

Fall 1995

Reader Categorization of a Controversial Communication: Advertisement Versus Editorial

J. B. Wilkinson

Douglas R. Hausknecht
University of Akron Main Campus, hauskne@uakron.edu

George E. Prough

Please take a moment to share how this work helps you [through this survey](#). Your feedback will be important as we plan further development of our repository.

Follow this and additional works at: http://ideaexchange.uakron.edu/marketing_ideas



Part of the [Advertising and Promotion Management Commons](#)

Recommended Citation

Wilkinson, J. B.; Hausknecht, Douglas R.; and Prough, George E., "Reader Categorization of a Controversial Communication: Advertisement Versus Editorial" (1995). *Department of Marketing*. 1.
http://ideaexchange.uakron.edu/marketing_ideas/1

This Article is brought to you for free and open access by College of Business Administration at IdeaExchange@UAkron, the institutional repository of The University of Akron in Akron, Ohio, USA. It has been accepted for inclusion in Department of Marketing by an authorized administrator of IdeaExchange@UAkron. For more information, please contact mjon@uakron.edu, uapress@uakron.edu.

Reader Categorization of a Controversial Communication: Advertisement Versus Editorial

J. B. Wilkinson, Douglas R. Hausknecht,
and George E. Prough

Using a disguised, structured technique, the authors collected consumer judgments regarding an editorial advertisement entitled "Of cigarettes and science" sponsored by R. J. Reynolds Tobacco Company. Respondents were shown an actual newspaper section that contained different types of editorials and advertisements, including the "Of cigarettes and science" item. After the respondents indirectly classified each item as either an editorial or advertisement, they were asked to list at least two characteristics about the appearance or wording of the "Of cigarettes and science" item that caused them to classify it as they did. The majority of respondents thought the item was an advertisement because it looked different from editorial items, was sponsored by R. J. Reynolds Tobacco Company, and seemed to have a persuasive or promotional content. Over one-fourth of the respondents, however, identified the communication as an editorial because of its lack of direct sales information and its extensive wording. The authors contend that legal and regulatory bodies should consider the effects of both source and intent of the message when arguing consumer impact.

Recent innovations in advertising and creative adaptations of certain advertising formats continue to blur the distinction between commercial (i.e., advertising) and editorial speech. For example, advertorials are able to masquerade successfully as editorials—especially when executed as unlabeled "inserts" in magazines (Crossen 1988). Program length commercials in children's programming sell toys successfully (Weinstein 1989). In addition, the practice of preparing canned video news stories for distribution to television stations effectively disguises commercials as news reports (*Consumer Reports* 1986).

The problems created by these advertising forms and executions transcend mere definitional issues, such as description and classification. Commercial speech is subject to the Federal Trade Commission's (FTC) jurisdiction and can be regulated to prohibit unfair, false, or deceptive content. Editorial speech is fully protected by the First Amendment to the Constitution of the United States. What is or is not fully protected speech has become a significant legal issue, as is demonstrated by the recent resolution of a jurisdictional problem involving R. J. Reynolds Tobacco Company (RJR).

On October 3, 1989, the FTC announced RJR had agreed to settle charges that the company made false and misleading advertising claims regarding the health effects of smoking, thereby ending a legal controversy involving FTC juris-

dition over an RJR communication entitled "Of cigarettes and science" (Colford 1989; *FTC News* 1989). Under the terms of the consent order, RJR agreed,

not to misrepresent in future advertisements the purpose or results of the MR FIT study [Multiple Risk Factor Intervention Trial—a long term scientific study funded by the National Heart, Lung, and Blood Institute of the National Institutes of Health]. In addition, the consent order prohibits Reynolds from misrepresenting "in any manner, directly or by implication, in any discussion of cigarette smoking and chronic or acute health effects" the results, design, purpose or content of any scientific test or study explicitly referred to concerning any claimed association between cigarette smoking and chronic or acute health effects (*FTC News* 1989).

The Commission voted three-to-one to accept the consent order, with Commissioner Mary L. Azcuenaga dissenting. In a separate dissenting statement, Commissioner Azcuenaga said that the "Commission's decision to end this proceeding by accepting an order that is conspicuously weak demonstrates a modicum of interest, at most, in important issues related to smoking and health" (*FTC News* 1989). Throughout the proceedings and even at the time of the settlement, RJR contended that "Of cigarettes and science" constituted an exercise of free speech protected by the First Amendment to the U.S. Constitution—a view that had been supported by FTC Administrative Law Judge (ALJ) Montgomery K. Hyun and FTC Commissioner Chairman Daniel Oliver (Werner 1987, 1989).

Background

"In the Matter of R. J. Reynolds Tobacco Company, Inc."

The case involved an advertisement entitled "Of cigarettes and science," which interprets results of the MR FIT study.

J. B. WILKINSON is Associate Professor of Marketing, Williamson College of Business Administration, Youngstown State University. DOUGLAS R. HAUSKNECHT is Associate Professor of Marketing, and GEORGE E. PROUGH is Professor of Marketing, College of Business Administration, University of Akron. This research has been supported by a stipend from the Stoller Fund, the College of Business Administration, University of Akron; Youngstown State University Research Grant; and technical support from the *Akron Beacon Journal*.

The copy-only advertisement appeared in leading newspapers and magazines from March to June 1985 (Figure 1).

On June 16, 1986, the FTC issued a complaint against RJR, alleging that "Of cigarettes and science" falsely and misleadingly represents,

that the purpose of the MR FIT study was to determine whether heart disease is caused by cigarette smoking; that the MR FIT study provides credible scientific evidence that smoking is not as hazardous as the public or the reader has been led to believe; and that the MR FIT study tends to refute the theory that smok-

Figure 1. "Of cigarettes and science."

Of cigarettes and science.

This is the way science is supposed to work.

A scientist observes a certain set of facts. To explain these facts, the scientist comes up with a theory.

Then, to check the validity of the theory, the scientist performs an experiment. If the experiment yields positive results, and is duplicated by other scientists, then the theory is supported. If the experiment produces negative results, the theory is re-examined, modified or discarded.

But, to a scientist, both positive and negative results should be important. Because both produce valuable learning.

Now let's talk about cigarettes.

You probably know about research that links smoking to certain diseases. Coronary heart disease is one of them.

Much of this evidence consists of studies that show a statistical association between smoking and the disease.

But statistics themselves cannot explain *why* smoking and heart disease are associated. Thus, scientists have developed a theory: that heart disease is *caused* by smoking. Then they performed various experiments to check this theory.

We would like to tell you about one of the most important of these experiments.

A little-known study

It was called the Multiple Risk Factor Intervention Trial (MR FIT).

In the words of the *Wall Street Journal*, it was "one of the largest medical experiments ever attempted." Funded by the Federal government, it cost \$115,000,000 and took 10 years, ending in 1982.

The subjects were over 12,000 men who were

thought to have a high risk of heart disease because of three risk factors that were statistically associated with this disease: smoking, high blood pressure and high cholesterol levels.

Half of the men received no special medical intervention. The other half received medical treatment that consistently reduced all three risk factors, compared with the first group.

It was assumed that the group with lower risk factors would, over time, suffer significantly fewer deaths from heart disease than the higher risk factor group.

But that is not the way it turned out.

After 10 years, there was no statistically significant difference between the two groups in the number of heart disease deaths.

The theory persists

We at R.J. Reynolds do not claim this study proves that smoking doesn't cause heart disease. But we do wish to make a point.

Despite the results of MR FIT and other experiments like it, many scientists have not abandoned or modified their original theory, or re-examined its assumptions.

They continue to believe these factors cause heart disease. But it is important to label their belief accurately. It is an opinion. A judgement. But *not* scientific fact.

We believe in science. That is why we continue to provide funding for independent research into smoking and health.

But we do not believe there should be one set of scientific principles for the whole world, and a different set for experiments involving cigarettes. Science is science. Proof is proof. That is why the controversy over smoking and health remains an open one.

R.J. Reynolds Tobacco Company

ing causes coronary heart disease (R. J. Reynolds Tobacco Co., Inc. 1988, p. 2).

In addition, the complaint charged that the advertisement fails to disclose that the men in the MR FIT study who quit smoking had a significantly lower rate of heart disease than men who continued to smoke.

On June 26, 1986, RJR filed a motion to dismiss the complaint on the ground that "Of cigarettes and science" represents editorial speech, expressing opinions on issues of social and political importance. Such speech is fully protected by the First Amendment and therefore not subject to the FTC's jurisdiction. Complaint counsel opposed the motion to dismiss, and the case was heard by ALJ Hyun, who ruled on August 6, 1986 that the advertisement was fully protected noncommercial speech and thus outside the jurisdiction of the Commission. According to ALJ Hyun, "Of cigarettes and science" is correctly classified as an editorial advertisement, because it does not present any brand name or prices, discuss desirable attributes of the product, show where the product might be purchased, or contain any promotional language. Thus, because the advertisement is editorial or non-commercial speech, it "does not lose the full protection of the First Amendment simply because it contains inaccurate or incomplete information, or some language which may arguably be construed or misconstrued to imply a promotional language" (*FTC News* 1986; R. J. Reynolds Tobacco Co., Inc. 1986). Hyun also stated that the advertisement is easily understood by a reasonable reader to be an opinion-editorial piece that presents the speaker's opinion or represents a hyperbole by someone who may have an ax to grind.

Complaint counsel appealed the ALJ's initial decision to the Commission. On March 4, 1988, the Commission (4 to 1) reversed and remanded the case to the ALJ for trial. In the course of that trial, the ALJ should determine whether application of the facts to appropriate legal standards supports a finding of jurisdiction.

The Commission found that the ALJ erred when he concluded that "Of cigarettes and science" was an editorial without considering the various messages, means, and motives of the advertisement. According to the FTC, "Of cigarettes and science" is commercial speech and subject to its jurisdiction for the following reasons:

- Message Content—The advertisement refers to a specific product (cigarettes) and discusses an important product attribute (the alleged connection between smoking and heart disease). A message that addresses health concerns faced by purchasers or potential purchasers of the speaker's product constitutes commercial speech.
- Means—The advertisement was disseminated through paid-for advertising, which is typical of commercial speech.
- Motive—RJR sells cigarettes and has a direct, sales-related motive for disseminating the advertisement. Economic motivation is indicative of commercial speech (R. J. Reynolds Tobacco Co., Inc. 1988).

Chairman Daniel Oliver dissented with the majority opinion of the Commission:

The RJR publication is, without doubt, a direct comment on a matter of public concern—the link between cigarette smoking and heart disease. Any commercial effect of the RJR communication is inextricably intertwined with RJR's participation in the contest of ideas. Accordingly, the RJR publication is fully pro-

ected by the First Amendment, even if one of the consequences of the publication is to affect cigarette consumption. R. J. Reynolds cannot be disqualified from questioning scientific certitude merely because its potential success in persuading the general public that the question remains open could also have an effect on sales of its product (R. J. Reynolds Tobacco Co., Inc. 1988, p. 3).

Legal Standards for Determining FTC Jurisdiction

The Supreme Court has not established a "bright line" between editorial and commercial speech. Instead, disputes involving FTC jurisdiction must be judged independently through application of legal precedent to specific facts surrounding a case. Based on previous commercial speech decisions by the courts, the following characteristics constitute guidelines for determining commercial speech.

1. Content of the speech—(a) reference to a specific product or service (*Bolger v. Youngs Drug Products Corp.* 1983); (b) a message that promotes demand for a product or service (*Central Hudson Gas & Electric Corp. v. Public Service Commission of New York* 1980); (c) information about product or service attributes, such as type, price, or quality (*Friedman et al. v. Rogers et al.* 1979); and (d) information about health effects associated with the use of a product (*Bolger v. Youngs Drug Products Corp.* 1983; *National Commission on Egg Nutrition v. FTC* 1977).
2. Means used to publish—paid-for advertising (*Bolger v. Youngs Drug Products Corp.* 1983; *Bates v. State Bar of Arizona* 1977; *Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council* 1976).
3. Economic or commercial motivation—speech that is persuasive, promotional, and beneficial to the economic interests of the speaker, because it affects purchasing decisions (*Bolger v. Youngs Drug Products Corp.* 1983; *National Commission on Egg Nutrition v. FTC* 1977).

Extrinsic evidence also is permitted to resolve jurisdictional issues. Extrinsic evidence might include facts about the dissemination of the message (e.g., paid-for communications, media/specific vehicles, placement in editorial or advertising space, message recipients), evidence regarding the promotional nature of the message (e.g., targeted audience, motive or purpose of the message, impact on product demand), and market share of the advertiser's brand (R. J. Reynolds Tobacco Co., Inc. 1988, pp. 17–22).

Unfortunately, few, if any, of these "guidelines" are determinant of commercial speech. For example, *paid-for* does not distinguish between commercial and noncommercial speech. In his dissenting opinion regarding RJR, Chairman Daniel Oliver noted that under a controlling Supreme Court precedent, corporations have a "fully protected" right to engage in public debate and do not lose this protection under the First Amendment simply because they pay to make their views known (*New York Times Co. v. Sullivan* 1964, pp. 254, 266). Mention of a product in the message also is not determinant of commercial speech. The Supreme Court makes a distinction between direct comment on public issues and advertising that links a product to a current public debate. Citing several Supreme Court decisions (*Bolger v. Youngs Drug Products Corp.* 1983; *Central Hudson Gas & Electric Corp. v. Public Service Commission of New York* 1980; *Consolidated Edison Co. v. Public Service Commission of New York* 1980), Chairman Oliver explains,

[I]f, by a common sense view, the advertisement is clearly intended to promote sales it is commercial speech. If, in addition, there is a public message incorporated, the advertisement can be regulated if inclusion of that public message is simply a gratuitous linkage. If, however, the message is direct comment on a public issue, the full protection of the First Amendment applies. If direct comment on public issues cannot be severed from speech that otherwise might be characterized as commercial speech because it may affect sales, i.e., if the two parts are inextricably intertwined, the full protection of the First Amendment must be afforded to direct comment on public issues (R. J. Reynolds Tobacco Co., Inc. 1988, p. 18).

Finally, assessing the persuasive or promotional qualities of a message is difficult in the absence of message content that clearly does no more than promote sales—for example, quotes a price or describes a product in favorable terms. Without evidence about the purpose or motive of the speaker, categorizing speech as either commercial or fully protected noncommercial on the basis of its persuasive or promotional qualities may be simply a matter of opinion.

The Academic Perspective

Criteria for categorizing speech as either commercial or noncommercial (i.e., political or editorial) have been proposed by several advertising and marketing scholars. Compared to legal standards, the academic schemes tend to be prescriptive or idea-oriented, multifaceted, and complex, rather than operative. Several are highly inconsistent with legal precedent.

Using tax deductibility as a criterion, Sethi (1979) suggests a classification scheme that makes a distinction between institutional/image advertising and idea/issue (advocacy) advertising. Institutional/image advertising encompasses goodwill, name identification, and activity identification advertising and is treated like product/service advertising—subject to FTC regulation and tax deductible as ordinary and necessary business expenses. Idea/issue advertising is considered protected, First Amendment free speech (noncommercial and nondeductible) that is designed to “tackle controversial social issues through information, education, and dissemination of a corporation’s position on such issues” (Sethi 1979, p. 75). The strength of this approach is its simplicity; however, it is dependent on voluntary compliance by businesses (e.g., categorization of nonproduct advertising efforts and no tax deductions taken for idea/issue advertising). Under current tax law, the type of advertising expenditures that are not deductible as a business expense include expenditures for lobbying purposes, the promotion or defeat of legislation, political campaign purposes, or propaganda.

From the perspective of the Internal Revenue Service (IRS), nondeductible advertising expenditures represent only a small subset of idea/issue advertising, and its identification relies on interpretation of the sponsor’s purpose, effect on the audience, and type of message (i.e., information or persuasion). Voluntary nondeduction of all idea/issue advertising is acceptable to the IRS. The larger issue is whether the judicial system would grant full protection under the First Amendment to all idea/issue advertising simply because expenditures are not deducted for the purpose of determining taxable income. Clearly, much of what passes

for idea/issue advertising is motivated by commercial or economic interest.

Meadow (1981) devised a typology of corporate political advertising on the basis of whether advertisements (1) are explicitly political, (2) discuss economic benefits, (3) establish an identifiable position, (4) consist of diffuse or specific detail, (5) exhort, (6) are simple or complex, (7) provide several perspectives, (8) are testable, or (9) take offensive or defensive positions. Using these dimensions, he identifies ten categories of nonproduct advertising: image, informative, public interest, participation, patriotic, free enterprise, controversy, equal time, advertorial, and recruitment. However, because Meadow does not indicate which categories should be considered commercial or noncommercial speech, the scheme cannot be used in practice. Also, as Heath and Nelson (1983) explain, Meadow’s typology relies on content analysis of an advertisement by scholar/critics to determine its apparent purposes—an approach that ignores the advertisement’s actual effect on an audience, as well as the intent of the source. Without access to the proprietary advertising and evaluation programs of companies or other organizations, categorization is dependent on a judge’s attributions and perceptions of intent. In addition, nonproduct advertisements tend to be complex, having more than one purpose and producing multiple effects. Categorization of these complex communications into numerous discrete categories increases validity and reliability problems. To illustrate this problem, Heath and Nelson (1983) ask how a “judge” would categorize an advertisement that provides information, recruits people to participate in the political process, and praises them for patriotic achievement, while also enhancing the reputation and image of the sponsoring company. At best, Meadow’s typology provides insight into nonproduct advertising and may be useful for research purposes.

On the basis of a review of advertising case law and relevant FTC, Federal Communications Commission (FCC), and IRS regulations, Heath and Nelson (1985) identify five factors that offer promise for defining regulatory limits: (1) content (mention of product or brand, logos, tag lines), (2) purpose (economic), (3) context (pending legislation and current level of controversy), (4) audience (size and characteristics), and (5) channels or media. The importance of any one of these criteria differ, depending on the regulatory agency or body in question (e.g., Supreme Court, FTC, FCC, or IRS). In general, Heath and Nelson (1985) provide interesting insights into regulatory situations, and their five factors are the end result of careful analysis. However, their factor-based scheme does not offer a solution to current regulatory problems, such as prediction and consensus.

Cutler and Muehling (1989) propose that nonproduct (i.e., advocacy) advertising be viewed along a continuum based on the entities it is most likely to affect or benefit. Advertisements primarily benefiting the advertising sponsor or a select few in the industry should receive greater regulatory attention than advertisements promoting broader causes. Advertisements that address issues affecting the business community and/or society in general should be granted full protection under the First Amendment. According to Cutler and Muehling (1989, p. 46), the issue of potential benefit appears to agree with the court’s interpretation of the “public interest” and the general public’s perception of free speech

rights; it is also consistent with the FTC's mission to ensure an equitable competitive environment. However, Cutler and Muehling's continuum is not consistent with the Supreme Court's need for a dichotomous classification to resolve jurisdictional issues. Also, the use of a competitive impact criterion to determine the extent of regulatory control does not relate well to current Supreme Court guidelines (Middleton 1991). In defense of their scheme, Cutler and Muehling (1991) suggest that factors used to determine competitive advantage could also be used to assess economic or commercial motivation (e.g., topic, sponsor identification, advocacy efforts of other industry members, tax deductibility of campaign expense, competitive position of sponsoring firm, media vehicles, spending levels).

Petty (1993) argues for an audience impact model based on the definition of commercial speech stated in *Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council* (1976, p. 785), namely, speech that does no more than propose a commercial transaction. A recent Supreme Court decision (*City of Cincinnati v. Discovery Network, Inc.* 1993) indicates that the Court is trying to simplify its analysis by emphasizing the importance of the proposal of a commercial transaction test. Petty's audience impact model is, thus, a practical application of this test.

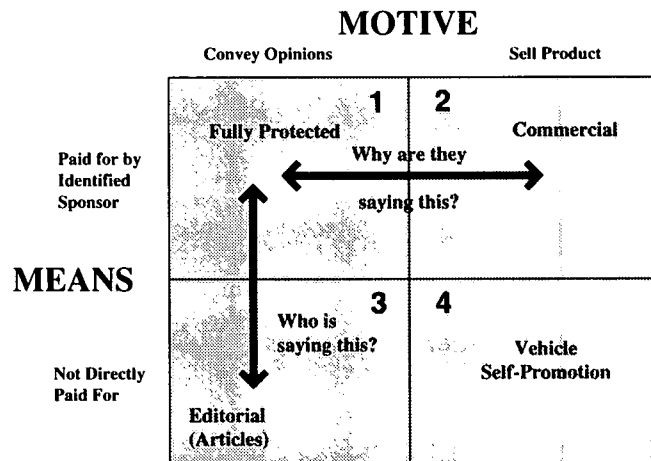
Under the audience impact model, speech would be deemed commercial if the audience is influenced predominantly in its capacity as consumers. If a communication exerts greater influence over the audience in its capacity as members of the electorate, or in some other nonconsumer capacity, then speech should be fully protected. Petty (1993) also provides some guidance for making this determination: (1) an opinion by judges or communications experts based on message content, (2) an assessment of speaker intent based on documented objectives and evaluation measures, (3) audience testing to determine how people are influenced by the message, and (4) analysis of sales patterns.

Purpose and Objectives

The three year history of motions, findings, appeal, and consent in the case involving the FTC and RJR suggests that the delineation between fully protected and commercial speech remains controversial. To some, including FTC Commissioner Chairman Oliver, RJR was denied its First Amendment rights to express opinion on a matter of public concern, because RJR challenged the official position taken by the Surgeon General and the U.S. Congress. To others, RJR was guilty of a subterfuge designed to subvert the laws and regulations regarding cigarette advertising.

Without well-defined, generally accepted criteria for classifying speech, resolution of jurisdictional problems, such as those in the RJR case, may be only the "tip of an iceberg" that will plague consumer protection activities in the advertising arena for many years to come. Unfortunately, identification of fully protected, editorial speech is complex and likely to remain so for several reasons. First, several commonly accepted characteristics of advertising are not unique to commercial speech. For example, advocates of social causes pay for communications that persuasively support their views: the National Heart Savers Association advertises against tropical oils in processed foods, and the National

Figure 2. Communication Typology



Rifle Association advertises gun control (Reilly 1989). Second, many of the characteristics of commercial speech specified by the FTC require interpretation of the speaker's intent or audience impact (e.g., promotional, economic motivation, content promotes demand). Thus, determining whether a communication is "persuasive" may elicit multiple, conflicting opinions. Third, some types of advertisements are designed to look like editorial matter, namely, advertorials and infomercials. Fourth, the FTC has used three sets of guidelines to distinguish between commercial and fully-protected noncommercial speech: message content, means used to publish, and motive of the speaker. These guidelines have been used individually or together, but are treated as though they are independent of each other. In reality, they are not independent, nor are they equally important.

Both the means used to publish and the speaker's motive can be treated as reasonably dichotomous variables: The means variable separates paid-for from not paid-for communications, and the motive variable separates messages with commercial intent from those with a social or political objective. However, the message variable is not inherently dichotomous. Instead, investigators look for the presence or absence of many elements of a message and use this information as indicators of the other two variables. For example, the presence or absence of brand name, price, product attributes, and store location for the product is used as an indicator of intent or motive. In the case of advertorials or infomercials, other message elements are used as indicators of means used to publish (e.g., headline, paragraph format, by-line, border around copy).

Figure 2 illustrates the relationship between the means and motive variables. Motive, or why the message is being presented, is shown on the horizontal axis of the matrix. Means, or who is sponsoring the message, is shown on the vertical axis. Cell 1 of the matrix represents messages that have no direct commercial intent, but have been paid for by a sponsor (e.g., company, institution, political group, person). Cell 2 represents what most people believe to be commercial speech, that is, messages promoting a product and

paid for by an identified sponsor. Cell 3 represents what many identify as editorials, namely, messages that convey opinion, are not directly paid for, and are presented by (or as if by) a third party media source. Cell 4 represents promotional messages for the vehicle itself (e.g., advertisements on the networks promoting their own programs or people; newspaper advertisements promoting the paper).

The importance of this matrix lies in what it illustrates about the differing views of the FTC and consumers. Although FTC investigations use each of the two axes, consumers probably discriminate between messages along the diagonal. To them, advertisements are clearly indicated by Cell 2; messages that are not advertisements must be articles or editorials (Cell 3).

These differing views and their import to the RJR controversy provide impetus for our research, which takes a consumer perception approach to the issue. Specifically, we address the following research questions:

- R₁: How do readers classify various types of communications? As advertisements? Or as editorials?
- R₂: What design elements contribute to a reader's perception of a communication as an advertisement or editorial?

Answers to these questions should contribute to a better understanding of how readers classify communications that have ambiguous characteristics. There is no evidence that consumers can, or even care to, discriminate between the legalistic categories of commercial and noncommercial advertising. Research that examines this issue could support or contradict ALJ Hyun's assertion that "Of cigarettes and science" is easily understood by a reasonable reader to be an opinion-editorial piece (R. J. Reynolds Tobacco Co., Inc. 1986).

Identification of design elements that are likely to be associated with advertising versus editorial content also would facilitate the establishment of valid classification guidelines based on audience impact. For example, Petty's (1993) audience impact model distinguishes commercial speech from fully protected editorial speech on the basis of whether the audience is influenced or potentially interested in the speech in its capacity as consumers or members of the electorate.

Our research provides insights into reader perceptions and categorizations of newspaper items. An actual newspaper section that contained different types of editorials and advertisements, including the "Of cigarettes and science" communication, was used to collect responses from respondents. We used these responses to examine the communication typology shown in Figure 2.

Research Design

Data collection involved asking respondents to read nine items from 36 possibilities (excluding Classifieds) in a specially prepared newspaper section and answer a series of questions about these items as part of a newspaper communication study. The items included a mix of editorials and advertisements, and the term *communication study* was used to help disguise the nature of the study.

Sample

Personal interviews were necessary to control the sequence of tasks and questions administered to respondents, and each

interview lasted a minimum of 30 minutes. These constraints, in addition to the sample size requirements, favored group administration of the questionnaire to respondents. Community groups in a northeastern U.S. Metropolitan Statistical Area (MSA), such as church choirs, girl scout council, and club or hobby groups, were selected on the basis of their representing a cross-section of newspaper readers in the MSA. Media placement for "Of cigarettes and science" was in leading newspapers and magazines. A total of 227 completed questionnaires was obtained from these groups.

The Newspaper Instrument

A metropolitan newspaper with an average weekday circulation of over 150,000 assisted in the study by including the "Of cigarettes and science" item (see Figure 1) in a six-page section of a zoned edition of the paper. This was a normal section of the newspaper, printed on their presses and paper, and included a typical mix of editorial and commercial items. The result looked "real" and not like a mock-up or an otherwise artificial newspaper section.

As part of the communication study, respondents were instructed to read nine of the items in this newspaper section. These nine items were chosen to represent a full spectrum of materials that typically appear in this newspaper (i.e., county-zoned, local news). In addition to "Of cigarettes and science," two of the items were news articles; one was a publicity release; one was a public service announcement; two were advertorials; and the remaining two were advertisements.

Placement of the nine items in the newspaper section remained constant across all copies administered to respondents, and respondents read the nine items in a natural sequence (i.e., in the order of appearance). This natural sequence was preferred to a random sequence for several reasons. First, layout and production of multiple versions of the newspaper section were not possible. As a result, systematic randomization of the order in which respondents read the nine items would have meant skipping respondents back and forth through the newspaper section, thereby increasing item nonresponse and respondent errors (e.g., failure to categorize hard-to-find items and refusal to read items in the specified sequence). Second, randomization does not resolve all the effects of repeated testing; it is effective for the control of practice effects (e.g., learning, fatigue), but not for differential carryover effects; namely, categorization of one item differentially affects a respondent's categorization of subsequent items (Lana and Lubin 1963; McCall and Applebaum 1973). However, practice effects tend to be modest compared to treatment effects (Wilkinson, Hausknecht, and Prough 1990). Here, practice effects were expected to be negligible, because the repeated task was simple and short (i.e., categorization of nine items). Table 1 contains a list of the nine items in the order in which respondents read them.

Procedure

To disguise the intent of the study, respondents were told they were participating in a newspaper communication study. They were first instructed to read the nine items in the newspaper and then rate the readability of each item on a five-point scale ranging from easy to read (1) to hard to read (5). Each item was numbered, and two or three key words of

Table 1. Response Percentages for Newspaper Items Included in Classification Task

Item	Article %	Advertisement %
"Stark Child Gets Trip to Disney World" (news)	100.0	0.0
"New in Lodi" (publicity release about new doctors opening offices in community)	92.9	7.1
"Getting to Know the Handicapped" (article)	99.1	.9
"Super Dream Pill" (advertorial for a diet pill)	2.7	97.3
"Pain-Free Seminar" (advertorial for a pain clinic)	2.3	97.7
"1-Year CD" (bank ad)	.9	99.1
"Vocational Center Has New Careers Video" (public service announcement)	93.8	6.2
"Of cigarettes and science"	26.9	73.1
"Learn to Draw" (advertisement for local school)	1.8	98.2

the title were underlined on the copies of the newspaper sections used.

"Of cigarettes and science" was always the next to last item read, following editorials, advertisements, and advertorials. Thus, respondents were exposed to a full range of items before reading and rating "Of cigarettes and science"—a strategy designed to provide practice and aid critical thinking.

The first page of the questionnaire was an answer sheet form that required respondents to (1) record each item number and the underlined words of its title in one of two columns (the "Advertisement Column" or the "Article Column") as they deemed appropriate and (2) circle a number on the readability scale that reflected their opinion of how easy the item was to read. Thus, respondents actually classified each item as either an article or advertisement. Throughout this stage, all instructions and questions reflected a disguised approach to the classification task. Respondents were not told the actual purpose of the study, nor were they directly asked to distinguish between articles and advertisements.

After reading, classifying, and rating each of the nine items for readability, respondents were asked to look back to the item called "Of cigarettes and science," recall how they classified it (advertisement or article), and list at least two characteristics about the appearance or wording of the item that caused them to give it that classification. These open-ended responses were analyzed by the researchers and grouped into categories descriptive of their content.

Results

Item Classification

If the FTC is correct in their assertion that "Of cigarettes and science" is commercial speech, then readers should have no problem classifying this item as an advertisement. If RJR is correct, respondents will focus on the motive criterion and classify the item as either an advertisement or article.

Response percentages for all newspaper items included in the classification task are shown in Table 1, along with a short description of each item. From these data, we make two conclusions regarding "Of cigarettes and science." First, the majority of respondents (73%) thought "Of cigarettes and science" was an advertisement. Second, respondents demonstrated a much higher level of discord in classifying

"Of cigarettes and science" than the other newspaper items. Because several of the other items that appeared in that section of the newspaper were chosen on the basis of classification difficulty (e.g., advertorials, public service announcement, and a publicity release), the degree of disagreement among respondents about the classification of "Of cigarettes and science" is of great practical significance.

Open-Ended Responses

To understand better the logic used in the classification task by each respondent, an open-ended question was asked. No a priori categories were established for the answers that ensued. Responses to the question, "What characteristics about the appearance or wording of this item (Of cigarettes and science) caused you to classify it as an advertisement or an article" were subsequently grouped under three categories:

1. Appearance characteristics: layout or graphic characteristics that give the impression of the item being either an article or advertisement.
2. Words or phrases remembered: specific words, phrases, or copy contained in the item and recalled by the reader.
3. Impressions: reader's judgments about the item.

These categories, and appropriate sub-categories, are shown in Table 2.

Reasons for Advertisement Classification

For those respondents who classified "Of cigarettes and science" as an advertisement, several sub-categories dominated responses to the open-ended question. Two appearance characteristics stood out: (1) use of graphics (57 comments about border around copy), and (2) type style (20 comments about size of type and typeset). A remembered word or phrase (i.e., R. J. Reynolds Tobacco Company) received 118 comments. Finally, of the overall readers' impressions, two received a number of comments: *wording and style* received 23 comments, and *persuasive or promotes* received 22.

Verbatim examples of answers about the use of graphics and type style from respondents who classified "Of cigarettes and science" as an advertisement include,

"It was separated (boxed in) from the rest of the regular articles."

"Set off in a box from rest of articles in the paper."

"Bordered."

"Box around words."

"Size of type."
 "Small print."
 "The print was different."
 "Had smaller typeface and different leadin[g] than regular BJ [Beacon Journal] body copy."

The fact that "R. J. Reynolds Tobacco Company" was identified as the sponsor was cited by 118 of the respondents who categorized "Of cigarettes and science" as an advertisement. Specific comments about this remembered word or phrase include:

"R. J. Reynolds at bottom"—7 respondents.
 "Company name at bottom"—4 respondents.
 "It was written by the manufacturer of a product (and their name is clearly stated) rather than a journalist"—1 respondent.
 "It was written by a tobacco company"—1 respondent.
 "That it was apparently paid for by RJR"—1 respondent.

Verbatim answers of respondents who classified "Of cigarettes and science" as an advertisement and which pertain to wording and style and persuasive/promotes include:

"It sounds like PR hype."

"They are dealing w/ cigarettes that they sell."
 "They try to make smoking appear ok."
 "There was an air of persuasion that cigarettes may not be bad so why quit."
 "R. J. Reynolds is trying to promote smoking by denying scientific evidence."

Reasons for Article Classification

Reasons for classifying "Of cigarettes and science" as an article centered on two impressions: (1) wording and style (20 responses) and (2) amount of information (15 responses). Verbatim examples of answers about the wording and style include:

"Did not give you an address to send for product."
 "It was providing information or knowledge to the reader."
 "It used more technical wording and less attention getting."
 "It is written like an article and has no pictures or models."
 "Subtitles and wider columns."

Verbatim examples of answers about amount of information include:

"Very wordy."

Table 2. Appearance or Wording Characteristics Associated With Classification Choice

	Classification Judgment		
	Advertisement ¹	Article ²	Total ³
Appearance Characteristics			
Use of Bold Headlines	7	3	10
Use of Text	6	1	7
Use of Graphics (Border around copy)	57	2	59
Type Style (size, typeset)	20	5	25
Format, Layout	7	2	9
Location on Page	4	—	4
No Exclamation Marks	—	1	1
No Bylines	2	—	2
Subtotal	103	14	117
Remembered Words or Phrases			
R.J. Reynolds Tobacco Company	118	8	127
We at R.J. Reynolds	6	—	6
Theory Persists	2	1	3
Little Known Study	1	2	3
Miscellaneous	7	2	9
Subtotal	134	13	148
Readers' Impressions			
Amount of Information	—	15	16
Wording and Style	23	20	43
Endorsements (scientific)	3	9	13
Information One-sided	12	3	16
Believability	7	1	8
Persuasive/Promotes	22	2	24
Not Selling-oriented	3	6	10
Subtotal	70	56	130
Total	307	83	395

¹Number of comments associated with an appearance or wording characteristic, which were made by those respondents who classified "Of cigarettes and science" as an advertisement.

²Number of comments associated with an appearance or wording characteristic, which were made by those respondents who classified "Of cigarettes and science" as an article.

³Total can differ from sum of comments for advertisement and article classification groups because of missing data; namely, respondent did not classify "Of cigarettes and science" item, but made comments about appearance or wording of the item.

"Very lengthy."

"Most advertisements are short, direct and to the point."

"Lengthy wording and way it was set up led me to feel it was an article."

"Was longer than the ads I've seen. Usually ads are brief w/ info. or phone #'s and address."

Discussion

The majority opinion of the FTC would place the debated communication item, "Of cigarettes and science," squarely in Cell 2 of Figure 2—an item paid for by an identified sponsor with the intent to sell a product. Approximately 27% of the respondents disagreed, identifying the item as some form of article. The RJR item prompted four times as much disagreement as the next most controversial item in the categorization task. Although 27% is within the parameters of misperception cited in other studies (Jacoby and Hoyer 1989), its magnitude in this study suggests further consideration.

Those readers who classified the item as an article cited their overall impressions of the wording and style and the amount of information conveyed as reasons for classification. They made little mention of the RJR name or any other message element that might indicate attributing the item to a source other than the newspaper itself.

The respondents who classified the item as an advertisement, apparently in agreement with the FTC, present a further conundrum. Many of the reasons they gave for this categorization support the contention that the speaker's motive was to sell the product. However, the most frequently cited reason was the presence of the RJR name at the bottom of the item. On the other hand, a number of these people referred to RJR's support for smoking in general. This could be construed as RJR espousing an opinion that bolsters the marketing efforts of the industry.

Our key finding lies in the divergence from a simple result that would have supported unambiguously the FTC's position. "Reasonable readers" exercising their "common sense views" (using the words of ALJ Hyun) were asked only to distinguish whether "Of cigarettes and science" was an advertisement (paid for by RJR) or an article (selected for publication by the local newspaper). Over one-fourth of these people chose to overlook the readily apparent advertisement cues and focused instead on the information and opinion content. Because there were only two categories in which to place the item, they chose to identify it as an article. The two advertorials in the study, advertisements specifically designed to look like newspaper articles, were classified as articles only one-tenth as often.

The findings presented here suggest that much of the public is prepared to identify whether a communication was paid for by an identified sponsor and has schema with which to make this judgment. Based on advertising research, a person's ability to judge is affected by source attribution. In particular, Reid, Soley, and Bergh (1981) found that audiences are more likely to respond negatively to commercial sources than noncommercial sources of advocacy print advertisements. Because commercial sources are perceived to be less objective, audiences are more skeptical in judging information, claims, and ideas in messages. Thus, audiences

are more likely to correctly assess the facts and truth of editorial advertisements that have clearly stated commercial sponsors. Regulatory guidelines that might heighten consumer recognition that a communication is "paid-for" include labeling (e.g., paid-for communication), separation of editorial advertisements from editorial matter, and sponsor identification.

However, it should be noted that some participants in this study could not agree on classification of the RJR item using a paid-for criterion. Clear cues that the space was paid-for were outweighed by evidence that the sponsor's product was not being sold. This illustrates the problem of using consumer perceptions and opinions as a source of extrinsic evidence in a legal or regulatory debate.

Further research should evaluate the public's ability to act as jurors in classifying disputed communications into quadrants of a communication taxonomy (e.g., in Figure 2). Properly instructed, can consumers use aspects of message content to distinguish means and motive simultaneously? If so, it remains for the FTC and appropriate courts to decide what level of agreement is required to attain the status of fully protected speech.

References

- Bates v. State Bar of Arizona* (1977), 433 U.S. 350.
- Bolger v. Youngs Drug Products Corp.* (1983), 463 U.S. 60.
- Central Hudson Gas & Electric Corp. v. Public Service Commission of New York* (1980), 447 U.S. 557, 100 S.Ct. 2343.
- City of Cincinnati v. Discovery Network, Inc.* (1993), 113 S. Ct. 1505.
- Colford, Steven W. (1989), "Reynolds, FTC Settle Dispute," *Advertising Age*, (October 9), 52.
- Consolidated Edison Co. of NY v. Public Service Commission of NY* (1980), 447 U.S. 530.
- Consumer Reports* (1986), "Advertising in Disguise," (March), 179-81.
- Crossen, Cynthia (1988), "Proliferation of 'Advertorials' Blurs Distinction Between News and Ads," *The Wall Street Journal*, (April 20), 29.
- Cutler, Bob D. and Darrel D. Muehling (1989), "Advocacy Advertising and the Boundaries of Commercial Speech," *Journal of Advertising*, 18 (3), 40-50.
- and ——— (1991), "Another Look at Advocacy Advertising and the Boundaries of Commercial Speech," *Journal of Advertising*, 20 (4), 49-52.
- FTC News* (1986), August 6.
- (1989), October 3.
- Friedman et al. v. Rogers et al.* (1979), 440 U.S. 1.
- Heath, Robert L. and Richard Alan Nelson (1983), "An Exchange on Corporate Advertising: Typologies and Taxonomies," *Journal of Communications*, 33 (Autumn), 114-18.
- and ——— (1985), "Image and Issue Advertising: A Corporate and Public Policy Perspective," *Journal of Marketing*, 49 (Spring), 58-68.
- Jacoby, Jacob and Wayne D. Hoyer (1989), "The Comprehension/Miscomprehension of Print Communications: Selected Findings," *Journal of Consumer Research*, 14 (March), 434-43.

- Lana, Robert E. and Ardie Lubin (1963), "The Effect of Correlation on the Repeated Measures Design," *Educational and Psychological Measurement*, 23 (4), 729-39.
- McCall, Robert B. and Mark Applebaum (1973), "Bias in the Analysis of Repeated-Measures Designs: Some Alternative Approaches," *Child Development*, 44, 401-15.
- Meadow, Robert G. (1981), "The Political Dimensions of Non-product Advertising," *Journal of Communication*, 31 (Summer), 69-82.
- Middleton, Kent R. (1991), "Advocacy Advertising, The First Amendment and Competitive Advantage: A Comment on Cutler & Muehling," *Journal of Advertising*, 20 (2), 77-81.
- National Commission on Egg Nutrition v. FTC* (1977), 570 F.2d 157 (7th Cir.), cert. denied (1978), 439 U.S. 821.
- New York Times Co. v. Sullivan* (1964), 376 U.S. 254.
- Petty, Ross D. (1993), "Advertising and the First Amendment: A Practical Test for Distinguishing Commercial Speech From Fully Protected Speech," *Journal of Public Policy & Marketing*, 12 (2), 170-77.
- R. J. Reynolds Tobacco Co., Inc. (1986), FTC Dkt. 9206 (August).
- R. J. Reynolds Tobacco Co., Inc. (1988), FTC Dkt. 9206 (March).
- Reid, Leonard N., Lawrence C. Soley, and Bruce G. Vanden Bergh (1981), "Does Source Affect Response to Direct Advocacy Print Advertisements?" *Journal of Business Research*, 9 (3), 309-19.
- Reilly, Patrick (1989), "Papers See Ad Profits in Controversies," *Advertising Age*, (April 24), 72.
- Sethi, S. Prakash (1979), "Institutional/Image Advertising and Idea/Issue Advertising As Marketing Tools: Some Public Policy Issues," *Journal of Marketing*, 43 (January), 68-78.
- Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council* (1976), 425 U.S. 748.
- Weinstein, Steve (1989), "Fight Heats Up Against Kids' TV 'Commercials'," *Marketing News*, (October 9), 2, 6.
- Werner, Ray O., ed. (1987) "Legal Developments," *Journal of Marketing*, 51 (July), 120.
- (1989), "Legal Developments," *Journal of Marketing*, 53 (January), 100-101.
- Wilkinson, J. B., Douglas R. Hausknecht, and George E. Prough (1990), "The Use of Randomization for Meeting the Homogeneity Assumption in a Repeated Measures Design," in *Progress in Marketing Thought*, L. M. Capella, H. W. Nash, J. M. Starling, and R. D. Taylor, eds. Mississippi State, MS: Southern Marketing Association, 357-62.