup> They are concerned with the social implications of their product.<sup>19</sup> As one advertising agency executive summarized the problem recently to an Australian audience:

"The very fact that we no longer need apologize, explain or defend advertising as a positive *economic* force, does not mean that we do not have to exercise great care regarding its existence as a *social* force. Actually, the very fact of advertising ubiquity, its growing omnipresence to one degree or another in all of our cultures, its high degree of visibility, if you will, probably constitutes the greatest potential problem we face. We, in advertising, have the capability of killing off advertising if we are not prudent and wise in our approaches to it in the coming years. We can kill it off by turning off consumers. By stimulating negative rather than positive reactions to our selling messages. By failing to recognize the swift pace of social change and where and how advertising fits in. Already in my country, as in yours, we are hearing the mutterings of annoyed consumers about some of advertising's excesses and feeling the pressure of increased government regulation. Our capacity for self-destruction in advertising sometimes seems unlimited; we must make sure that we are not locked in a collision course with the very cultures in which we are a force — and within which we must survive.<sup>20</sup>

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<sup>17</sup> Wm. Collihan, "The Social Responsibility of Marketing", address given to School of Journalism, University of Missouri, December 6, 1966; Clay Buckhout, address to Minneapolis Advertising Club, March 29, 1962.

To one advertising agency executive, advertising is not successful unless it *does* involve itself in the social, political, visual and verbal fashions of the times. Gibson McCabe, "Advertising in the Community Interest", Speech to 21st IAA World Advertising Congress, September 26, 1969.

As one observer of the advertising scene put it:

"Advertising doesn't begin until you bring the whole culture into play." Tyler, "McLuhanism Is the Medium Getting the Message," *Television Magazine*, December, 1966, p. 35.

To McLuhan "the ads of our times are the richest and most faithful reflections that any society ever made of its entire range of activities . . . any acceptable ad is a vigorous dramatization of communal experience." Marshall McLuhan, *Understanding Media* (Signet Books, 1964), p. 203.

Joseph P. Lyford, author, university professor, and staff member of the Center for Democratic Institutions, asserts that "in a symbolic, subliminal way, the commercial seems to be telling us more about American life than all the news and movies and laugh-ins that come in between. Joseph P. Lyford, "Who's Brainwashing Whom", Center for Democratic Institutions, *Center Magazine* (1969), p. 2.

<sup>18</sup> M. S. Dietz, "Are Advertising Trends Changing", *Advertising Age*, May 12, 1969, p. 51; David Ogilvy, "Advertising's Creative Explosion", *Newsweek*, August 18, 1969.

<sup>19</sup> Many advertisers have a clear picture of the potential contribution of advertising to our social responsibilities but see this primarily in terms of the *advertisers* notions of social values rather than reflecting the variety of social values held in the community. See, e.g., John Crichton, "The Privilege of Communication", Speech, April 10, 1969. See also Herbert Cleaves, "Advertising — A Shoemaker's Child", Speech to the Advertising Club of St. Louis, Feb. 7, 1967.

<sup>20</sup> Thomas G. Armstrong, Speech to IAA, 21st World Congress, September 26, 1969.

Another executive, speaking at the same conference, was even more direct. As he put it:

At the risk of seeming to speak more from the pulpit than the podium, can it be said that our worst enemies are: — our own willingness on occasion to shade the truth — our tendency now and then to oversell inadequately designed, overpriced, hazily warranted, poorly serviced and perhaps even hazardous or unsafe products — our reluctance to face up to the undesirability of pushing cigarettes until they are made a lot safer (which, of course, they can be) — our tendency to over-encourage the gulping of pills and other drugs that are frequently useless and sometimes even harmful — our eagerness to promote the consumption of alcohol to the point where at times, in some countries at least, our social occasions become saturated and we ourselves denatured.

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"The quantity of a man's possessions does not necessarily determine the quality of his life. The world's exploding population may have created new customers for advertising but it's also generating new responsibilities for advertising."<sup>21</sup>

A few government officials and some members of the public are also beginning to question the social and cultural overtones in TV advertising.<sup>22</sup>

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<sup>21</sup> Opening remarks of Jere Patterson, Chairman of the IAA World Conf., Sept. 24, 1969; see also remarks of B. A. Cummings, Chairman of the Board New York Advertising Agency, speech to 32nd Western Regional Annual Convention of American Association of Advertising Agencies, *Advertising Age*, October 29, 1969.

<sup>22</sup> A recent McGraw-Hill survey of the attitudes of 870 businessmen towards advertising found that only 34% of these men thought TV commercials were useful and only 49% thought them credible. *Advertising Age*, October 20, 1969, p. 140. Another survey by the American Advertising Association reported that 213 of those persons surveyed thought advertisements persuade people to buy things they otherwise would not have. D. A. Loehwing, "Premium on Creativity", *Barron's*, April 5, 1965.

For consumer attitudes, see Raymond A. Bauer and Stephen A. Geysler, *A Precipitous Advertising in America: The Consumer View*, pp. 35 ff (Harv. College, 1968); Richard L. D. Morse; "A Consumer's View of FTC Regulation of Advertising", 17 *Kansas Law Rev.* 639 (1969). Two surveys of consumers disclosed that consumers were critical of ads as too interruptive, too loud, too long, or exaggerated, boring or false. See Milstein, "FTC and False Advertising", 64 *Columbia Law Review* 439 (1964), and Roper Associates, Report, "A Ten-Year View of Public Attitudes Toward Television and Other Mass Media, 1959-1968 (March 26, 1969).

President Nixon in his address to General Beadle State College, Madison, Wisconsin, recently spoke out on the need for more honesty in advertising observing that: "We have seen too many patterns of deception: In political life; impossible dreams; in advertising extravagant claims; in business shady deals". Reported in *Advertising Age*, June 9, 1969.

Mrs. Virginia Knauer, President Nixon's Special Assistant for Consumer Affairs, added her voice to the President's when she urged advertising to shift gears and become the servant not the master of mankind. Speech to New York City Advertising Club, October 15, 1969, reported in *Advertising Age*, October 20, 1969.

Senator Magnuson recently took strong issue with an institutional advertisement placed by a large oil company dealing with the pollution issue which he claimed was grossly misleading. *Advertising Age*, June 23, 1969.

FCC Commissioner Nicholas Johnson has taken serious issue with the value structure of TV advertising. Testimony Before the National Commission on the Cause and Prevention of Violence, December 19, 1968.

The country itself is confronted with severe social dislocations and injustices and with an increasing number of articulate minority groups — students, poor, racial minorities, ethnic minorities, youth — able to express their needs and desires and increasingly capable of asserting these needs in highly effective manner. The public is evidencing an increasing concern with the morality and social responsibility of both business and government. Consumers are concerned with a whole series of environmental and personal health hazards, with noise, with overcrowding and with all the other environmental consequences of our technological decisions which so deeply affect the quality of our lives. The country is making dramatic shifts in its concept of the performance which it expects from its public and private institutions. As one advertising executive put it to his colleagues recently:

“Regarding business leaders, the students feel they are unfair in dealing with others, are not sincerely interested in social problems, do not have a high moral calibre and are self-seeking and ruthless. . . Most of the kids are trying to tell us they don’t want any part of the competitive dog eat dog money mad society as they see it today. They do not agree with our values. They’d like to slow things down a bit to have more time to spend on esthetics — literature, the arts, music, nature, time to sit and discuss in a philosophical way what life’s all about. They abhor the idea of competing viciously for the almighty dollar. They’ve grown up watching so many of us do it.”<sup>23</sup>

It is clear to me that unless our media are responsive to the needs and interests of all segments of our society and pay equal recognition and respect to the worth of these groups and to their aspirations and concerns, it will not be discharging its public and social obligations which it feels so strongly it must and should do.

The primary question confronting us, therefore, is whether as a society we can and should take action with respect to the social and cultural impact of advertising and if so, what type of action could be taken which will enhance and not limit the capacity of each member of our society to develop himself to his fullest without unreasonable restrictions being placed upon him either by government or by any other group in our society.

## V

Our first inquiry must be addressed to existing regulatory patterns — both public and private — already created for advertising in order to determine their applicability to the dimensions of the problem as it has been outlined in the preceding section.

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<sup>23</sup> B. A. Cummings, Chairman of the Board, New York Advertising Agency, speech to 32nd Western Regional Annual Convention of American Association of Advertising Agencies, *Advertising Age*, October 20, 1969.

In the private sector, standards for advertising have been laid down to ensure both the truthfulness of the advertising theme as well as its tastefulness.<sup>24</sup>

The general area of tastefulness has been delineated in one industry code as embracing such matters as bad taste, suggestiveness, statements offensive to public decency or offensive on religious, ethnic or political grounds; visual trickery, weasel wording, product disparagement and derogation of the advertising industry.<sup>25</sup> It is interesting to note that according to the report of the committee administering this code, while complaints involving these aspects of advertising were received, very few were determined to warrant action.<sup>26</sup>

<sup>24</sup> Such self-regulatory codes have been established by particular industries, by individual companies, advertisers and corporations, by advertising trade associations, clubs, bureaus and related organizations, and by advertising media, publishers and broadcasters.

Three of the more formally structured self-regulatory agencies include the National Better Business Bureau; the Committee for the Improvement of Advertising Content, composed jointly of advertisers (Association of National Advertising Agencies); and the National Association of Broadcasters which administers a TV code and Radio code.

*The Advertising Code of American Business*, developed in 1964 as the first national code by a joint committee of the Advertising Federation of America, the Advertising Association of the West and the Association of Better Business Bureaus International, typifies the advertising standards generally accepted by industry. The Code is concerned with truth, with the advertiser's responsibility to provide substantiation of his claims, with "taste and decency"—defined as statements, illustrations or implications offensive to good taste or public decency.

See Department of Commerce, "Self Regulation in Advertising," Report submitted by the Advertising Advisory Committee to the Secretary of Commerce (1964); Better Business Bureau, "What About Advertising," (1969), and Daniel J. Baum, "Self Regulation and Antitrust: Suppression of Deceptive Advertising by the Publishing Media," 12 *Syracuse Law Review*, 289, (1961).

<sup>25</sup> ANA-AAAA Committee for the Improvement of Advertising Content, *First Annual Report* (1961). The Committee was set up in order to screen advertisements which are considered to be "harmful to the advertising business on the grounds of taste or opinion." This delineation of the areas in advertising regarded as within the concept of taste and opinion generally conforms with the views of industry so far as these have been enumerated. See *Self Regulation in Advertising, op. cit.*, pp. 18-31. The ANA has not only developed this special code but it has launched its own program to publicize the need for good advertising, the importance of stopping objectionable advertising and the existence of its own committee to handle all complaints about possible offensive advertising. *Biennial Report of 1964-1965*, p. 7.

	Number Complaints Processed	Number Corrective Action Urged (judged seriously harmful to advertising)
26	Year*	
	1961	9
	1962	8
	1963	1
	1964	5
	1965	5
	1968	2
	12/68-8/69	1

\*Committee for the Improvement of Advertising Content, Annual Reports for the years 1961, 1962, 1963; *Biennial Report for 1964-1965*; records of William Castlebury for 1968 and 1969.

In what appears to be a somewhat recent development, some advertising agencies are beginning to apply their standards of professional responsibility not only to the content of their ads but also to the types of products which they will handle.<sup>27</sup>

In addition to industry's concern with the need to impose standards on advertising, the television industry has recognized its special responsibilities for the content of this media. Thus it has set down the principles which in its view should guide the performance of the industry:

"Television and all who participate in it are jointly accountable to the American public for respect for the special needs of children, for community responsibility, for the advancement of education and culture for the acceptability of the program materials chosen, for decency and decorum in production and for propriety in advertising. This responsibility . . . can be discharged only through the highest standards of respect for the American home, applied to every moment of every program presented by television." (emphasis added)<sup>28</sup>

In discharging these responsibilities, the Code specifically enjoins television to "provide a valuable means of augmenting the educational and cultural influences of schools, institutions of higher learning, the home, the church, the museums, foundations and other institutions devoted to education and culture," to "be thoroughly conversant with the educational and cultural needs and desires of the community served; and to encourage and promote . . . programs presenting . . . valid moral and social issues, significant controversial and challenging concepts and other subject matter involving adult themes." The Code specifically enjoins advertising agencies among others to "seek opportunities for introducing into telecasts factual materials which will aid in the enlightenment of the American public." In addition, the Code requires that all television advertising must be truthful and in compliance with the "spirit and purpose of all legal requirements" and must not be objectionable "to a substantial and responsible segment of the community."<sup>29</sup>

Unlike the regulatory activities of the private sector, public regulation of advertising is concerned almost exclusively with the truth and honesty of the advertising message.

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<sup>27</sup> Some of these company policies are summarized in *Self Regulation and Advertising*, *op. cit.*, pp. 15-31. See also Blabock "Television and Advertising," 28 Fed. Bar J., 341 (1968). The press has recently reported decisions by several advertising agencies to give up their cigarette accounts, *Wall Street Journal*, May 21, 1969, p. 1. A similar concern on the part of advertising agencies with their responsibilities with respect to the merits of the products advertised was reflected in an advertisement recently run by one agency warning the industry that it will die unless it tells the truth about a product and cautioning advertisers that if they continue to work for products which don't last or don't function properly or simply don't matter, "the resulting tidal wave of consumer indifference will render all advertising useless." Reported in *Washington Post*, Oct. 1969.

<sup>28</sup> NAB, *The Television Code* (13th Ed 1968).

<sup>29</sup> The NAB's *Radio Code* contains essentially similar standards.



The Federal Trade Commission is the major federal agency with a broad comprehensive jurisdiction to police advertising appearing in commerce.<sup>30</sup> Section 5 of the Federal Trade Commission Act lays down the applicable standard which provides that:

"Unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce, are hereby declared unlawful."

Section 5 thus authorizes the Commission to ensure that advertising claims are not false and deceptive. Thus while social values may play a role in the Commission's selection of matters on which it should allocate its resources,<sup>31</sup> except in a very limited sense, they are not matters within the Commission's regulatory jurisdiction.<sup>32</sup> Nor have even the severest critics of the Commission suggested that these are matters as to which the Commission should exercise jurisdiction.<sup>33</sup>

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<sup>30</sup> In addition to Federal Trade Commission, there are 44 state "basic truth in advertising" statutes and hundreds of state and local laws regulating particular types of advertising concerned essentially like the FTC with the truth and honesty of the representations. Other federal agencies also exercise some regulatory authority over the truthfulness of advertising: The U.S. Post Office administers the 1872 criminal fraud statute (18 USC 1341) and the false representation statute (39 USC 4005); the Food and Drug Administration regulates advertisements of foods, drugs, devices and cosmetics. SEC administers statutes regulating statements made in connection with the sale of securities and the Alcohol and Tobacco Tax Division of the Internal Revenue Service over alcoholic beverages and tobacco products. *Self Regulation in Advertising, op. cit.*, pp. 7-9. The Federal Communications Commission has on occasion concerned itself with certain, what might be called "external" features of the commercial such as its loudness or duration. For a brief summary of Federal Communication Commission's actions in this area, see Blabock, "Television and Advertising," 28 *Fed. Bar J.* 341 (1968); and Milstein, "FTC and False Advertising," 64 *Col. L. Rev.* 439, 443 (1964); for a description of the power of the Internal Revenue Service, see *Self Regulation in Advertising, op. cit.*

<sup>31</sup> The Commission's concern with deceptions practiced on the elderly and the poor and its decision to challenge the advertising of segregated housing are a direct result of its sense of priorities of the needs of society today.

<sup>32</sup> Considerations of public morality have been relied upon in a very narrow area to define practices which violate the Federal Trade Commission Act. Thus the United States Supreme Court held that to employ a technique for the sale of a product which was offensive to public morality—in this sense the use of a lottery—constituted an unfair method of competition. *FTC v. Keppel*, 291 U.S. 304 (1934); *Bear Sales Company v. FTC*, 362 F. 2d 96 (7th Cir. June 1966). Most recently in its consideration of the use of games of chance used by supermarkets and service stations as a promotional device, the Commission refused to invoke the *Keppel* doctrine in determining whether these promotional practices violated Section 5 of the Federal Trade Commission Act.

<sup>33</sup> Cox, Fellmeth and Schulz, *The Nader Report on the Federal Trade Commission* (Baron Publishing Co., 1969), e.g. Ch. II and VI. The major criticism of the Commission's advertising program was its failure to take into account advertising's "use of image manipulation and the creation of demand through associations with sex, fear and power fantasies." More recently Senator Magnuson drew the attention of the Commission to certain institutional advertising placed by Esso respecting pollution which stated that "by 1978 cars will be less of a smog problem than they were in 1928." *Advertising Age*, June 23, 1969. A similar objection was made to a series of ads placed by the Santa Barbara Chamber of Commerce about the tourist attractions of Santa Barbara despite the oil pollution of its waters. *Advertising Age*, June 9, 1969, p. 120, June 16, 1969. However, in these instances the objection to the advertisements is to their misleading or false content not to the types of social values underlying the ads.

In my judgment, this regulatory pattern — both public and private — is an inadequate and an inappropriate vehicle through which to deal with the social problems raised by the cultural and value content of advertising.<sup>34</sup>

As a country we are sensitive to the dangers involved in attempting to police values, opinions, and other subjective elements of speech no matter what form such regulation might take. We are dedicated to the notion that truth can best flourish if all forms of speech are permitted. The free marketplace of ideas — no matter how distorted or false individual expressions and opinions may appear — is in our experience the only means of assuring that truth in its largest sense may ultimately emerge. While advertising has been excepted from this philosophy to the narrow extent of the accuracy of specific product claims contained in it, efforts to go beyond this essentially verifiable standard of regulation and to reach out to police the values and cultural overtones or undertones in advertisements would run the risk of simply substituting the opinions of one group, the regulators, for those of another, the advertisers, as to which values and which aspects of American culture should be stressed by the commercial. Such a substitution would in no sense offer any greater assurance that these values and cultural elements would be any less distorted or one-sided or limited.

The very factors that create problems for government regulation if it should seek to go beyond the regulation of readily identifiable and verifiable claims of advertising are also equally applicable to self-regulation. Thus self-regulation in the field of advertising as respects its truth and honesty is practicable and highly desirable. Self-regulation in the areas of taste, acceptability or offensiveness carries the same dangers to stifling free expression and diversity of ideas as would government regulation in these areas.<sup>35</sup> Indeed industry screening of ads on the basis of their taste or offensiveness may have the effect of compounding the very problems inhering in the current TV commercials. These code provisions will tend inevitably to limit even further whatever diversity of viewpoint exists within the profession by forcing the industry as a whole to conform to the standards of acceptability of the very limited number of individuals who happen to be sitting on these industry self-regulatory committees.

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<sup>34</sup> There is at least one author who believes that advertising could be screened but that in the past any real effort along this line has been stymied because the emphasis was placed on truth rather than on acceptability. To this author:

"Value judgments cannot correctly be evaluated as true or false, the reason being that they are not statements about the world's content and are, therefore, not verifiable. They are, instead, statements expressing opinions or estimates of aspects of reality. . . . Until value judgments are properly evaluated as acceptable or unacceptable rather than as true or false, progress in improving the interaction between advertising and consumers will be disappointing. To repeatedly label value judgments as true or false is a philosophical error that prevents concern with such crucial matters as how acceptable value judgments must be and how one makes such determinations." E. John Kottman, "Marketing Notes and communications," 33 *Journal of Marketing*, 64 (1969).

<sup>35</sup> See e.g., *Wall Street Journal*, May 21, 1969, p. 1. See also protest by Tom Smothers of private censorship, *N.Y. Times*, June 22, 1969.

Censorship in any form — whether engaged in by government or by private action — is incompatible with our fundamental concepts of freedom and diversity of ideas.<sup>36</sup>

If the problems posed by the social and cultural impact of advertising on society should, as I believe is the case, be analogized to the problems of free speech, the solution to these problems must lie in the same area.<sup>37</sup> We must ensure truth not by regulating content but by promoting and encouraging as wide a diversity of viewpoints as is possible in this aspect of the media's message. The need is for diversity, for balance and for fairness. The question then becomes one of how such diversity of ideas and values can be encouraged in the world of the TV commercial.

To a large extent reliance must be placed on the advertising profession to translate their emerging realization of the current deficiencies of advertising in this vital area of the social concerns and values of their audience into effective performance. But if the principal objective of advertising is — as it must be — to sell products and services, it cannot be expected to resolve all of the nation's social and economic problems. Clearly, it would be impossible to devise a single advertisement which could convey all of society's values regarded as important nor all of the life styles and cultural orientations of the many diverse elements which make up American society. Not only would such a standard be difficult to devise, no single advertiser could carry it out. The objective for advertisers should be to be aware of the different interests and backgrounds of their varied audiences and to devise their commercials — perhaps a series of commercials to be run simultaneously — so that they appeal to a variety of interests and backgrounds and so that they reflect the variety of value systems held by their prospective viewers.

Some advertising executives have already recognized the importance of diversity within their profession as some assurance that their product will be more sensitively responsive to the consumer psychological environment. They urge, therefore, the importance to their profession of a large number of small advertising agencies, each seeking to interpret the consumer's moods and interests in order to develop advertising campaigns which respond creatively to this ever changing psychological environment.<sup>38</sup>

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<sup>36</sup> That industry self-regulatory codes in the area of ideas, taste and values amounts to censorship is recognized by the Manager of the New York City Code Office of the Code Authority, National Association of Broadcasters, see Stockton Helfrich, "Broadcast Censorship: Past, Present, Future," *Television Quarterly*, Vol. 1, No. 4 (Nov. 1962). Helfrich, however, defends the private censorial function as "a symbol of what stands between the democratic concept of living together and just plain anarchy." For a recognition of the basic objectives of self-regulation of its "governmental" problems, see Gilbert Weil, "Industry Self-Regulation and Advertising Codes," Association of National Advertisers, Inc. (June 2, 1966).

<sup>37</sup> A persuasive argument in favor of this suggestion is made by Jerome A. Barron, "An Emerging First Amendment Right of Access to the Media," 37 *Geo. Wash. L. R.* 487 (1969).

<sup>38</sup> S. J. Dietz, "Are Ad Trends Changing? Yes, With Public Moods," *Advertising Age*, May 12, 1969, p. 51.

Clearly public policy can direct itself towards a similar goal and make certain that this potential source of diversity of advertising themes is not swallowed up by other compelling drives for growth or by increasing trends towards concentration.

Certainly diversity among advertising agencies will contribute useful variety in advertising themes. But it is doubtful that solutions to this problem can be left solely to reliance on the demands of the marketplace and the advertiser's self-interest and ability to interpret the concerns and interests of the public. Nor can we assume that the much vaunted consumer sovereignty will in the end supply the final check. There seems to be an inevitable time lag between the individual's desires and interests and the advertiser's response. Today clearly the public is concerned with a variety of environmental and social concerns which are in no way reflected in the current TV commercial. Yet current advertising themes would suggest that the dynamics of selling goods through appeals to people's wants and concerns will not by itself guarantee that when the public's concerns change, advertising themes will correspondingly change.

Advertisers — the ad agency as well as the company — must assume a conscious and affirmative responsibility to reach out into the community and shape their messages to reflect a much wider variety of value systems and cultural orientations than has been their practice in the past. Rather than consciously shaping their ads to support any particular segment of society or value system, advertisers should make serious efforts to experiment with different types of selling themes. Certainly the public's concern with the quality of their environment and the social problems confronting our nation suggest that advertising themes directed to the uses of their products in the solution of these problems may be very effective to many segments of their audience. The public is deeply concerned with the country's need for more hospitals, more nurses and more doctors. Certainly drug companies can find in this area a variety of associative themes between their products and these concerns of the public.

Food companies have a dozen selling themes available to them in the role of food in increasing our learning abilities and our basic intelligence quotients. The problems of small business and of potential minority entrepreneurship are of wide social interest and are closely connected with the entire range of business machines and equipment supply products. Detergents can clean up slums as well as guarantee husbands. Light bulbs can illuminate dark streets as well as suburban living rooms. Bath soaps can achieve cleanliness vital to the health of many rural segments of our population as well as achieve social status and poise. Certainly building materials and the nation's need for housing for all income levels can be combined in exciting and stimulating sales messages concerned with the future of the country.

The vision of what many individuals want and are concerned with today is no longer exclusively turned inwards. People's visions and hopes and desires are increasingly socially oriented — related to the need for parks, for beautiful buildings, for inward growth, for education.

The suggestion is not that the advertiser take upon his shoulders all of the problem areas in the country and seek to solve them through his commercial. Products will hardly sell if they are associated with all the negative and difficult problems which confront us as a nation. But the future of this country should not be looked at in these negative terms.

If association and identification are the keys of persuasion, the country's future and its vast potentials offer just as exciting opportunities for application of these concepts as do the individual's more personal concerns for status and social success which in the last analysis have really very little to do with the functional properties of the advertised product.

Many advertisers have already recognized the need as well as the selling appeal in a greater socially oriented sales message. The Advertising Council has branched out considerably beyond its Smoky the Bear subject matter.<sup>39</sup> Individual companies are not only engaged in socially oriented projects they are also devoting a portion of their advertising budgets to publicize these projects.<sup>40</sup> Advertisers are beginning to reflect in their advertisements the simple fact of the existence of the black man in our society engaged in the entire gamut of occupations hitherto in TV's world reserved only for whites. Others are assuming responsibility for the content of the television programs which they sponsor.<sup>41</sup>

Since the commercial is such a dynamic communication tool, the networks should give thought to packaging a part of their public service responsibilities in commercial format. Certainly the consumers' needs for protection from frauds and marketing dishonesties could be as fertile a source for eye catching commercials as their needs for cleanliness and success. Public service advertising in other words could provide an effective counterbalance in terms of individual needs and values to the more typical product advertising. If equally prominently displayed on the TV tube, the world of the TV commercial would not appear to the viewer as so one-sided and representative of only a part of the individual's real hopes and fears and wants.

The need to protect the public from dishonesty, confusion and deception is a significant objective of public policy. But the need for truth in its largest

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<sup>39</sup> See a recent Council ad dealing with Peace Corps, the NAB drive for jobs and the need for educational aid, Wash. Post, June 9, 1969.

<sup>40</sup> Gibson McCabe, "Advertising in the Community Interest," Speech to IAA World Advertising Congress, Sept. 26, 1969.

<sup>41</sup> A recent advertisement in *Forbes* by a TV manufacturer set out the manufacturer's advertising philosophy:

"It's not enough for us just to make good TV sets.

"We also want to make sure you get plenty of good, tasteful, intelligent shows on them. . . .

"But sponsoring good shows is not enough. We believe that the shows shouldn't be hacked to bits by 'a few words from the sponsor.' We don't interrupt any of our specials with commercials.

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"Our noncommercial attitude may turn out to be very commercial in the long run."

and most philosophical sense in the world of the TV commercial is basic to the survival of our society.

It has been said that individual freedom is essentially a concern with ensuring that individuals are able to choose for themselves their life style and values on the basis of the full range of human options available to them.

We cannot really say that advertisers any more than any other group in our society are or should have the exclusive responsibility of presenting us with the full range of human options. The TV commercial of necessity presents the consumer with essentially limited options — to buy or not to buy. But the real human options are not so narrowly conceived. Our choices increasingly today are being perceived in much broader terms embracing not only our desire for a specific product but our concerns about the technological fall out from the product. The public is asking itself whether the convenience of the lower price and faster trip which the jumbo jet offers is worth the problems which may be created by the noise and increased congestion which may also be a consequence of its production. Is cheaper coal really important if its cheapness is at the expense of the miner's health? How do we trade off the diet assisting values of cyclamates against the possible health hazard which they may entail or the greater agricultural productivity achieved through pesticides if they also raise a potential environmental or personal health hazard?

One of our problems as a society is to ascertain therefore how to ensure that our citizens in fact are presented fairly with the various options open to them. Since the commercial is such an essential part of the marketplace of ideas on which we depend for the ultimate freedom of the individual, it is crucial that advertising assume its responsibility to communicate so far as it is possible the full range of human options and to give equal dignity and respect to the life styles and value systems of all elements in our populace.

#### **POSTSCRIPT\***

*Commissioner Jones was introduced by a question from the floor:*

Everyone keeps talking about advertisers and advertisers themselves as being bogeymen, and we recently had legislation, it seems to me, that cigarette advertisers are going to be off the air soon, or at least severely curtailed. Now they conducted a large part of the market in the United States — but what about further legislation along that idea? What about further legislation by the F.C.C. perhaps?

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\*This postscript represents relevant excerpts from the transcript of the Trade Regulation Roundtable, 1969, and contains comments and discussions relevant to and arising out of the issues dealt with by Commissioner Jones. It should be noted that the Postscript is a verbatim account of the conference.

THE CHAIRMAN: At this point I will turn to the opinion of Mary Gardiner Jones of the Federal Trade Commission to discuss that aspect of advertising, namely what capitalists might call the cultural spill-over.

Some television people say that advertising probably performs the most effectively—carries the most effective message, carries the most information, in terms of creativity. I think McLuhan said that advertising is probably the most creative in terms of television.

And it is this area that I would like to have Commissioner Jones address herself to, please.

*Commissioner Jones then proceeded to deal with the ideas presented in her paper emphasizing that "the impact of the television message on us may be of more importance in terms of our cultural and value system". She then criticized the implicit values of the television commercial, i.e. "the non-commercial message", as being too materialistic and overly simplistic, and concludes that we are being presented with a particular type of American life style:*

middle income white, suburban W.A.S.P. family life . . . There is no place in television for the non-urban Americans who live in rural communities, in small towns, who live in inner cities . . . youth . . . old people certainly aren't there. Dozens of life styles that we are all familiar with nowhere appear on television.

Now, up to this point, I don't think there is really much controversy about this. The controversy stems from two areas:

One is, what impact does this have on us?

Does it, in fact, give validity, and a distorted validity, to one set of values, because that is all you ever see on a commercial?

Not whether these values are true or not—certainly they are held by a great many people; the question is, are we giving them over-valuation, over-respect, over-prestige, through constant repetition, seeing the kinds of problems raised in terms of life style we see, are we giving them validity far beyond what actually we would want to give to them, just because they are so exclusively depicted as such on television.

Some advertisers take the point of view, "Let's do this self-consciously, and let's, in fact, do it better. Let us use this opportunity," they will say, "to, in fact, sell our version of American life."

Others will say that the problem is here and what we must do, therefore, is make sure that we have as much diversity of source of advertising messages, and this group of people will talk about the importance of keeping advertising agencies small, having as many of them as possible.

Now they are thinking of it not quite the way I am explaining it here. They are thinking of it more in terms of their jobs, to make sure that they are responsive to their audience, to wit, consumers. If they are going to sell a product, they want to make sure that they are not too far removed from what their audience and their potential purchasers are thinking about, so they look at it in terms of an attempt to be responsive, but nevertheless I think that were they responsive to their total potential purchasing public, that they would perhaps then have resolved the kinds of problems that I am talking about here — to wit, too much and too narrow and too single a value system.

So they would look at it just in terms of increasing the amount of diversity.

Certainly public policy has never come to grips with this. Indeed the first reaction of many people — myself included — to this problem is that it is not something that the government should take hold of. The present public policy in advertising is to produce truth and honesty. An interesting question is whether the existence of that public policy is pushing advertising away from direct product claims which can be validated and subject to the F.T.C. Act, into some of the less definable, less verifiable product claims and advertising themes including this kind of psychological associating with individual status and anxieties. I don't think it is completely true, but we have to remember in formulating public policy that the so-called "cure" might push people into doing things which are more objectionable than the original problem to which the "cure" was designed to be applicable.

I myself have not gotten to the point yet that I can see a government agency trying to decide what type of value structure we would like to see on commercials, what type of life styles.

The industry has some forms of self regulation, designed to take care of some of this, under the guise of taste and offensiveness. I think that this has a stronger effect of censorship and an effect of narrowing down the sources of value systems to the committee members who are screening these ads.

I find myself now somewhat more hesitant about self regulation in this area, because I think it may compound the problem. I can't really come to this audience to really answer the gentleman's question, which Dan so confidently said I had something to say on, except to underscore that that is a serious problem. I have not found a solution except that I think one of the first steps in solving the problem is to be aware of it, and to then move from there to suggestions of possible experimental programs. Perhaps "jawbone" regulation has some usefulness here, to suggest to advertising agencies that their concern must be responsive to consumers' needs, to keep reminding them that consumers are a lot more concerned with the quality of life than they are with the price and quality of the product, and that the products have also associative needs, in terms of hospitals, in terms of the detergents that clean up the slums.



There may be other advertising themes that will deal with a quality of life with which these products can be as easily associated as with romance. I think that is the most that I can point out to this group.

THE CHAIRMAN: I can't resist mentioning one example that is occurring in Canada, and it is just beginning, I think, to make its appearance in the United States — thus, the detergent with the enzyme action that gets clothes "whiter than white" and also, in the process, destroys the streams with just horrible pollution, and what is the role of the advertiser to be, or the function of the advertiser to be — advertise quite honestly and quite accurately that detergents with the enzymes do get clothes "whiter than white"; they do — they also destroy streams.

COMMISSIONER JONES: Well, let me just say in that context that one of the things that occurred to me is, that it is the role of government to point out other options. We think of freedom in terms of human options. The advertiser points out one option — to wit, to get the clothes whiter. Would it be the function of government — and let's leave it general — to point out the other options; that is, do you want to do it at the cost of your streams being polluted, or perhaps your own lungs being polluted? And is this a role of government, to just widen the options involved?

I have the feeling that if these options are to be expressed, it would best come from a government of environmental council, whose job will be to explore all of the implications of these business decisions, the jumbo jet noise, the congestion, this kind of thing.

*Assuming this is a distortion of our value systems the question raised was:*

Shouldn't we do something about it? And if we should do something about it, what should we do about it? Now the advertisers themselves have an answer to it, or at least they are aware of it, and are pushing some solutions. They are very aware of their responsibilities in this area. They are very aware of their impact.

*Later in the morning Mr. Templeton referred to Commissioner Jones' remarks and theme:*

MR. TEMPLETON: But I would like to just finish by adding one word in reference to what Commissioner Jones said about commercials, and what others have said about commercials:

Let it be remembered very clearly that commercials which show a way of life of middle-class, W.A.S.P. society, as it was earlier described, in our country of Canada, and in your country of the United States, I personally am of the conviction — and there is evidence, I think, to buttress it — that the

whole so-called "quiet revolution" we have had in Quebec has been primarily because of the television, and television commercials, where the "have not's", who have lived in a kind of insulation, apart from the rest of society, suddenly see how the rest of the world lives, suddenly get hungry for it, and what television has done is to compress the time in which events are born just — or are conceived, gestated, and are born — and that compression is the result of the giving of an image, which is a desirable image in an affluent society.

And perhaps the unrest at the heart of the society — your own country and ours — has been caused more by indirection and, in many instances, I would think, unobserved, as it has come to pass within our societies.

COMMISSIONER JONES: Certainly advertising can create this impatience and the acceleration of the desirable expectations to upgrade one's "living".

But supposing the "have not's" have been presented with a series of options of life styles and ways of living, would they have automatically selected the W.A.S.P., middle-class, suburban style? Would they have selected, perhaps, the "hippie" communal house? Would they have selected some other style? Or can we say that these present advertising values are desirable because they gave a vision of life to which they wanted to aspire and ascribe?

MR. TEMPLETON: Just very briefly, I don't think it is a matter of whether it is desirable or not. The fact is that it is. And it has been unobserved. It has largely been unexamined. And I think when we talk about the effects of television, the fantastic effects, and the subterranean effects, I think the thing which should exercise us is the nature of programming which deals with this kind of thing, so that the human beings who are moved by it, willy nilly, without choice, and whether it is desirable or not, that the programming will have a countervailing effect here.

And I think that this is going to demand the best creativity of people in the business, of which I do not yet see much interest.

