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## Warnings and Disclosures: Special Editor's Note

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## Warnings and Disclosures: Special Editor's Note

Warnings and disclosures are potentially important communication tools available to policymakers, governmental agencies, and manufacturers. These tools can serve as viable options to the outright ban of products and activities that might be hazardous, while offering an attractive alternative when marketplace forces are ineffective. Warnings and disclosures also may work as important remedies when consumers are confronted with incomplete or misleading information or when they use a product or service in a potentially dangerous manner that might lead to liability problems for the manufacturer. Quite often, however, warning and disclosure programs are characterized as "ineffective" or a "waste of time and money." Unfortunately, such a result may be due to a lack of understanding of the special receiver characteristics (e.g., motivation, ability, and opportunity to process the message; prior beliefs; vulnerable populations) and message contexts (e.g., strength, mode, format, complexity) in which the warnings and disclosures are communicated. As noted previously by scholars in the marketing and public policy field (cf. Wilkie 1985, 1986; Wilkie, McNeill, and Mazis 1984), the direct effects of many warnings and disclosures on consumers often are not measured or examined adequately.

In light of this observation, the purpose of this Special Issue on "Warnings and Disclosures" is twofold. First, this issue provides a provocative set of articles on warnings and disclosures that examines special receiver processing characteristics and message contexts in emerging public policy areas. Such topics in this issue include over-the-counter (OTC) drug labeling, alcohol warning contexts and special populations, disclosures in the rent-to-own (RTO) industry, odds disclosure information, and video supers. Also, recent legal issues are shared in articles on trademark disclaimers and duties to warn in liability prevention. Second, the articles serve to extend a rich history in the marketing and public policy field on warning effectiveness, as is found in previous *Journal of Public Policy & Marketing* issues (e.g., 1986; 1990; Spring 1993; Spring 1994; Fall 1997) and elsewhere (cf. *Product Labeling and Health Risks: Banbury Report 6* 1980). This added contribution to knowledge is enhanced by the reliance on theory in all the warning and disclosure articles in this issue. Moreover, the articles, especially on disclosure effectiveness, provide many different analytical approaches to the study of the topic, including the use of qualitative case studies, experiments, time series, and legal analyses.

Disclosure effectiveness often is reliant on the interaction between the context of the disclosed message (e.g., the Federal Trade Commission's [FTC] Clear and Conspicuous Standard; disclosure message elements) and special receiver characteristics (e.g., motivation, opportunity, and ability to process the disclosure; vulnerable populations, such as impoverished consumers). Manufacturers and federal, state, and local agencies that are involved in the design of disclosure statements could benefit from a better understanding of such message and audience factors. For example, in "The Rent-To-Own Industry and Pricing Disclosure Tactics," Hill, Ramp, and Silver study the retail pricing tactics used in

RTO agreements through an examination of a recent court ruling and qualitative inquiries into consumer experiences with RTO retailers. They uncover the primary motivation for impoverished consumers to engage in the higher-priced RTO transactions and provide specific suggestions for the disclosure of sales prices and fees. I encourage readers to see the authors' discussion of creative consumer protection strategies to help enable poor consumers become stronger players in the retail marketplace.

Message factors can play a pivotal role in the processing of disclosure information by consumers. For example, in "Disclosure of Odds Information: An Experimental Investigation of Odds Format and Numeric Complexity," Sprott, Hardesty, and Miyazaki conduct three studies that examine the manner in which odds information (e.g., as is found in lotteries and sweepstakes) should be disclosed. Their marketplace investigation reveals the portion of sweepstakes and government-sponsored lotteries not providing odds information at the point of purchase or for all prizes associated with the promotion. The authors' main experimental findings offer helpful suggestions for lottery and sweepstakes administrators with respect to a superior method (compared with traditional approaches) by which to disclose odds information.

In "How Super Are Video Supers? A Test of Communication Efficacy," Murray, Manrai, and Manrai examine modality and structural factors that affect the comprehension of video disclosures in a sample of 200 different commercials. Of particular interest to readers is a comparison of comprehension rates for the video disclosures versus associated commercial body copy. The authors provide suggestions for advertisers regarding the preferred modality and format types to enhance consumer processing of video disclosures. The study recommendations also have implications for aspects of the FTC's Clear and Conspicuous Standard that often are applied in deceptive advertising cases involving disclosures.

Testing methods for receiver likelihood of confusion in trademark disclaimer cases have become an emerging and important issue in trademark law. In Morrin and Jacoby's article, "Not Manufactured or Authorized by...: Recent Federal Cases Involving Trademark Disclaimers" (Legal Developments section), major objectives of trademark law are outlined, and recent federal trademark infringement cases involving disclaimers are examined on the basis of tests of consumer confusion. In addition, special cases of trade dress, gray market goods, parodies, and Internet addresses are discussed. On the basis of their review of cases involving likelihood-of-confusion tests, the authors raise significant questions and issues regarding testing methods, evidence presented in court, and the courts' reliance on trademark disclaimers as a remedy for consumer confusion.

This issue also includes a series of three articles that address message context and receiver characteristics associated with alcohol warning content. In "Alcoholic Beverage Sales Promotion: An Initial Investigation of the Role of Warning Messages and Brand Characters Among Consumers Over and Under the Legal Drinking Age," Garretson and Burton examine attitudes toward alcohol and consumption risk between college students of legal drinking age

(mean of 23 years) and high school-age students. The authors also report on the role of the warning source (e.g., alcohol manufacturer, U.S. government) and the inclusion of a brand character associated with an alcohol sales promotion. The study provides important implications for targeted alcohol education efforts, the content of alcohol warning messages, and company-sponsored warnings and other public service announcements.

In a second experiment involving alcohol warning content ("Developing and Assessing Alcohol Warning Content: Responses to Quantitative Information and Behavioral Recommendations in Warnings with Television Beer Advertisements"), Slater, Karan, Rouner, Murphy, and Beauvais examine alcohol warnings, including quantitative information and behavioral recommendations across three topics (drunk driving, alcohol and cancer, and alcohol-drug interactions). Multiple methods (e.g., extensive pretesting, focus groups, experimental work) and measures (e.g., recall, believability, cognitive responses) are employed in the study. The authors report findings for the inclusion of quantitative information and behavioral recommendations across the three topic areas. Warning measures also are examined across light, medium, and heavy alcohol consumption levels. The authors discuss how the novelty of different warning topics (e.g., alcohol and cancer) plays an important role in the processing of the warnings.

An important contribution to the study of warning effectiveness is the examination of effects on actual behavior. This is the focus of the third article on alcohol warnings, "The Modest Impact of the Alcohol Beverage Warning on Drinking During Pregnancy Among a Sample of African-American Women," by Hankin, Sloan, and Sokol. In their study, the authors use time-series analysis to examine the impact of the alcohol warning label on in-pregnancy drinking by 21,127 African-American pregnant women who sought care at an outpatient prenatal clinic between 1986 and 1995. The authors measure warning label impact on drinking while controlling for patient characteristics (e.g., age, gravidity, weeks' gestation) and the unemployment rate. On the basis of their results, the authors offer insight and suggestions on the role of warning habituation, social factors associated with alcohol consumption for vulnerable populations, and alcohol intervention efforts.

In the switch of prescription drugs to OTC status, the Food and Drug Administration (FDA) weighs whether consumers will be able to use the products safely and effectively without medical supervision. This is important, given the current trend toward greater patient responsibility and the many Rx-to-OTC switches. In "How Well Do Young People Follow the Label? An Investigation of Four Classes of Over-the-Counter Drugs," Ellen, Bone, and Stuart examine OTC drug use and misuse in a sample of 294 young

adults, for products such as bronchodilators and cough medicines. Categories of unintentional overuse, intentional overuse, and (off-label) recreational use are outlined by the authors and related to a variety of personality characteristics and traits (e.g., perceived peer approval, self-esteem, independence). Implications of the study for the provision of risk information on OTC labels and through education programs are offered.

On the same topic, prescription drugs are switched to OTC status only if the FDA finds that the labeling is comprehensible to the ordinary consumer (including those with lower literacy ability) under normal conditions of purchase and usage. This requirement places a major focus on methods used to test consumer comprehension of new OTC drug labels. Thus, in "Comprehension Testing for OTC Drug Labels: Goals, Methods, Target Population, and Testing Environment," Morris, Lechter, Weintraub, and Bowen review important issues associated with the FDA's development of tests in this area. Research needs and remaining questions are raised and are of value to all researchers working with comprehension testing and label evaluation.

Finally, I encourage readers to examine different perspectives on manufacturers' duty to warn and liability prevention, as are found in articles by Schwartz and by Boedecker, Morgan, and Saviers in the Policy Watch section of this issue. The reviews of legal cases and viewpoints in these articles are related directly to the topic of the special issue.

I am grateful to the authors and all those who submitted manuscripts for sharing their scholarly work and contributing to the ongoing discussion and research on warning and disclosure effectiveness. I also am indebted to the many reviewers for their helpful suggestions, insight, and encouragement offered to contributors throughout the review process. I hope that the contributions to this special issue will stimulate further debate, work, and knowledge development in this important public policy area for years to come.

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## References

- Wilkie, William L. (1985), "Affirmative Disclosure at the FTC: Objectives for the Remedy and Outcomes of Past Orders," *Journal of Public Policy & Marketing*, 4, 91-111.
- (1986), "Affirmative Disclosure at the FTC: Strategic Dimensions," *Journal of Public Policy & Marketing*, 5, 123-45.
- , Dennis L. McNeill, and Michael B. Mazis (1984), "Marketing's 'Scarlet Letter': The Theory and Practice of Corrective Advertising," *Journal of Marketing*, 48 (2), 11-31.