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CASE STUDY OF THE “NO ON 37” COALITION AGAINST THE DECEPTIVE FOOD LABELING SCHEME: PUBLIC RELATIONS STRATEGIES & TACTICS ETHICALLY PROBLEMATIC COMMUNICATION, AND THE FIRST AMENDMENT

by

EUGENIA PIA FERRERO

Under the Direction of Gregory C. Lisby, Esq., Ph.D.

ABSTRACT

The debate surrounding one’s right to know what is in one’s food has increased in popularity since 2012 when California became the first state to vote on Proposition 37 which would have mandated the labeling of genetically modified organisms. Proposition 37 was defeated due to the public relations campaign mounted by Monsanto and other corporate sponsors of genetically engineered seeds. Utilizing both a visual and written content analysis, this study identified the ethically problematic public relations strategies within the campaign to defeat Proposition 37, while also examining the content to determine whether the strategic communication must be classified as commercial or political speech pursuant to the First Amendment. Even though the campaign was found to be ethically problematic when applying the five elements of the TARES Test, it was beneficial to expand those components for future evaluations regarding all issues when a corporate speaker is involved in advocacy.

INDEX WORDS: Visual content analysis, Public relations strategies, TARES Test, Strategic communication, Corporate advocacy, Proposition 37, First Amendment, Genetically modified organisms, Monsanto

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By

EUGENIA PIA FERRERO

A Dissertation Submitted in Partial Fulfillment of the Requirements for the Degree of

Doctor of Philosophy

in the College of Arts and Sciences

Georgia State University

2016

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2016

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by

EUGENIA PIA FERRERO, ESQ.

Committee Chair: Gregory C. Lisby

Committee: Carrie P. Freeman

Jaynette L. Atkinson

Gloria Ruiz

Electronic Version Approved:

Office of Graduate Studies

College of Arts and Sciences

Georgia State University

August 2016

## DEDICATION

To Lillian – you are too young now to understand what I have been working on for the last three years, but one day you will understand...and I hope you will be proud of mommy!

To Larry – my best friend, my love, my partner in everything as we muddle our way, hand in hand, through each new adventure...

To Elisabeth – my mother, you were instrumental in persuading me to start this program, and you see, I finally finished!

To Greg – last but most definitely not least, you are the father I never had, but now I do!

Thank you everyone for your unwavering love, support, motivation and confidence in me...

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To my two Ls.... L-Bell, thank you for being patient as mommy worked to finish graduate school – I love you so much! Larry, saying ‘thank you’ does not capture my feelings – you came into my life unexpectedly and I didn’t make it easy on you. But you didn’t give up on me... your confidence in me makes me stronger, and you believed in me... you wouldn’t let me fall and when I didn’t have any energy left you helped me up, you let me lean on you, you love me unconditionally, you are my rock in every way, you are our family... je t’adore.



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## 1 CHAPTER ONE: INTRODUCTION

The debate surrounding genetically modified organisms (GMOs) and the right to know what is in the food we purchase and consume has increased in popularity since 2012 when California became the first state to have its residents vote on a proposition that would require food manufacturers to label whether any of the ingredients contained GMOs (Robin, 2012). The lack of comprehensive legislation on this issue necessitates further investigation into the strategic communication tactics used by public relations, advertising and marketing professionals to frame corporate advocacy messages. Subsequently, this will require an assessment of whether such corporate advocacy campaigns qualify as commercial or non-commercial speech protection pursuant to the First Amendment. Lastly, it is important to determine whether said campaign is ethically problematic when applying the TARES Test: Five Principles of Ethical Persuasion (Baker & Martinson, 2001).

This study is significant for numerous reasons, but most importantly for the environmental impact genetically modified organisms pose not only to human health but also the potential risks to other species and agriculture. As explained later in this chapter, when a seed is genetically altered, it is done so at its foundational level. Without significant research and development, if a mistake is discovered in the future, scientists are unable to go back and undo the genetic alteration. Moreover, scientists are unable to anticipate which mutations potentially could arise, therefore there is no way for researchers to anticipate and prepare to address those mistakes and mutations. For example, cotton grown in Georgia is genetically engineered. Contrary to the initial advertisement stating that GMO cotton would require less pesticides and

herbicides, which in theory would benefit the environment, this Georgia cotton is now requiring more pesticides and herbicides, with the long-term effects remaining unknown at best. The experimental nature of genetically modified organisms is bothersome to many, as it clearly reflects the disruption of species on a grand scale and unknown yet very likely mutations. If all the cotton seeds are genetically engineered, and non-GMO seeds are not saved, then what happens when researchers and scientists are unable to address the mutations? A shortage of cotton will be the least of society's concerns.

Labeling is a vital means of communication between the producer and the consumer (Premanandh, 2011). The main objective of labeling is to help consumers identify the products they prefer to purchase. This ensures consistency with the consumer's individual values and beliefs while also respecting the individual's autonomy and providing the individual with the freedom of choice (Pelletier, 2005; Premanandh, 2011). Since 2012, several states within the United States, such as Washington and Oregon, have undertaken proposed mandatory labeling measures similar to Proposition 37 in California. In conjunction with such labeling measures, there has been a significant increase in grassroots activism and public support for mandatory labeling measures regarding genetically modified organisms (Drucker, 2015).

When discussing labeling measures, there are two different perspectives that have been expressed in the United States. First, there is the mandatory labeling scheme where the regulatory authority requires all products containing genetically engineered ingredients to be labeled, and it monitors whether the food industry is complying with the requirements (Premanandh, 2011; Robin, 2012). In contrast, the voluntary labeling perspective is not as stringent, but solely requires 'truthful' and 'non-misleading' information to be provided by the

food industry (Premanandh, 2011; Weiss, 2014). The vast majority of global leaders such as the European Union and India require mandatory labeling. Thus, the labeling measures within the United States are consistent with the global perspective in requiring mandatory labeling for genetically modified organisms rather than voluntary labeling (Weiss, 2014).

Labeling is clearly a critical component to individual autonomy for consumers. Without labeling, the consumer is at a disadvantage and unable to determine what ingredients are contained in the food item contemplated for purchase, whether it be an allergen such as peanuts or genetically modified organisms. Thus, the mandatory labeling scheme has the potential to provide the consumer critical information and aid the consumer to make informed decisions based on their beliefs and values. Interconnected with such transparency and autonomy, mandatory labeling enhances consumer protection from false, deceptive and misleading information. The end result is a consuming public who is better informed and makes fewer irrational decisions but rather more meaningful decisions based on accurate facts and truth (Drucker, 2015; Premanandh, 2011; Weiss, 2014).

Proposition 37 attempts to provide the consumer with transparent and accurate facts, thus assisting the consumer to make informed decisions when determining what food products to purchase. In fact, Proposition 37 does not require the disclosure of any potential side effects associated with the consumption of food containing genetically modified organisms. The issue of safety is completely absent from this mandatory labeling scheme. Rather, it is quite similar to the list of ingredients contained on food product packages such as Pepperidge Farm's Goldfish crackers or cupcakes from Whole Foods. The labels clearly disclose what food items, such as milk and flour, were used to produce the crackers or the cupcakes as well as disclose whether the

food item was produced in a facility that processes allergens such as pine nuts or peanuts.

Proposition 37 does not require GMOs to be listed as allergens, but rather the measure mandates the label identify that the ingredients in that specific food product contain genetically modified organisms. Needless to say, Proposition 37 is not a perfect scheme, and no one has claimed it to be such; however, it can be seen as a first step in consumer protection regarding the mandatory labeling of food products containing genetically modified organisms.

### **1.1 Justification for Study**

The specific case study involving the mandatory labeling of genetically modified organisms in food was selected given its burgeoning public concern and continued state-based policy initiatives since 2012, culminating in a July 2015 (and again more recently in February 2016) vote in the House of Representatives in favor of banning states from passing mandatory labeling laws regarding genetic engineering. The current debate focuses on the mandatory labeling of genetically modified organisms, which has been framed as the degree and extent of information which should be provided to consumers. Additionally, the issue revolves around whether such information provides the consumer with adequate knowledge to make an informed decision when purchasing a food product (Engdahl, 2007; Premanandeh, 2011).

In conjunction with increased environmental contamination and natural disasters occurring on a global scale, advocacy groups diligently advocate on behalf of the environment, including but not limited to the issue of climate change and more recently issues related to agriculture and nutrition. For purposes of this dissertation, the central issue concerns the use of genetically modified organisms in the field of agriculture. Public relations scholars have drawn minimal attention to the specific campaigns utilized by biotech corporations (with Monsanto

taking the lead) and the food & beverage trade association, the Grocery Manufacturers Association (GMA), to promote the use of genetically modified organisms. The corporate advocacy campaigns at issue in this case study dissertation focus on the persuasive techniques and strategies utilized to defeat the passage of Proposition 37. Meanwhile, proponents of Proposition 37 claim consumers are entitled to the factual information as required by the proposed labeling scheme, it being both necessary and relevant, as it fundamentally affects an individual's choices in deciding what food to purchase.

Existing studies in environmental communications have neither focused on the issue of whether specific public relations strategies and tactics create ethically problematic communication nor provided a detailed analysis and review of the implications associated with the TARES Test: Five Principles of Ethical Persuasion and such potentially ethically problematic campaigns. In advocating the "No On 37" campaign, Monsanto, in conjunction with the over 40 corporate members of the GMA (as identified below), relied on visual and textual rhetorical communication to persuade the local California voting public to oppose Proposition 37, and thus not require the mandatory labeling of food products containing genetically modified organisms.

## **1.2 TARES Test Overview**

The TARES Test: Five Principles of Ethical Persuasion is the standard test used to evaluate whether a corporate advocacy campaign constitutes ethical or ethically problematic persuasive communication. It is applied to various persuasive communication to confront ethical issues that corporate communicators may cause. The five principles and duties as set forth in the TARES Test: Five Principles of Ethical Persuasion include the following: (1) the truthfulness of the message; (2) authenticity of the persuader; (3) respect for the receiver of the message; (4)

equity of the appeal; and lastly, (5) social responsibility for the common good (Baker & Martinson, 2001). This approach requires an initial assessment of the motives and behaviors of the corporation producing the campaign and message, but it does not address the inequalities of resources and the discrepancies within the power relationships in such communication (Fawkes, 2007). Freeman (2009) also points out that for advocacy communication to be considered ethical, media professionals must avoid “manipulative, misleading and reductionist message constructions” which are consistent with propaganda (p. 271).

The first principle is the truthfulness of the message, and it requires the message not only be true but also truthful (Baker & Martinson, 2001). This is a broad standard, going beyond the literal truth of a message. This requires the speaker-persuader not to deceive and, as such, provide the audience with truthful information. This allows the audience to make an informed decision that respects an individual’s sense of agency (Baker & Martinson, 2011).

Interconnected is the issue of power and control, and how deception distorts information which removes power and control from the audience and places it within the ambit of the persuader. Trust is considered by many to be a social good which is in need of protection, and when there is deception, it not only harms the individual but also society as a whole (Bok, 1989).

The second principle, authenticity of the persuader, includes issues of integrity, personal virtue (action and motivation) as well as sincerity in promoting a specific message. The audience is also confronted with a wide range of issues and values such as loyalty, sincerity, conflict of interest, moral independent and commitment to principle (Baker & Martinson, 2011). This requires the persuader to take responsibility for its actions – both the corporate speaker and the public relations professional. Next, respect for the receiver of the message, requires that all



individuals are regarded with dignity, hence their rights should not be violated or compromised but rather individual autonomy respected and valued (Baker & Martinson, 2011). Corporate advocacy persuasion is not justified if it is disrespectful towards those to whom it is directed. Individuals are not a means to an end, but rather should be respected as an end in him/herself – there should not be a price tag attached to individuals (Jaksa & Pritchard, 1994).

The fourth principle, equity of the appeal, focuses on the notion of fairness. This requires the persuader to take into account both the content of the message as well as the execution of the message, ensuring it was fair and equitable rather than unjustly manipulative (Baker & Martinson, 2001). If a persuasive message is deceptive in any way, or exploitative, or if it unfairly targets any vulnerable audiences, then it fails this principle (Baker & Martinson, 2001).

Lastly, social responsibility for the common good requires a corporate speaker to be concerned about the general public interest (common good). This is construed in broad terms in line with a general responsibility to the community rather than solely self-interest and profit (Baker, 1999). The principle of accountability is interwoven throughout this principle (Christians, et al, 1995). Hence, corporate advocates are responsible for loyalties not only to the client, employer, the profession as a whole and to society. One scholar, Parsons (1993), notes that the loyalty to society includes all of these loyalties as identified. In line with this principle is the notion that corporate persuaders would not promote products, services or ideas they know are (or could be) harmful to individuals and to society – thus, requiring moral conduct at both the macro and micro levels (Baker & Martinson, 2001). As Moyers (1999) points out, the impact of the persuasive communication on society must be assessed, paying close attention to whether a few privileged and elite voices dominate the marketplace of ideas, thus distorting the balance of

power in the debate of critical societal issues, such as mandatory labeling of genetically modified organisms contained in food products.

As there isn't a specific genre for GMO communication, it falls within the ambit of environmental communication. It is commonly defined as "the pragmatic and constitutive vehicle for our understanding of the environment as well as our relationships to the natural world; it is the symbolic medium that we use in constructing environmental problems and negotiating society's different responses to them" (Cox, 2013, p. 20). Cox (2013) also distinguishes between the public and private sphere as a discursive space. The public sphere is created when "individuals engage others in communication – through conversation, argument, debate or questioning – about subjects of shared concern or topics that affect a wider community" (Cox, 2013, p. 24). When discussing environmental issues, such as mandatory labeling of genetically modified organisms contained in food products, the public is directly involved. This does not only relate to the written word, but also the visual images such as videos, photographs and other symbolic images (Cox, 2013, p. 24). As Cox (2013) points out, this is consistent with Goodnight's identification of two other related spheres – personal and technical (p. 25). This is further illustrated by Rachel Carson's *Silent Spring* (1962) in that Carson was successfully able to transform the vast technical and scientific matters about DDT into a subject of public interest that was personal for the audience.

How one communicates clearly affects how an individual perceives and speaks about environmental concerns, even the action (or lack thereof) that is selected (Milstein, 2009). This illustrates that how an issue is framed significantly influences the degree of public perception and public opinion. As noted above, science plays a pivotal role when communicating

environmental issues such as climate change, the use of DDT in aerial spraying and more recently GMO labeling. In the last few decades, the following trend has grown in popularity – politicians and public opinion leaders using science for advocacy purposes (Schlichting, 2013). According to Cushman (1998), it is common for conservative lawmakers to forge an alliance with industry leaders to use uncertainty rhetoric as the master frame becomes casting doubt on a myriad of environmental and health issues ranging from acid rain to the connection between smoking and cancer. This has been a blossoming trend as evident in the biotech industry, as Beder (2002) and other scholars have pointed out. Cox (2013) also points out that as environmental sciences have started to document the risks to both health and the environment from climate change and other environmental issues, the affected industries are challenging the science “at every step, questioning both the methods and research designs that were used and the conclusions that were drawn” (p. 29). This has taken the form of public relations campaigns and lobbying Congress members on behalf of particular industries.

### **1.3 Hazleton and Long’s Process Model**

This dissertation examines the “No On 37” public relations campaign strategies using the theoretical framework provided by Hazleton and Long’s Public Relations Process Model (Holtzhausen & Zerfass, 2015). As such, public relations goals must be transformed into strategies which then function to define the effective actions that must be taken to achieve specific goals (Werder, 2006). Scholars such as Hazleton & Long (1988) and Werder (2006) illustrate how public relations behavior translates to specific strategies designed to achieve specific goals that have a significant impact on the target audience.

The functions of messages reveal public relations strategies, which are then used by organizations to communicate with the target audience. The Process Model identifies the following six key functions: (1) informative; (2) facilitative; (3) persuasive; (4) coercive; (5) cooperative problem solving; and (6) bargaining (Hazleton & Long, 1988; Holtzhausen & Zerfass, 2015). These functions represent the goals of public relations regarding the impact messages have on audiences and the meaning audiences give to a specific message. From that starting point, seven public relations strategies were developed, to assist scholars and professionals to identify which strategies organizations use when communicating with a public, and interacting within an environment that is audience-specific. These strategies are the following: (1) informative; (2) facilitative; (3) persuasive; (4) coercive – promise and reward; (5) coercive – threat and punishment; (6) bargaining; and lastly (7) cooperative problem-solving (Hazleton & Long, 1988; Holtzhausen & Zerfass, 2015; Werder, 2006).

The informative strategy refers to the presentation of unbiased facts, thus assumes the audience will make a rational decision by inferring appropriate conclusions from accurate information and data. As such, informative messages do not draw conclusion but rather are objective, use neutral language to facilitate understanding of the issue presented. Meanwhile a facilitative strategy provides resources to the public, giving the audience the tools (or money, information, directions) to facilitate the taking of a particular action. This strategy is not very effective when change must come about quickly, when there is great resistance to change and when the change requires changing closely held beliefs or behaviors (Hazleton, 2006). Zaltman and Duncan (1977) suggest the use of facilitative strategies when the public recognizes that a problem exists, that concerted action is necessary and at the same time is open to take action.

One of the most common strategies is the persuasive strategy which appeals to the public's values or emotions, albeit there is a resistance or lack of motivation to take action from the audience. Selective information is provided to the audience, and the selection of non-neutral language is critical to reflect the importance of the issue and what action is sought. This strategy is most effective when the public does not recognize a problem exists or that said problem is critical but also if public engagement is low. This is not effective if an organization does not have the resources to engage in a long-term campaign (Zaltman & Duncan, 1977).

There are two strategies within the coercive function – promise and reward in one category and threat and punishment in the other category (Holtzhausen & Zerfass, 2015). Both require the use of power over the audience to perform and comply. These are effective when a public's perceived need for change is low or if a solution to the problem requires a short period of time (Zaltman & Duncan, 1977). These strategies are not effective if the public lacks the resources to accept the change, and if the organization is unable to provide those resources to the audience. Specifically, the promise and reward strategy is a positive coercive function as the source of the message controls the outcome in that it calls for a specific action that is linked directly (or indirectly) to the performance by the public. The threat and punishment strategy is a negative coercive function in that the control of the message by the source is governed by fear and dislike. This strategy is also dependent on the performance (directly or indirectly) by the public.

The bargaining strategy's central focus is on the exchange of messages between various parties, the exchange of feedback to foster an understanding of the viable alternatives and the use of language such as 'we' and 'they' (Zaltman & Duncan, 1977). Communication, thus, flows both

to and from publics as both the organization and public likely have incompatible goals (Holtzhausen & Zerfass, 2015; Werder, 2006). It is common to withhold information, and to use deception to mislead the intended receiver of the messages.

Lastly, cooperative problem solving strategies foster an open exchange of information, reflecting a willingness to communicate about the problem, goals and responsibilities related to the specific issue. Inclusive language is also used, such as ‘we’ and ‘us’ (Hazleton, 2006; Werder, 2006). This is most effective when both the public and the organization work together and acknowledge the need for both groups to participate and create viable solutions to the problems. Fairness and openness are critical characteristics inherent in this strategy. In this instance, change in both the organization and the public is high.

These seven public relations strategies identified in Hazleton and Long’s (1988) public relations process model may be effective in achieving an activist organization’s goals, even when the advocacy stems from a corporation. This study seeks to examine the use of public relations strategies from the perspective of corporate advocacy concerning environmental issues.

#### **1.4 United States Food and Drug Administration**

Within the United States, the administrative governmental agency responsible for establishing requirements for food safety falls within the ambit of the U.S. Food and Drug Administration (FDA). According to its website [www.fda.org](http://www.fda.org), the FDA creates and enforces standards related to food safety, premarket testing and labeling (Pelletier, 2005). In 1992, in its *Statement of Policy: Foods Derived from New Plant Varieties*, the FDA responded to several requests to clarify its interpretation of the regulatory framework in effect concerning the new methods being used in genetic modification. In such statement, the FDA reviewed the scientific

issues concerning food safety, the status of genetically engineered foods, labeling and industry guidelines before marketing genetically modified organisms contained in food products sold to the public.

The FDA's 1992 *Statement of Policy* provided clarification for not only industry, but also academia and the public concerning the regulation of products using genetic engineering and modification (Pelletier, 2005). This included guidance and compliance recommendations for industry to implement prior to marketing foods containing genetically modified organisms.

From a legal perspective, the FDA's 1992 *Statement of Policy* can be viewed as an interpretation of existing regulations as applied to genetically modified organisms, namely that "newer techniques of plant breeding" do not pose significant new risks which would require new rules and regulations. As such, there are legal implications inherent in the classification and review of genetically modified organisms as overseen by the FDA. Of interest, in 1986, the FDA pointed out that it retains the authority to regulate foods containing genetically modified organisms pursuant to the Section 402(a)(1) Adulterated Food clause of the Federal Food, Drug and Cosmetics Act which regulates whole foods (Pelletier, 20015). Similarly, the FDA noted it also has the authority to regulate genetically modified organisms pursuant to Section 409 Food Additives clause of the Federal Food, Drug and Cosmetics Act which regulates chemical substances added to foods (Pelletier, 2005). The matter becomes problematic for the following reason – foods containing genetically modified organisms are considered to be "whole foods" but they have also been "altered" by adding new DNA into the original seed. Initially, it appears that Section 409 may provide greater assurances of safety but may place a higher burden on the producers and the FDA for the regulation.

However, the FDA's 1992 *Statement of Policy* did not affirmatively decide whether it would limit or regulate genetically modified organisms pursuant to either Section 402 or Section 409. Rather, the FDA selected a middle ground which included the following: no mandate for premarket testing or approval; testing was conducted on a case-by-case basis; genetically engineered foods are presumed to be GRAS ("genetically recognized as safe"); developers have the authority to judge whether the new genetically engineered variety is GRAS; and developers voluntarily could follow the guides as set forth by the FDA (Pelletier, 2005, p. 173). At face value, it appears these guidelines provide significant deference and discretion to the producers of genetically engineered food products than to non-genetically engineered products, and additionally allows the producer to make a determination which normally is made by the FDA without imposing the more stringent regulations. Moreover, there is a lack of evidence and testing methods required in order to move forward with the interpretation of genetic engineering. According to scholars who have conducted in-depth research regarding this issue, the justification for providing such broad discretion into the FDA's 1992 *Statement of Policy* stems from the legal ambiguities inherent in that genetically engineered products can fit in either Section 409 Food Additive or Section 402 Food Adulteration clauses (Pelletier, 2005).

Since 1992, the FDA has not taken any significant further steps to limit or regulate genetically modified organisms, including mandatory or voluntary labeling. Clearly, the FDA has continued to view and interpret these new genetic modification procedures as unworthy of additional regulations as they do not pose any fundamental new risks. In so doing, the additional flexibility and discretion for industry and the FDA poses problems of transparency for the public related to the scientific evidence and testing that is lacking herein as noted by Pelletier (2005).



This dissertation case study will not examine the arguments on this issue, however it remains beneficial to contextualize the issue of genetically modified organisms in relationship to governmental regulatory authority.

### **1.5 Overview of the Grocery Manufacturers Association and the “No On 37” Campaign**

Over 40 corporate entities opposed the passage of Proposition 37, and thus they all came together and created (and supported financially in varying degrees) the “No On 37” campaign. The Grocery Manufacturers Association (GMA), a trade association representing the food and beverage industry, was a major contributor to the “No On 37” campaign, as was Monsanto.

According to the GMA website, under the “History” tab, consumers are provided with a detailed historical account, including when the GMA started, its mission being to help “guide, mobilize and inspire the consumer packaged goods industry in the United States and abroad.” It also adds that it is the “voice” of this “vital industry” which brings “nutritious, affordable and high-quality foods to Americans and to the world.” Moreover, a timeline of key events is also provided, in effect creating an image of credibility and accountability.

Interestingly, the GMA does not provide a list of its current members on its website. Other external websites have identified some key GMA members but the GMA website identifies these corporations as being their Board of Directors, including but not limited to the following: Pepsi, Hormel, Nestle, Georgia-Pacific, Procter & Gamble, Welch’s, H.J. Heinz Company, Clorox, Campbell Soup Company, The J.M. Smucker Co., Monsanto, Dupont, Dow, Syngenta, ConAgra Foods, Sunny Delight Beverages, Sun Products, The Hershey Company, The Coca-Cola Company, Kraft Foods, Kellogg Company, Hillshire Brands, Flowers Foods, Diamond Foods, and General Mills. It also lists various levels of membership, benefits of

membership such as public policy leadership and scientific & regulatory affairs expertise, to name a few. One of the largest members is Monsanto.

## **1.6 About Monsanto**

Over the decades, Monsanto Company (“Monsanto”) has transformed itself through various mergers and partnerships. It now calls itself “Today’s Monsanto Company” (Monsanto, 2015). Monsanto has not only been named a Fortune 500 Company, but it has also received various awards. In 2013, 2014 and 2015, it was named one of the “100 Best Corporate Citizens” by Corporate Responsibility Magazine (Monsanto, 2015). According to the website for Corporate Responsibility Magazine, the data used to rank these best corporations was obtained from publicly available information based on the following seven categories: environment, climate change, employee relations, human rights, corporate governance, financial performance, and philanthropy.

Moreover, Monsanto has also formed the Honeybee Advisory Council pledging support for the health and well-being of the honeybees, and it received the Gulf Guardian Award from the EPA’s Gulf of Mexico Program (Monsanto, 2015). Monsanto’s products include agriculture and vegetable seeds, plant biotechnology traits, and crop protection chemicals. Before getting involved in agriculture, Monsanto was one of the largest chemical companies of the 20th century, specializing in plastics and synthetic fibers (Robin, 2010, p. 3).

According to its website, Monsanto employs 21,183 people globally and in the United States it employs 10,277 people (Monsanto, 2015). Monsanto maintains 404 facilities globally in 66 countries and 146 facilities in 33 states in the United States (Monsanto, 2015).

Furthermore, Monsanto has facilities in numerous countries, such as Australia, China, India,

Vietnam, Pakistan, Japan, Brazil, Finland, Germany, Italy, Russia, and the United Kingdom (Monsanto, 2015). Clearly, Monsanto has established an intricate web of influence strategically all over the world.

### **1.7 Genetically Modified Organisms**

Many people wonder and ask, “What is a GMO?” Entering into the scientific realm of genetic engineering, it is important to first understand what a GMO is. According to the GM Science Review Panel, a GMO is a plant or animal whose genetic code (DNA) has been manipulated and changed by inserting certain characteristics into it which do not occur naturally (Weiss, 2014). The World Health Organization (WHO), which conducts human health risk assessments, has also defined GMO as “an organism in which the DNA has been altered in a way that does not occur naturally. It allows selected individual genes to be transferred from one organism into another, also between non-related species” (World Health Organization, 2016.).

Some scientists support GMO crops while others oppose the use of such crops in the agricultural sector. This has left some scientists at odds with environmental and health activists who oppose the use of genetically modified organisms in food products. In fact, a few scientists have recently started to correlate certain health issues with the consumption of food containing genetically modified organisms (Weiss, 2014). It is important to point out that the effects of GMOs are not solely on human health but also on the health of animals and plants. These effects could have a negative impact on the environment and on the survival of organic crops. Moreover, genetically engineered crops have the potential to disrupt the environment by introducing foreign genes into various species which could alter the vegetative composition of the land and threaten biodiversity (Weiss, 2014).

As this is a highly scientific topic, many lack the expertise to understand its complexities. In essence, gene manipulation can apply to plants, animals, microorganisms and even fungi and yeast (Phillips, 2016.) It alters crops at their foundational, genetic level. When the crop is manipulated to have an ‘insect resistance’, the gene for the toxin production from the specific bacteria is inserted into that particular food plant (World Health Organization, 2016.). A living organism is genetically altered using protein engineering or gene cloning where a “non-native gene is introduced and expressed in a new organism... the new protein has also been somewhat modified or engineered for proper expression in the new host” (Phillips, 2016). The change is permanent, and spreads in perpetuity through a species, with no way to undo the manipulation of the organism or the species at a later date.

Additionally, a virus resistance manipulation occurs by introducing a gene from a certain virus which causes a disease in plants, thereby making plants less susceptible to disease caused by those viruses in hopes of a higher crop yield (World Health Organization, 2016.). Meanwhile, herbicide tolerance manipulation occurs when you introduce a gene from bacteria to promote resistance to some herbicides, which results in less herbicides being used (World Health Organization, 2016.).

Genetic engineering began in the 1970s, and allowed for the transfer of genes between species, even between species of different kingdoms. In practical terms, there could be genetically altered crops where the genes of a pig can be inserted into a tomato (Hoffman, 2013). Recent technological advancements are now allowing for these manipulations to be carried out at a faster rate (Weiss, 2014). The first GMOs were introduced in the mid to late 1980s, solely for

medicinal products (Premanandh, 2011). However, the GMO business grew and has moved into the agricultural field.

GMO crops are showing up around the world (Weiss, 2014). The main GMO crops being grown today are corn, soybeans, canola, sugar beets, and cotton (Hoffman, 2013). One effective argument in support of genetically engineered crops has been that they increase crop production and yield due to the seeds' resistance to disease and viruses. Another argument has been that genetically modified seeds have the potential to increase crop production to then feed the hungry and starving populations in developing countries (World Health Organization, 2016.). Some scientists claim the introduction of genetically engineered crops has not helped the hunger crisis, but rather has displaced poor farmers, damaged the land they relied on for food production while only benefitting privileged farmers and the agricultural companies who produce the genetically engineered seeds and necessary equipment (Weiss, 2014). Concentrated market power in U.S. biotech conglomerates supplying the required machinery, seeds and herbicides could potentially present critical hurdles for proponents of mandatory labeling measures for genetically modified organisms to garner enough public support for their initiatives at the voting booths (Weiss, 2014).

## **1.8 About the Campaign**

The sponsors of “No On 37” included powerful corporate elites not only within the food and beverage industry but also, most importantly, within the biochemical industry. These groups have been labeled “front groups” and they can either have a long-term, broad agenda or they can engage in public relations for a specific policy initiative, and thus for the short-term. “No On 37” has been classified as a front group by several environmental advocacy groups, specifically

regarding how it functioned to re-frame the issue of mandatory labeling of genetically modified organisms to defeat Proposition 37.

According to the Center for Food Safety, a non-profit and environmental advocacy group, in response to heightened criticism about GMOs and food safety concerns, public relations efforts have increased exponentially to reassure the media, the public, and policy makers that food products containing genetically modified organisms are healthy and safe. In order to accomplish this goal, the industry shapes public discourse on this issue by forming a group that the audience perceives to benefit that specific public, an example being one group that represents farmers or consumers when in fact the group's funding is provided by powerful industry leaders with a vested interest. Different groups have different agendas, such as a broad agenda of promoting industry-friendly science while others are more focused on a specific policy for a limited period of time. Regardless of the agenda, it is critical to understand who such front groups are and how they operate, including the specific public relations strategies and tactics that are being used to accomplish their goals, and how the target audience is identified and how specific messages are designed.

In the present campaign, "No On 37" was funded by undisclosed powerful industry corporations. It is currently still engaged in a long-term public relations campaign in numerous states across the United States, where local citizens are voting on proposed legislation that would require mandatory labeling for genetically modified organisms contained in food products for sale and consumption. When a corporation seeks to oppose environmental legislation, it becomes more effective for it to have a group of citizens or experts (or even a coalition, as was done in the "No On 37" campaign) to publicly promote the desired outcomes in the name of

advocating for the public interest (Beder, 2002). Therefore, it is critical to understand how the group operates and how public relations strategies and tactics are consistently used to advocate for corporate ideals within this context.

## **1.9 Purpose and Overview of Study**

The purpose of this study is multi-faceted. The theoretical framework focuses on public relations strategies and tactics in combination with a visual content analysis that incorporates environmental ethical communication, an examination of the impact of the First Amendment on such campaigns as well as an expansion of the TARES Test: Five Principles of Ethical Persuasion. The starting point is to closely examine the text for the numerous ways it can persuade the target audience, focusing on the Process Model as devised by Hazleton & Long (1988).

Inherent within message framing, this study also incorporates a visual content analysis as images are a critical component to ethical communication, specifically truth and transparency. Historically, visual images have been regularly used as a persuasive strategy and tactic to reach a target audience. As such, the visual representations are a powerful tool, as the visual shapes our perceptions, attitudes, behaviors and even voting decisions, hence such falls under the ambit of persuasive communication. Groups of images create specific narratives and the images contained therein construct an account of society, how it operates and its prized values. In applying a visual content analysis, this researcher will identify how public relations strategies and tactics are used by corporations engaged in advocacy campaigns, with an emphasis on environmental issues.

Furthermore, this study will examine from a legal perspective how to classify and categorize corporate speech as either commercial or non-commercial speech. This has a significant impact on the degree of protection offered to such speech pursuant to the First Amendment, and has an impact not only on the corporate speaker but also on the public relations professionals who design such campaigns. Lastly, this study proposes to expand the existing TARES Test: Five Principles of Ethical Persuasion, specifically in the context involving a corporate speaker engaged in an advocacy campaign. In so doing, scholars have additional tools to assist them to comprehensively assess whether a campaign is ethically problematic, thus potentially undermining the ecological integrity of the issue at hand. This study hopes to expand the conversation to include these aspects within an advocacy context related to the field of public relations.

In the study of persuasion and propaganda, message framing has been found to be an influential persuasive means to stimulate individual's cognition, affection, attitude, and behavioral intention (Gross, 2008). Framing influences how one thinks and understands an event or issue (Entman, 1993). This also affects the exercise of political power, and impacts the public's interpretation of an issue in an intended manner (Entman, 1997; Shah, McLeod, Gotlieb, & Lee, 2009). Therefore, it is necessary to explore the role of framing and agenda building/setting in the context of persuasive advocacy public relations campaigns (DeLuca, Lawson & Sun, 2012; Kim & Kioussis, 2012; Nisbet, 2009; & Pride, 1995).

As noted above, communication is critical for public relations practitioners, having not only a direct impact on the profession itself but also in understanding the application of legal protection offered to such communication. Even though there has not been extensive scholarship



conducted regarding the connection between the limitations on commercial corporate speech and public relations expression, it will not be the central focus of this study. However, it will be specifically addressed as it relates to this particular case study and the tactics and strategies used by public relations professionals engaged in environmental advocacy campaigns put forth by corporations.

A case study analysis is most useful in this context as it provides an in-depth analysis and understanding about a topic of critical importance to the general public. This applies directly to Proposition 37 as the implications impact not only the voters of California but also the likelihood that other states would pass similar proposed legislation. The contributions of this study will have a direct impact within the field of communication as the writer closely examines how specific public relations strategies and tactics can be used to promulgate ethically problematic advocacy communication which violates the TARES Test: Five Principles of Ethical Persuasion. However, this study goes beyond that argument and proposes an expansion of the TARES Test: Five Principles of Ethical Persuasion. This includes additional relevant factors fairly to assess whether the corporate advocacy campaign is ethically problematic within the realm of environmental communication.

In this initial study, it was not possible to take into account all forms of communication related to Proposition 37. The focus of this dissertation is not only the written but also the visual content forms of communication. Future studies may include an in-depth investigation and analysis of how media incorporates the messages put forth by specific public relations strategies and tactics in newspaper articles, such as, *The Los Angeles Times*. One limitation is that this dissertation does not investigate the numerous public relations campaigns created by front groups

and other corporate advocacy groups opposing mandatory GMO labeling since 2012. After the defeat of Proposition 37, several states followed California's lead and asked voters to approve similar propositions, with very few states being successful, such as Vermont.

This study will proceed in five steps. Chapter 1 will set the conceptual foundation for the study by identifying the problem, the significance and limitations of the study, the theoretical framework, how this study impacts the field of communication, an overview of the "No On 37" campaign as well as a brief overview of the science behind genetic engineering and how it is conducted. Chapter 2 will discuss in depth the relevant literature related to public relations strategies and tactics, the debate surrounding First Amendment protection for corporate advocacy speech as either commercial or non-commercial speech, as well as agenda building/setting and framing, and lastly ethical and environmental communication as reinforced by the TARES Test: Five Principles of Ethical Persuasion to determine ethically problematic communication. Furthermore, a detailed account of Proposition 37 and the specific public relations strategies and tactics used in the "No On 37" campaign will be evaluated. Chapter 3 will explore the methodology of the study, identifying the methods used, the coding categories, including an Appendix listing the specific television spots and press releases which comprised the sample in this study. Chapter 4 will report the results of the study. In Chapter 5, the results will be discussed in detail, thus assessing whether Proposition 37 was an example of ethically problematic corporate communication due to its written and visual content. Moreover, the "No On 37" public relations campaign is assessed as to whether it was an example of commercial speech based on the expansive definition offered by the California Supreme Court in *Kasky v. Nike, Inc. et al*, 27 Cal. 4<sup>th</sup> 939 (2002). In order to fully analyze corporate advocacy, it is helpful

to expand the existing TARES Test: Five Principles of Ethical Persuasion to aid communication scholars when determining if a campaign is ethically problematic as well as to assess corporate advocacy. Lastly, the Conclusion will offer several suggestions for future research are provided in light of this novel framework.

This study is unique in its evaluation of multimedia communication of a specific public relations campaign using diverse scholarship to argue that corporate advocacy campaigns are, many times, ethically problematic when the topic concerns an environmental issue. This study provides a novel framework to analyze the ethics of corporate sponsored advocacy campaigns by expanding the TARES Test: Five Principles of Ethical Persuasion and closely examining Hazleton and Long's seven public relations strategies. This can provide public relations practitioners and environmental advocates with an in-depth understanding of how to conduct an ethical yet persuasive advocacy campaign. This writer argues that even though the multimedia campaigns, both written and visual, receive limited protection as commercial speech pursuant to the First Amendment, the "No On 37" campaign employed several public relations strategies to defeat Proposition 37 that amounts to ethically problematic communication in violation of the TARES Test: Five Principles of Ethical Persuasion.

The study is relevant and important for the contributions it seeks to make within the field of public relations and corporate advocacy concerning ethical environmental communication. Moreover, the study also seeks to further develop the TARES Test: Five Principles of Ethical Persuasion in light of the findings so that it can provide a more comprehensive framework to analyze and determine whether a particular corporate advocacy campaign is ethically problematic, specifically in how the public relations strategies and tactics were used. This has

the potential for providing both public relations designers and environmental advocates with additional insight about persuasive advocacy campaigns and how to create ethical campaigns that not only serve the interest of the corporate speaker/client but also provide the audience with transparent and truthful facts to allow them to make an informed decision.

## **2 CHAPTER TWO: LITERATURE REVIEW**

The goal of this literature review is to highlight how corporate environmental advocacy campaigns have been evaluated in terms of whether they are examples of ethical or ethically problematic communication in this context. Furthermore, this study draws on literature from several fields including public relations, case law concerning the First Amendment and ethical communication to contribute to the existing body of knowledge, specifically as it relates to the mandatory labeling initiative of genetically modified organisms.

### **2.1 Overview of Agenda-Building and Framing Theory**

Needless to say, there are opposing frames that challenge the existing distribution of power. Those frames attempt to persuade the same target audience, trying to influence what to think about and how to feel. Since the 1980s and 1990s, framing theory was based on the idea that mass media has strong effects on consumers' attitudes, while also taking into account other personal characteristics (Scheufele & Tewksbury, 2007). Essentially, how an issue is characterized in the media can have an influence on how the audience understands the issue (Scheufele & Tewksbury, 2007). It is also important to understand the role of the media in the distribution of power: who gets what, when and how (Entman, 2007). Moreover, Entman (2007) suggests a closer look at power, it being the ability to persuade the target audience to do what is sought, namely "telling people what to think about is how one exerts political influence in non-

coercive political systems” (p. 165). Therefore, it is through framing that media messages have the power to influence agendas and what an audience thinks about.

Entman (2007) defines framing as the “process of culling a few elements of perceived reality and assembling a narrative that highlights connections among them to promote a particular interpretation” (p. 164). Framing can perform up to four functions: “define problems, specify causes, convey moral assessments, and endorse remedies” (Entman, 2010, p. 391). Framing is rooted in psychology and sociology, where the fundamental assumption is that individuals are unable to understand the world fully, and therefore constantly struggle to make sense of the world around them (Scheufele & Tewksbury, 2007). Therefore, framing has the power to shape and alter one’s perceptions through priming. Certain frames introduce the audience to a particular issue or point of view, and thus encourage the target audience to think or feel in a particular manner (Entman, 2007). Scholars have elaborated on this point, specifically Entman (2010) who stated that for a successful campaign, “frames must call to mind congruent elements of schemes that were stored in the past” (p. 391). Clearly, framing can be used in a variety of disciplines to closely examine how power is distributed to effectively persuade a target audience (Schlichting, 2013).

It is essential to comprehend the distinct nuances within framing. Schlichting (2013) discussed how frames can be either ‘issue-specific’ or ‘generic.’ An issue-specific frame is used to define a single issue, while a generic frame is used to define several issues. Media campaigns also use sub-frames, allowing for some aspects of reality to be expressed while reconfiguring them to be more salient in promoting a specific definition to an existing problem (Entman, 1993). This is correlated to the importance of values and beliefs, and how framing appeals to

those which are most salient within the target audience to increase the effectiveness of a specific media message (Schlichting, 2013).

Scheufele's (1999) four processes related to the framing of a message are the following: (1) frame-building focuses on how speakers, such as media outlets, select specific frames in communication; (2) frame setting refers to the influence of a frame; (3) on an individual level, the effects of frames impact one's thoughts, attitudes and behaviors; and (4) journalists, as one of the intended audiences, play a role in the examination of the audience and the effects on the initial frame-building process. Notably, frames which are consistent with the target audience's values have been found to be most effective (Chong & Druckman, 2007). As such, media campaigns with extensive or unlimited financial resources tend to be quite effective, one reason being the financial resources provide the means to identify the most appealing frames to then persuade the intended audience. In addition, those media messages (also referred to as the 'loudest frame') can be made more visible in various media outlets such as print, television and social media (Chong & Druckman, 2007). Scholars also provide another viable frame, the 'strongest frame' (Chong & Druckman, 2007). The strongest frames include credible sources which resonate with consumer values without contradicting established beliefs and perceptions, regardless of the frequency and repetition of the media message (Chong & Druckman, 2007).

Just as in other sectors within the field of communication, an environmental issue should be clearly identified with an explanation of potential outcomes and risks which can be framed in either a positive or negative manner (Davis, 1995). It has been difficult to clearly identify the effects of consuming food containing GMOs. A parallel can be drawn to the risks of smoking cigarettes – the long-term effects of smoking were initially unknown, and the long-term effects

of consuming genetically engineered foods are also unknown at this time. Foods containing genetically modified organisms have been in the mainstream food production system for a relatively short period of time. However, this tends to be the norm when dealing with complex scientific environmental issues. Therefore, other means are necessary to successfully create a truthful media message when the subject involves an environmental issue such as genetic engineering or climate change.

Regardless of the environmental issue presented, individuals are normally hesitant to change behaviors. This is due to a variety of reasons, such as how one minimizes the severity of an alleged danger if that behavior is not changed or if action is not taken (Regan, Snyder & Kassin, 1995). Alternatively, there could be a gap in time from when the individual changes a behavior (or takes action) and the resulting negative consequences. An audience may also feel disinclined to contribute to the solution if he or she did not contribute to creating the problem. Regardless of the justification, it becomes critical to focus on how those who oppose the behavior change or proposed action can utilize the media and the process of communication to effectively frame the opposition message and effectively persuade the audience (Regan, Snyder & Kassin, 1995).

Understanding environmental issues, specifically the mandatory labeling of genetically modified organisms contained in food products, requires a level of scientific sophistication and comprehension. The research demonstrates that a majority of the public lacks the knowledge to understand climate change and genetic manipulation, thus evidences significant reliance on media messages to inform the audience about these complex topics (Yao & Stephens, 2009). This includes not only what issues to think about but also how to vote, albeit for a particular

political party or proposed legislation. Thus, the role of power, resistance and opposition are salient when discussing how messages are framed to the intended audience.

Some scholars propose “to select some aspects of a perceived reality and make them more salient in the media coverage to promote a particular problem definition, causal interpretation, moral evaluation and/or treatment recommendations of this reality” (Yao & Stephens, 2009, p. 13-14). Several studies have also identified that simple manipulations in the framing of a message can lead to behavior changes that can last up to several months (Updegraff & Rothman, 2013). Clearly, this illustrates how frames have the power and potential to be persuasive in the short-term to change behaviors, and just long enough to persuade the audience of the importance, not only to vote, but to vote for a particular candidate or measure.

In order to determine whether a corporate advocacy speaker or non-profit organization creates a successful public relations campaign, it is beneficial to analyze whether the entity has achieved its campaign goals. Normally, this includes raising the public’s level of awareness regarding a particular issue, such as the mandatory labeling of genetically engineered foods, or persuading the voting public to change a specific behavior (Breindl, 2013). Scholars have identified two channels by which individuals are targeted: the voice channel, and the access channel (Breindl, 2013). At the same time, the speaker, regardless of whether it is a corporation or a non-profit organization, must establish credibility and create legitimacy to be successful. This entails providing accurate and truthful facts and information in the framing of the media message while also taking into account the specific strategies which would be most effective in that particular campaign.

## **2.2 Overview of Public Relations Strategies and Tactics**



Public relations plays a critical role in the field of communication as it has the potential to inform, raise awareness, educate, affect attitudes and influence behaviors (Messina, 2007). Public relations campaigns aim to educate the target audience concerning a wide range of issues including, but not limited to, social matters. In some instances, such campaigns call on an audience to take responsibility for an event, such as climate change, which then translates to the audience taking a specific, yet local action such as recycling, to address that particular issue. On a more national level, this can manifest in asking an audience to vote for a specific political candidate or to support a specific measure, such as Proposition 37. Therefore, the issue of audience responsibility is relevant to this conversation – namely to what extent is the onus on public relations professionals and the corporate speaker to design a campaign that is both ethical and transparent. The relationship between the audience and public relations professionals needs to be explored further herein.

There is a notable difference with corporate persuasive campaigns, namely such advertising and marketing campaigns have the potential to be labeled as one-sided communication. The distinction comes into play when a corporate speaker relies on reporters, journalists and other media to provide newsworthy stories. In such instances, it becomes more onerous and challenging for the media to present the facts in a neutral and unbiased manner. It is also less likely for the media to further investigate the stories as provided by the corporate speaker.

A few questions remain. First, is the burden on the audience to be skeptical of public relations? Second, when should there be a higher burden placed on a corporate speaker to be more truthful and transparent due to its power and control in terms of financial resources and political influence within the marketplace of ideas? Consequentially, scholars have opined that

the role of an audience should include conducting one's own due diligence. This investigation into the truthfulness of a particular campaign thereby incorporates the notion of audience responsibility into the equation. Simultaneously one cannot discount the power and financial imbalances which exist. This adversely affects the ability of a non-corporate speaker to dispel and correct the potentially misinformation provided by an allegedly false or misleading corporate-sponsored public relations campaign.

It becomes helpful to step back and look at how several prominent scholars have defined the field of public relations. Hazleton and Long (1988) defined public relations as a communication function, albeit in conjunction with management, which organizations utilize in order to adapt to, alter, or maintain their environment for the purpose of achieving its organizational goals. Meanwhile, the Public Relations Society of America (PRSA) defined public relations as a tool to help an organization and its publics, and can include not only organizations but also a variety of different stakeholders. Grunig & Hunt (1984) is the most common cited definition of public relations, and have defined the practice as “the management of communication between an organization and its publics” (p. 4). As such, a central function of public relations is to create an effective message that reaches a strategically identified audience. However, at first glance, Hazleton and Long's definition appears to be more balanced, and it recognizes that a critical objective to the field of public relations should be to “foster open, two-way communication and mutual understanding with the idea that an organization also changes its attitudes and behaviors in the process—not just the target audience” (Wilcox, Ault, Agee, & Cameron, 2000, p. 4).

There cannot be educating or informing the audience without some degree of persuasion. Cutlip (1994) noted that “communication is a reciprocal process of exchanging signals to inform, instruct, or persuade” (p. 229). Miller (1989) argued that persuasion is how one controls the environment to achieve a preferred outcome, even drawing a parallel to breathing as both are inevitable functions of living. In contrast, Grunig & Hunt (1984) associated persuasion with propaganda.

As such, there are some critics who believe the field of public relations is solely propaganda, and serves to disrupt the marketplace of ideas by serving special interests at the expense of the common good, and therefore, is unethical (Baker & Martinson, 2001). However, other practitioners insist that public relations serve the public interest by helping to make other points of view available in the marketplace of ideas (Cutlip, Center & Broom, 1994). Andersen (1978) defined ethical persuasion as “a communication activity that unites people... [while it] permits maximum individual choice” (p.3). It is focused on how “to effect a desired voluntary change in the attitudes and/or actions” of those audience members to whom the specific persuasive campaign is directed (p. 7).

Moreover, the emphasis on voluntary change on an individual level distinguishes persuasion from indoctrination and coercion which do not provide any room for individual choice (Jaksa and Pritchard, 1994). It also allows one to conclude that acceptable, and ethical, forms of persuasion are not dependent on deceptive and manipulative strategies and tactics, but rather show respect for the individual, allowing one to make a rational choice (pp. 76-77).

Martinson (1996) also noted that ethics do not require the persuader to provide the audience with a “scientifically verifiable” statement on the issue at hand, but rather the persuader

should focus on “genuinely informing [others] – not creating false impressions, whether or not what is communicated might be literally, in at least some fashion, true” (p. 44). Advertising and public relations practitioners are often accused of using “torturous linguistic contortions” to accomplish their goal of persuasion without telling a “literal untruth” (Baker & Martinson, 2001).

The distrust of advertisers and public relations practitioners by the general public has increased exponentially in recent years. Jaksa & Pritchard (1994) claim such distrust is due to the exploitation, and how advertising and public relations is “detrimental to the public’s own preferences, interests or well-being” (p. 76). However, many practitioners in the field may want to avoid such exploitation and unethical strategies but feel it is required in order to prosper within the field (DeFleur & Dennis, 1998).

How ‘propaganda’ is defined determines whether it is perceived as ethical or unethical. Early public relations experts were not fearful of using the term propaganda to describe the communication strategies (Beder, 2002). In fact, propaganda was not a “dirty little word or secret” (p. 12). Some scholars have defined propaganda as communication which aims to reach the target audience to adopt a particular attitude or belief, publicize products and services as well as promote social ideologies and programs (Beder, 2002). Even though the focus of this study is not propaganda per se, it is useful to provide a brief overview to distinguish between propaganda and persuasive public relations strategies.

One school of thought, led by behaviorists, treats propaganda negatively because the public is considered to be gullible, easily manipulated and lacking the necessary controls (Black, 2009). When used this way, power remains within the sole control of the powerful. It then

provides the means, and allows the creator of the propaganda to impose its own truth on the audience thereby destroying mutual, thoughtful interpersonal communication which is necessary to create an ethical and democratic experience (Black, 2009).

Propaganda has commonly been defined as control, deception, a total disregard for the truth, but also it has been construed as an indifference to truth (Messina, 2007). As Marlin (2003) explains, propaganda has been used to “circumvent or suppress” an individual’s choice by using misleading strategies and tactics, including the use of selective information, to force an audience to believe a particular conclusion. In essence, this eliminates individual autonomy and choice as propaganda is telling the audience what to think rather than how to think.

Black (2009) further explained and illustrated how a persuasive public relations campaign can be unethical – namely, when the producer of an advocacy message places its own self-interest above the interest of the target audience. In so doing, the advocate is not calling on the audience to be a better citizen, but rather is blurring the lines of truth and fiction, values, judgment, facts, information and entertainment (Black, 2009). Notably, Hausman (2000) identified several warning signs that a public relations message is in fact unethical advocacy. First, all the cards remain in the dealer’s hands, such as power and money. Second, the message uses vague but appealing terms such as “red-blooded American.” Third, the message uses vague but repellant terms to identify and classify the opposition. Fourth, the campaign relies upon vague authority for its support. Fifth, the campaign is attempting to convince the audience to follow the herd because everyone else is doing the same thing. Sixth, the entire message is deliberately confusing. Lastly, the campaign uses language such as “terrorist” when referring to

the opposition, a form of name-calling. If a campaign fails the above criteria, then it is likely to be considered unethical communication.

Similarly, it is important to take a closer look at environmental communication in general and to gain an in-depth understanding of how communication not only affects one's perceptions about environmental issues but also how one behaves (Milstein, 2009). Cox (2013) defined environmental communication as "the pragmatic and constitutive vehicle for our understanding of the environment as well as our relationships to the natural world; it is the symbolic medium that we use in constructing environmental problems and negotiating society's different responses to them" (p. 20).

Communication about environmental issues has been framed by social, economic and political interests, thus it allows the audience to view an environmental issue in a different way (Milstein, 2009). This understanding is connected to discussing, debating, educating and advocating an array of issues. On its website, the International Environmental Communication Association (IECA) defined the field as a "diverse synthesis of communication theory and environmental theory that examines the role, techniques and influences of communication in environmental affairs."

### **2.3 Sonja Foss – Categorization of Visual Rhetorical Frames**

Sonja K. Foss (1994) offers a novel and useful approach to analyze and understand the power of visual images by following a rhetorical schema to evaluate the specific images. This dissertation will not provide a history of visual rhetoric and visual imagery within the discipline of rhetoric as it is well-established in the field. In addition, the researcher will not discuss the affinity between rhetoric and visual symbolism.

As a brief overview, rhetoric is the use of symbols to communicate with an intended audience (Foss, 2005). Visual rhetoric emerged in 1970, thereby expanded the study of rhetoric to include not only the discursive and verbal but also the non-discursive and non-verbal (Foss, 2005). Today, advertising images, among others, constitute a major part of the rhetorical environment.

By taking into account the visual images, it provides scholars with the tools to gain a more comprehensive understanding of the extensive power an image has when it is presented to the audience. The specific narrative created by public relations professionals in corporate advocacy campaigns continues to remain relevant. However, the visual images have the potential to be increasingly more powerful than mere words. This is, in part, due to the fact that visual images provide access to a range of human emotions and experiences that may not be possible to access solely via written discourse as experiences tend to be more multidimensional (Foss, 2005).

The innovative framework to examine visual rhetorical frames within public relations campaigns provides a necessary tool to assess the persuasive impact of the visual component of the messages. Moreover, this perspective allows scholars to determine whether the images in a specific campaign convey the intended message.

Foss (2005) further noted that visual rhetoric is a communicative artifact, as the symbols (such as an advertisement) are used as the means for the intended communication. It remains both relevant and appropriate to then analyze the image's symbolism. There are three characteristics required for an image to qualify as visual rhetoric. The image must satisfy all of the following: (1) be a symbolic action; (2) involve human intervention; and (3) be presented to

an audience to communicate (Foss, 2005, p. 144). Regarding symbolic action, it is required to go beyond the sign, thus using arbitrary symbols to communicate. Human intervention requires human action, such as either creation or interpretation as a conscious decision to communicate which requires the selection of strategies to effectuate such communication. Lastly, the audience requirement does not mandate a large audience but rather this requirement is satisfied even if the only audience member is the creator of the image (Foss, 2005).

Visual rhetoric is also characterized as a rhetorical perspective with the focus being on three aspects of the image (Foss, 2005). The three aspects are the following: (1) the nature of the image; (2) the function of the image; and (3) the evaluation of the image. Foss (2004) elaborated on these aspects by noting the importance of the symbolism inherent in visual images in conjunction with surrounding features such as media format, colors, and text. The nature of the image takes into account the literal components of the image, including the quality and nature of the image as well as the substantive and stylistic components. Meanwhile the function can refer to the emotions evoked when viewing the image, including the communication effects the image serves for the audience. Lastly, the evaluation of the image refers to an assessment of how effective the message was communicated, thus determining whether the image served its function (Foss, 2005).

The analysis and evaluation contained in this dissertation becomes relevant as well for scholars of environmental communication. When engaged in an in-depth examination and analysis of a particular public relations campaign, scholars develop a more comprehensive understanding of how messages are construed. This can be effectively utilized when explaining complex environmental issues to an uninformed public, such as climate change and genetic



engineering (Meisner & Takahashi, 2013). Therefore, it is beneficial to explore these relationships between public relations strategies and tactics and their impact on how, and which, stories reach the media agenda (Cho & Benoit, 2005; Werder, 2006). When a story makes the journey down the media tunnel, the information gains credibility and raises the level of awareness about that issue in the minds of the audience who then are primed to receive that message as framed by the persuader (Werder, 2006). In conjunction with the Process Model framework as conceptualized by Hazleton & Long (1988) to examine the written discourse, Foss's framework is quite useful to comprehensively understand the nuances inherent in a multimodal strategic communication campaign. In so doing, existing public relations theory becomes interconnected and embedded within this novel context and framework taking into account both the visual and written content of a strategic communication campaign.

As such, a visual rhetorical analysis will be incorporated in this dissertation to characterize the images used in the "No On 37" campaign television spots according to the nature, function and evaluation aspects of the artifacts. An assessment will be made as to whether those three aspects of the visual images lend themselves to support a finding that the "No On 37" campaign is an example of an ethical or ethically problematic public relations campaign. Since visual design is a form of political expression, it has direct effects on an audience as the images embody a particular ideology, constructs a specific narrative and point of view for the audience to accept and adopt as one's own. Therefore, one cannot discount the role of ethics in this context, including but not limited to the ethical responsibility of a public relations designer who creates a campaign that serves to communicate with an audience, while also creating a truthful, accessible and transparent written and visual message.

## 2.4 Overview of First Amendment

The ongoing debate focuses on whether public relations campaigns (and strategic communication) should be classified as commercial speech or as non-commercial (political) speech. This has a significant impact on the level of scrutiny a court will apply to determine the extent of protection offered pursuant to the First Amendment. Even though there has not been a final decision rendered by the United States Supreme Court, the recent trend has been to treat corporate speech as non-commercial (political) speech. In so doing, the court affords extensive, and thereby greater, protection to the corporate speaker which has legal standing as an artificial person under the law, namely a person with constitutional rights nonetheless. Therefore, the corporation has the right to donate money to political campaigns, be sued and file a lawsuit, among other constitutional rights. However, not all speech of a person falls under the ambit of political speech, and so the same distinctions must also apply to corporate speakers.

Historically, the United States Supreme Court has afforded greater government control and regulation of commercial speech (Collins et al, 2004; *Valentine v. Chrestensen*). Decades later, the Supreme Court of the United States noted that different levels of protection are necessary to ensure the truthful and legitimate flow of commercial information to the public (*Va. Bd. of Pharmacy v. Va. Citizens Consumer Council, Inc.*). Moreover, “since advertising is the sine qua non of commercial profits, there is little likelihood of its being chilled by proper regulation and forgone entirely” (*Va. Bd. of Pharmacy v. Va. Citizens Consumer Council, Inc.*). The controlling issue revolves around how commercial speech and non-commercial speech are defined, the latter being speech free from an economic incentive (Collins, et al, 2004).

In the present dissertation, the issue is whether the speech, in the form of the strategic communication campaign sponsored by Monsanto and the GMA to persuade the California voting public to defeat Proposition 37, should be classified as commercial or political speech. This requires taking into account the controlling interests of the various parties, such as the government's interest to protect the public from false and misleading advertising in contrast to the corporate, financial interests of the "No On 37" sponsors.

Most recently, there was one lawsuit which had the potential to provide clarification on this issue. However, the United States Supreme Court withdrew its writ of certiorari in the *Nike, Inc. et al v. Kasky* case, and how to distinguish whether such speech is commercial or political remains unresolved not only for the corporate speaker but also for public relations professionals. The classification of a particular public relations and advertising campaign has been found to be either profit-based or political. In evaluating the *Nike, Inc. et al v. Kasky* case, scholars were required to identify how a corporation, such as Nike, exists in the marketplace, and whether its existence is solely tied to the sale of its products. One argument has been that the Nike campaign in question should be characterized as commercial rather than political speech, notwithstanding the fact that issues of globalization and child labor (more political in nature) were imbedded within portions of the campaign.

The same rules would apply to a non-profit organization, such as People for the Ethical Treatment of Animals or Greenpeace, as they, too, exist to sell their products to the general audience just like Nike. Unlike Nike or Monsanto, the non-profit organization does not create brand identity. However, this does not mean the non-profit entity is not the beneficiary of a commercial gain. If the Nike campaign would be classified as commercial speech, then the

public relations campaigns for non-profit organizations should be similarly classified when making a determination of whether said campaign constitutes ethical or ethically problematic persuasive communication.

It is undeniable that for the above reasons, public relations is interconnected with the First Amendment protections. One recurring challenge is how to regulate corporate advocacy – how to distinguish between political and commercial speech (Middleton, 1991). Scholars Cutler and Muehling argue that the competitive impact of a public relations campaign message should be a factor when determining whether a corporate advocacy message is categorized as either commercial or political speech (Middleton, 1991). Moreover, if the corporate advocacy campaign benefits the sponsor of the message, then the ad is more likely to be classified as commercial speech (Middleton, 1991). Similarly, if a campaign message benefits a larger industry or society, then the argument is that the message falls under the protections of political speech. However, it remains critical to be careful not to misclassify corporate political speech as commercial speech, and vice versa.

As Petty (1993) noted, if an individual is likely to be influenced by the speech in one's role as a consumer of goods and services, then it must be labeled as commercial speech. Such commercial speech has been found to receive limited protection pursuant to the First Amendment by the United States Supreme Court. On the other hand, if said speech is likely to influence the public's capacity to vote (or in another non-consumption manner), then the speech should be fully protected (Petty, 1993). The First Amendment states that "Congress shall make no law... abridging the freedom of speech." The prohibition in such constitutional provision has been applied to the branches of government as well as to state and local governments in order to

protect and foster free debate (Petty, 1993). Simultaneously, it is important to keep in mind the overarching truth-seeking, open marketplace of ideas principles inherent in the First Amendment's freedom of expression (Boedecker, et al, 1995).

When corporate advocacy speech is in response to a political referendum, there has not been a ruling by the United States Supreme Court as to the proper classification of such speech. Reviewing the existing and more recent holdings by the courts which have adjudicated similar issues, it is possible to formulate an argument as to how a court would likely respond should it be faced with such an issue. Scholars are quick to point out that commercial speech does not have to be void of political issues (and speech). Therefore, what tips the scale in favor of classifying the speech as commercial speech, thus applying intermediate scrutiny, is if there is a substantial government interest to protect the public from potential harm. One possible argument would be that the speech contained in "No On 37" campaign should be classified as commercial speech, and the government interest is to protect the public from the false and misleading information contained in the campaign. The lack of sufficient testing and safety precautions prior to introducing genetically engineered seeds into the food chain and agricultural processes warrants government regulation. Similarly, Agent Orange which was produced in the 1970s, and was also manufactured by Monsanto, was initially believed to be safe until consumer groups began aggressively opposing its use and calling into question its safety. The argument that intermediate scrutiny limits or interferes with a corporate speaker's ability to speak is unfounded and unsubstantiated.

Interestingly, the United States Supreme Court in the *Nike, Incl. et al v. Kasky* (2003) case had the opportunity to examine public relations in conjunction with advertising in the same

campaign. In so doing, the court would have provided a more integrated and strategic communication approach in the analysis of similar campaigns. Rather, the court parsed out the campaign, and treated each public relations and advertising product as separate and distinct components.

It is important to first take a closer look at the facts in the *Kasky v. Nike, Inc.* (2000, 2002) case as filed in the California court system. In October 1996, a report aired on *48 Hours* that charged Nike of illegal and unethical behavior, including the exploitation of existing labor laws in developing countries, which cast doubt on the corporation's overall business practices (Collins et al, 2004). The allegations included information about workers who were paid below applicable minimum wage, requiring the employees work overtime in excess of existing laws as well as worker abuse (physical, emotional, sexual) (Collins, 2004). Nike was concerned about its reputation in light of such allegations which were reported on in media outlets such as *The New York Times* and *The San Francisco Chronicle* (*Kasky v. Nike, Inc.*, 2002). Therefore, a public relations campaign was created to correct the misinformation the public was allegedly exposed to and to rebuild the Nike corporate image (*Kasky v. Nike, Inc.*, 2002).

In order to respond to the allegations, Nike retained a former United Nations Ambassador, Andrew Young, and his organization, GoodWorks International, LLC, to conduct an independent review of Nike's business practices, and whether it was committing the illegal and unethical acts as initially reported (Baty, 2004). The investigation yielded findings that the charges against Nike were, for the most part, false (*Kasky v. Nike, Inc.*, 2002). Understandably, Nike wanted the findings from this independent report to reach the public. Nike placed editorial advertisements to provide this alternate message to the audience, together with press releases,

letters to the editor in national newspapers, and letters to national universities (*Kasky v. Nike, Inc.*, 2002). Interestingly, none of the findings from Young's independent review were incorporated into Nike's ongoing advertising campaign to sell its products.

The plaintiff, Marc Kasky, was a California resident and environmental activist. He filed a lawsuit in California Superior Court, alleging that Nike's public relations campaign should be classified as commercial speech rather than political speech, thus subject to intermediate scrutiny (Baty, 2004). The Superior Court held that Nike's speech was political. Kasky appealed to the California Court of Appeals, and that court upheld the lower court's finding of political speech. Kasky appealed again, this time to the California Supreme Court which overturned the lower courts' decisions, thus classifying Nike's public relations campaign as commercial speech. In a 5-4 decision, the California Supreme Court essentially expanded the definition of commercial speech, stating that "it does not matter that Nike was responding to charges publicly raised by others and was thereby participating in a public debate" (*Kasky v. Nike, Inc.*, 2002). Thus, when classifying corporate speech as commercial or political, it is not relevant whether the speaker's speech incorporates an issue of public debate (*Kasky v. Nike, Inc.*, 2002; Baty, 2004). The *Nike* court concluded that in the event a corporation makes public statements for the goal to maintain and increase its sales and profits, such as to defend its labor practices and working conditions at factories where its goods are produced, those statements qualify as commercial speech and can thus be regulated by the government to prevent consumer deception (*Kasky v. Nike, Inc.*, 2002). It was Nike who then appealed to the United States Supreme Court, together with amicus briefs filed by the Public Relations Society of America, the Council of PR Firms, the Public Affairs

Council and other professional organizations sympathetic to Nike's argument (*Nike, Inc. et al v. Kasky*, 2003).

The other components of the lawsuit, specifically the alleged violations of California's unfair competition and false advertising laws, are not the focus of this research project. However, a government is permitted to prohibit commercial speech that is false or misleading (*Kasky v. Nike, Inc.*, 2000). Therefore, in order for commercial speech to garner the protections offered under the First Amendment, the speech in question must not only concern lawful activity but also must not be misleading (*Cent. Hudson Gas & Elec. Corp. v. Pub. Serv. Comm'n*, 1980)

Furthermore, the *Kasky v. Nike, Inc.* (2002) court noted that when determining whether speech is commercial or political, one must consider three elements: the speaker, the intended audience and the content of the message. The speaker can also include an agent speaking on behalf of the corporation, while the audience includes not only actual but also potential customers, including members of the media which are likely to repeat the message and to exert an influence on the public (*Kasky v. Nike, Inc.*, 2002). The content of the message must be commercial in nature as well, including not only price, qualities and availability of the product but also the distribution, repair, warranty and manufacturing of said products (*Kasky v. Nike, Inc.* 2002). The court, in applying these three elements, found that Nike was engaged in commercial speech as its agents were engaged in commerce – specifically the manufacture, import, distribution and sale (*Kasky v. Nike, Inc.*, 2002). The op-ed articles to newspaper editors and letters to university presidents were also commercial speech as it was a direct appeal to major purchasers of Nike products. In describing its labor practices and working conditions, Nike made factual representations about its business operations. The California Supreme Court did



not accept Nike's argument that it was defending itself, as commercial speech typically involves issues of intense public importance (*Kasky v. Nike, Inc.*, 2002). One way Nike could have launched a public relations campaign that could be classified as political speech was if it provided its opinions about working conditions overseas and provided general information about child labor in this context.

As such, it becomes beneficial to first understand the distinction between commercial and political speech within the American legal system to move forward. This has been an ongoing debate, and scholars have looked to the United States Supreme Court to establish guidelines to determine the parameters of protection afforded to strategic communication campaigns. Government regulation has more latitude to enact content-based regulations of commercial speech, and this is not permissible if such speech falls within the ambit of political speech. Prior to *Nike, Inc. et al v. Kasky* (2003), United States Supreme Court precedent was *Cent. Hudson Gas & Elec. Corp. v. Pub. Serv. Comm'n* (1980). The *Central Hudson* court established the "Central Hudson test" – if the answers to each of the four questions are "yes" then the government regulation of commercial speech is deemed to be constitutional. These questions are the following:

1. Is the speech at issue free of deception or illegal messages? If not, the speech is not given any protection.
2. Does the government have a substantial interest in regulating the speech at issue?
3. Does the regulation materially advance a specific government interest?

4. Is the regulation no more extensive than necessary to satisfy the substantial government interest? (*Cent. Hudson Gas & Elec. Corp. v. Pub. Serv. Comm'n*, 447 U.S. 557, 564-566, 1980).

In drawing a distinction between commercial and political speech, Nike argued that its public relations campaign was only related to its business practices, not to any of its specific products. However, in promoting its business practices, there is a clear and direct nexus to its business interests which advance Nike's corporate economic goals, hence the motivation for launching the specific campaign.

The classification of corporate speech as commercial is clearly visible when the corporate speaker is persuading the audience to purchase a particular product, as noted by the Seventh Circuit Court of Appeals (*Nat'l Comm'n on Egg Nutrition v. FTC*, 1978). The issue becomes less clear when a corporation speaks and publishes its speech on a topic of public concern, as is the case with Monsanto and mandatory labeling of food containing genetically modified organisms which is intrinsically connected to the sale of its genetically engineered seeds and accompanying pesticides. At this time, the courts have not yet articulated a test to identify whether corporate speech falls under the ambit of commercial or political speech, but following precedent as established by *Cent. Hudson Gas & Elec. Corp. v. Pub. Serv. Comm'n* (1980), various factors are taken into account, such as whether the speech is intrinsically tied to the economic interests of the speaker and the audience.

Additional guidance is provided by *Bolger v. Youngs Drug Products Corp.*, 1983). The *Bolger* court identified three factors to utilize to distinguish between commercial and political speech: (a) whether the speech is in the form of an advertisement; (2) if the speech refers to a

specific product; and (3) if there is an economic motivation for the speech at issue (463 U.S.60, 66-67, 1983). Interconnected with these factors is whether the corporate entity has control of the market where it is selling its products, thus allowing it to promote the product(s) without specifically naming its brand (*Bolger v. Youngs Drug Products Corp.*, 1983). Similarly, the *Nike* court noted that any and all corporations, including Nike, exists to sell its products to the general public.

There has been a recent push to classify public relations campaigns as political speech; hence, public relations campaigns would receive complete protection under the First Amendment, without fear of any government regulations. Several scholars have identified potential ramifications with this position, as expressed herein. Contrary to the current trend, this writer proposes to classify public relations campaigns as commercial speech hence subject to government regulations so long as there is a substantial government interest. This requires a different level of scrutiny when there is a First Amendment legal challenge to a particular public relations campaign. If a corporation's speech is classified as commercial speech, intermediate scrutiny will be applied. This does not imply that the corporate speaker forfeits its First Amendment protections but rather the government has a substantial interest to protect the public, taking priority over the commercial speech of the corporate entity. Moreover, the goal is to allow public relations professionals to communicate truths to the public, as a continued voice in the marketplace of ideas thus contributing to public debates. On the other hand, political speech receives full protection and requires strict scrutiny, a higher threshold for the government to establish a legitimate interest to regulate the speech at issue. This clearly has a significant

impact on how easily (or difficult) it may be for the corporate speaker to escape government regulation.

## **2.5 Federal Trade Commission Guidelines and Advertising**

The Federal Trade Commission (FTC) provides voluntary guidelines for environmental marketing claims as outlined in its *Guides for the use of Environmental Marketing Claims*, but it is also referred to as the “Green Guides” (FTC, 2012). However, these are neither agency rules nor agency enforced regulations (FTC, 2012). Rather, the “Green Guides” are the “primary tool” in federal regulation of greenwashing campaigns, and are also an important tool used to assist a corporation to be aware of the potential consequences of its actions if it fails to comply when creating advertising campaigns for its products or services. Since the Green Guides are not binding, the FTC may bring an enforcement action, if it reasonably believes the business’ actions are “deceptive” (FTC, 2012). However, “deceptive” is not defined in the “Green Guides” thus making the issue a bit more complex in this arena. As such, the term “deceptive” must be applied and defined on an individual basis, and safe harbors are provided for corporations which has the effect of defeating the goal of preventing false and misleading advertising that can mislead a reasonable consumer (Coppoiecchia, 2010, p. 1372).

However, the “Green Guides” do identify which claims the FTC could find to be deceptive under Section 5 of the FTC Act which governs food and consumer products (FTC, 2012). This gives the FTC the option, and the right, albeit at its discretion, to prosecute false and misleading advertising claims (FTC, 2012). This applies to labeling, advertising, promotional material and all other forms of marketing (Coppoiecchia, 2010). The “Green Guides” were first introduced in 1992, in an effort to provide assistance to corporations to avoid making “misleading

environmental claims” (Coppoiecchia, 2010). The Green Guides were initially revised in 1996, and then later in 1998, and most recently in October 2012 (FTC, 2012). There are mixed emotions when it comes to support for the “Green Guides.” Some advocacy groups are satisfied with the changes made by the FTC while others believe these regulations set the bar too low. The FTC stopped active enforcement of environmental claims by 2001.

The FTC has the power to order fines and prevent the continuation of deceptive advertising and marketing campaigns. Moreover, the FTC has indicated that it is working to ensure environmental marketing, including issues of public importance such as climate change and GMO labeling, is both truthful and substantiated (FTC, 2012).

Thus, the Green Guides are classified more as an attempt to “regulate near the margins without actively interfering with the conduct of business” (Coppoiecchia, 2010, p. 1375). Some scholars point out that this limited regulation and enforcement by the FTC has the potential of allowing false advertising campaigns to freely flow and adversely impact the audience on a wide scale from the types of products one purchases to deciding which political candidate to support (Coppoiecchia, 2010, p. 1370; Pelletier, 2005).

## **2.6 Historical Background of Ethically Problematic Campaigns Involving Monsanto**

In 1962, a group of chemical companies launched a massive public relations campaign against Rachel Carson’s *Silent Spring*. Monsanto was part of this onslaught, attacking and discrediting not only the book but also the author who wrote it. Monsanto did not stop there, but rather continued to produce chemicals which it claimed were safe, but later were discovered to be quite toxic to the health of humans, animals and the environment. There have been numerous examples, but related to its production of Agent Orange and DDT-based chemicals, Monsanto

claimed its products were going to help “feed the world” but instead created an environmental catastrophe (Goldsmith, 1998). After years of investigation, it was discovered that Monsanto not only lied about the safety of those chemicals but also that the corporation concealed data that would have revealed such objections (Robin, 2012).

As Monsanto continued to grow, its executives began approaching politicians from both political parties, pitching the benefits of genetically modified organisms directly in person rather than to the general public after the Agent Orange and PCB scandals (Robin, 2012). Internal documents from Monsanto, dating back to 1986, revealed plans to spread genetically engineered seeds throughout the United States, and the key strategy was to create support for the biotech industry by receiving endorsements from the highest political office – the U.S. President (Robin, 2012). Monsanto thereby created an alliance with politicians and then attempted to build an alliance with the public, but the latter was more emotional-based (Beder, 2002). This is evidenced by how scientists avoid explaining to the public the safety of GMOs - the argument being that if people did understand they would not be hostile to their use.

In order to create a “green” image – an example of unethical greenwashing campaigns which have become more prominent in the last 20 years, Monsanto, on its website, explains all of its efforts to care for the environment. Two examples of these campaigns are the saving the butterflies campaign and the saving the bees campaign. Interestingly, bees are dying at alarming rates due to the prevalent usage of Monsanto’s Roundup pesticide. The tactic and strategy used by Monsanto has been, and continues to be, providing an illusion, a mirror, of environmentalism and sustainability efforts to rebrand itself in public opinion when in reality its corporate actions are in complete contradiction to those images.

Today, Monsanto is the world's largest manufacturer of genetically modified seeds, and is using the same fear tactics to stir up the public – if food containing genetically modified organisms is labeled, then how can the world to function without genetically engineered crops? (Lappe, 2015). Monsanto's argument is that genetically engineered seeds and crops are beneficial and help farmers drastically reduce their use of herbicides and insecticides while at the same time protecting the environment by preserving forests and lowering greenhouse gas emissions (Lappe, 2015). In reality, as will be discuss below, the proliferation of genetically engineered crops is actually having the opposite effect – genetically modified organisms are negatively impacting our ability to feed future generations as farmers are becoming dependent on costly seeds, undermining the health of the soil, reducing biodiversity, putting small farmers out of business, and contaminating organic farms due to cross pollination.

In June 2012, just one month after Proposition 37 and the issue of mandatory labeling of genetically modified organisms was placed on the ballot in California, the GMA engaged in public relations tactics and strategies with the goal of persuading voters that labeling food would cause food prices to increase and consumer choices to diminish (Wilce, 2012). Scaremongering was an effective tactic, even though there was a lack of evidence to support such a claim – all the GMA had was a paid-for, non-peer reviewed report (Bittman, 2012). It was also discovered that those opposed to mandatory labeling claimed that Proposition 37 was written by trial lawyers in order to open the floodgates of lawsuits to be filed, also untrue. Medical and scientific experts were also hired by the “No On 37” campaign as spokespeople to obscure and mislead the public as to the economic incentives at stake if Proposition 37 had been approved by the public (Simon, 2012).

It is interesting to note that this is not the first time the GMA has used its resources and power to oppose food and nutrition policies at both the federal and state levels. In fact, the GMA lobbied the state legislatures to oppose bills that were attempting to remove processed food and soft drinks from vending machines on school property (Simon, 2012). The processed food was manufactured by GMA members, such as Coca-Cola, Pepsi, General Mills, Kraft Foods and others. Again, in 2005, the GMA lobbied the government to protect its alleged First Amendment right to advertise to children – yet again the advertising and marketing content of the campaigns centered on processed food and soft drinks (Simon, 2012).

Notwithstanding the numerous member-corporations of the GMA and the “No On 37” campaign, Monsanto has been a prominent player in the opposition to mandatory labeling of GMOs on Proposition 37. This is evidenced by the significant financial contributions it made to the GMA and the “No On 37” campaign a few months before the November 6, 2012 election. Moreover, Monsanto owns all of the genetically engineered seed patents, which gives the corporation a monopoly for 20 years. Engdahl (2007) argued that U.S. patent law allows for agribusinesses like Monsanto to claim exclusive patent rights on GMO seeds because of the introduction of a foreign DNA, which Monsanto claims uniquely alters the plant, but others argue it only transforms the original seed (the U.S. Supreme Court upheld this form of patents in 2001). The effect of a patent is that it reorganizes the relationships between humans and other species, and Monsanto is redefining the seed culture, making it a crime for a farmer to save the seeds and share with neighbors, yet that was how farming survived for generations (Shiva, 2014). Some scholars identify consequences with patenting living resources, as in this case, as it



not only robs the poor but it destroys biodiversity and Third World innovations, all at a very high cost to the environment.

As Shiva (2014) pointed out, this has turned farmers into criminals, as evidenced by how Monsanto uses the legal system to file lawsuits against farmers who allegedly reap the benefits of the GMO seeds but avoided paying Monsanto for the seeds. In the past 15 years, Monsanto has filed 164 lawsuits against farmers in the United States alone, and the corporation has never lost one case. In fact, Monsanto has received over \$23 million in compensatory damages from farmers for the alleged infringement of their patents. Controlling the seeds is the first link in the food chain – seeds are the source of life, and when a corporation has the power to control seeds, it not only controls life but also the farmers (Shiva, 2014).

## **2.7 Overview of Proposition 37**

Historically, corporations have pushed back against labeling of other food products as exemplified by the labeling initiative for cigarettes and allergens (pine nuts, peanuts). An overview of these prior incidents will be examined to then assess whether the “No On 37” campaign conducted itself in a similar manner to what the food industry has done in the past, or whether this campaign is more drastic and amounts to more severe and egregious behavior.

California has taken the lead on the mandatory labeling of food products containing genetically modified organisms. In the election held on November 6, 2012, its citizens were the first in the country to vote on Proposition 37 which would have required that all food containing genetically modified organisms be labeled as such (Simon, 2012). Proposition 37 would have required “labeling on raw or processed food offered for sale to consumers if made from plants or

animals with genetic material changed in specified ways” (Bittman, 2012) It would also ban the marketing of such food, or other processed food, with the ‘natural’ designation (Bittman, 2012).

Furthermore, the text of the proposed law allows for certain exemptions, such as foods that have been certified organic, or only contain trace amounts of genetically engineered material, or even sold for immediate consumption, such as in restaurants. However other exemptions include dairy products, alcohol and even meat. If Proposition 37 had passed, it would have required approximately 80% of all non-organic processed food sold in grocery stores to be labeled as containing genetically modified organisms (Greenaway, 2009). Interestingly, studies show that 88% of corn and 93% of soybeans grown in the USA are genetically modified, thus containing genetically modified organisms, and would therefore have required such labeling (Philpott, 2012). Proposition 37 was defeated by a very small margin.

Opponents of Proposition 37 spent over \$46 million in media-related campaigns, with Monsanto outspending everyone and taking the lead in creating, as well as, controlling the message. The co-sponsors of the “No On 37” campaign included members of the GMA. Together, they hired public relations professionals, the same ones who previously worked for the tobacco industry, to create “fake grassroots groups that will do their best to make it look like there’s a big crowd of citizens who think labeling is a bad idea” (Greenway, 2009). The goal was to convince consumers, especially those who were undecided, that labeling was not a good idea, and not to vote in favor of Proposition 37 on Election Day (Greenaway, 2009).

Just a few short months before the election, in September 2012, the *Los Angeles Times* poll showed initial support for Proposition 37 at 61% among registered voters (Wilce, 2012). Two weeks later, support dropped to 48% according to a study conducted by Pepperdine

University School of Public Policy (Wilce, 2012). During those two weeks, voters were exposed to a significant television advertising blitz by opponents aimed at changing the perception of voters on the issue (Wilce, 2012). This opposition blitz, paid to the public relations and advertising firm of Winner & Mandabach (specializing in ballot measures) consisted of \$41 million in campaign contributions to be applied to media campaigns related to the “No on 37” campaign (Wilce, 2012). This included \$14.7 million for TV and cable airtime in September 2012, just two months before the election (Wilce, 2012). The six conglomerates comprising the world’s largest seed, pesticide and genetic engineering industries included Monsanto (producer and patent holder of genetically modified seeds and the fertilizers required such as Roundup), Syngenta, Dow Chemical, Dupont, BASF and Bayer (Wilce, 2012). According to the California Secretary of State campaign finance data, the top two contributors to the “No On 37” campaign were Monsanto (\$7.1 million) and Dupont (\$4.9 million), with Monsanto clearly outspending all the other corporate GMA sponsors contributing to the “No On 37” campaign (Wilce, 2012).

Even though Proposition 37 did not pass in California, the media exposure brought the issue of mandatory labeling of genetically modified organisms in food products to the forefront of the public agenda. Interestingly, Proposition 37 was defeated by less than a 3 percent margin. A follow-up study was conducted shortly after the 2012 election. Even though voters voted against Proposition 37, 21% of those voters said they supported mandatory labeling of genetically modified organisms in food, according to the Center for Food Safety. That is a significant contradiction – if those voters voted “No” on Proposition 37 yet support mandatory

labeling, then what happened? It is crucial to understand how the media messages on this issue were visually rhetorically framed at the beginning of the labeling battle in California in 2012.

The research questions presented for this study are the following:

RQ1: How is the “No On 37” campaign an example of an ethically problematic campaign pursuant to the elements set forth in the TARES Test?

RQ1.a.: What public relations strategies were identified in the “No On 37” campaign?

RQ1.b.: What visual rhetorical messages were identified in the “No On 37” campaign?

RQ2: How does the distinction between commercial and political speech impact public relations campaigns?

### **3 CHAPTER THREE: METHODOLOGY**

#### **3.1 Overview of Qualitative Case Study Method**

As Berg and Lune (2012) illustrate, qualitative research methods seek to identify patterns among cases while not reducing those cases to mere averages. Rather, the goal is to provide the means to access unquantifiable knowledge which encourages a more subjective understanding and perception of people, symbols and objects (p. 8). This allows the researcher to rely on emotions, motivations, symbols and empathy as part of the data gathered.

Qualitative research allows for various ways of thinking about and designing research, taking into account relationships among ideas, theory and concepts (Berg & Lune, 2012). Specifically, the case study method is an attempt to systematically investigate an event with the specific goal of describing and explaining the phenomena (Berg & Lune, 2012). Bogdan and Biklen (2003) defined a case study as a “detailed examination of one setting, or a single subject,

a single depository of documents, or one particular event” (p. 54). By gathering enough information, it allows the researcher to effectively understand how the subject operates. Scholars within the field agree that the case study approach allows for the examination of both simple and complex phenomena, with varying units of analysis (from single individuals to larger corporations) and has the potential of providing meaning and contributing to the application of theory (Creswell, 2007).

The case study method is not a novel way to gather data and analyze data. Rather, it is commonly used in the business, law and communication fields (Berg & Lune, 2012). Case studies are normally used for after-the-event studies, as is the case in this dissertation, thus providing in-depth information based on the type of information gathered (Berg & Lune, 2012). This has a direct impact on how the case study method informs theory as it provides a deeper understanding of an event, organization or phenomenon (Yin, 2003). The present case study falls under the category of a descriptive case study, with relevant factors identified.

There is also scientific benefit of the case study method, in that it allows for new insights and discoveries to come to the foreground. Objectivity when using the case study method requires the researcher to provide one’s interpretation during the analysis taking into account one’s subjectivity so it does not remain hidden (Berg & Lune, 2012). As such, the coding methods and schemes are visible so any future researcher can attempt to replicate the study for comparison as well. Regarding the issue of generalizability, the case study method allows for an understanding about similar groups or events, thus suggesting why certain groups are involved in a particular behavior (Berg & Lune, 2012).

Content analysis is a systematic examination and interpretation of specific texts to identify key patterns, strategies, tactics, themes, biases and meaning (Berg & Lune, 2012). This is commonly used within the field of communications, including written documents, photographs, videos and the like. The analysis involves a coding process of the content as data in order to answer the research questions within a specific study. As Bogdan & Bilken (2003) note, content analysis is a coding operation and allows for the researcher to interpret the data collected. Moreover, content analysis is a research technique that allows the researcher to make valid inferences from the texts and to bring meaning to those texts within a specific context (Krippendorff, 2004). The focus is on looking at patterns of the language used and the visual images in the communication exchange, as well as taking into account the social and cultural context within which the communication occurs (Berg & Lune, 2012). This requires identifying the how, where, and when the communication occurs.

Numerous studies, as noted in *The Routledge Handbook of Strategic Communication*, have found that message strategy is a valid conceptualization of communication behavior of organizations (Holtzhausen & Zerfass, 2015). The Process Model, as developed by Hazleton & Long (1988), is a useful tool and framework as it represents goals implemented by organizations but also allows scholars to assess the impact of a message on an audience, as well as identify the meaning the audience gives to that specific message. In this dissertation, individual beliefs, attitudes and intentions will not be evaluated and prediction of actual behavior will also not be provided.

### **3.2 Design of study**

This study will employ in-depth textual and visual content analysis of all news releases and television commercials produced by the “No On 37” campaign to answer the research questions identified above. The study’s main method for the textual analysis was message framing as evidenced by the Process Model as developed by Halzleton & Long. Meanwhile, for the visual content, the study applied Foss’s categories within a visual rhetorical framework as it was appropriate to identify what was included as well as what was excluded from the media messages about mandatory labeling of genetically modified organisms in this ground-breaking event.

### **3.3 Sample Selection**

There was a brief period of time from when Proposition 37 was added to the ballot and Election Day in 2012, approximately six months. Thus, there was not a plethora of press releases prepared by the “No On 37” campaign or Monsanto individually. Therefore, the sample consists of all of the retrievable news releases between February 1, 2012, and November 5, 2012, a total of 37 press releases during the specified time frame. Additionally, the “No On 37” campaign prepared 10 television and social media spots which the researcher was able to retrieve, and which were aired during the specified time frame. The videos ranged in time from 31 seconds to two minutes and 28 seconds in length, and were available on YouTube.com between September 18, 2012, and November 2, 2012.

The sample was, to some degree, purposive as it consisted of specific images, press releases, and TV spots, prepared by the “No On 37” campaign during the specified time period (see Appendix A for a complete list of the sample). Newspaper articles, brochures, websites and billboards were excluded from this study. The unit of analysis for this study included not only

the available news releases but also the visual images in the television commercials sponsored and prepared by the “No On 37” campaign. The written content was analyzed according to the Process Model as developed by Hazleton & Long, while the visual content was analyzed according to Foss’s framework.

It is relevant and appropriate to take a closer look at this 4-year-old campaign as it was the very first campaign that brought the issue of mandatory labeling of food products containing genetically modified organisms to the public. Moreover, proponents of Proposition 37 believed that voters of California would be supportive, and therefore would set the stage for other states to follow suit and require labeling. Public opinion polling supported these beliefs. Moreover, in July of 2015, the House of Representatives passed the Denying Americans the Right to Know (DARK) Act (H.R. 1599) by a vote of 275 in favor and 150 opposed. Essentially, the DARK Act would have the effect of preventing states from passing legislation that would mandate the labeling of foods containing genetically modified organisms. At the time this study was being conducted, the House of Representatives again passed the DARK Act, however the U.S. Senate rejected the passage of the DARK Act in March 2016.

### **3.4 Categorization Procedures and Data Analysis**

Foss’s tenets of visual content analysis were applied to assess the rhetorical perspective of the images contained in the television spots utilized by the “No On 37” campaign in order to effectively communicate with the voting public to defeat the passage of Proposition 37. In order for an image to qualify as visual rhetoric, it must satisfy three characteristics as noted by Foss (2005). This was not the focus of this dissertation, but it will suffice to note that the images contained within this dissertation’s sample meet these requirements – first, the images constitute



symbolic action to communicate, next, the images require human action in terms of creation or interpretation and lastly there is an audience presence. The goal of the researcher is to highlight the features of the visual images contained in the sample in an effort to build theory in a more deductive, image-based manner by uncovering key elements embedded within these images.

As noted in Chapter 1, Foss (2005) described the three aspects of visual images which are the focus on this dissertation – namely (1) the nature of the image, (2) the function of the image and (3) the evaluation of the image. These aspects will be incorporated in the review of the sample’s television spots. The categories selected were not arbitrary but rather are useful in order to examine the nature, function and evaluation of the images at issue herein.

First, the nature of the image refers to the specific features of the visual elements – both those presented as well as the suggested elements (Foss, 2005). The presented elements refer to the major physical features of the image, such as its shape, size and materials used. The suggested elements refer to the concepts, ideas and themes as identified by the scholar as what a viewer would likely infer upon viewing the selected images. The nature of the image is useful in assisting the scholar to infer the likely meaning the image has for the intended audience.

Next, the function of the image allows the scholar to uncover how the image actually functions for the viewer. Foss (2005) clearly distinguishes this from the purpose of the image. “Once an image is created, it stand independent of its creator’s intention” (Foss, 2005, p. 147). Thus, the function of the image refers to the action the image is communicating, such as feelings of fear, uncertainty or even anger.

Lastly, the evaluation of the image allows the scholar to formulate an assessment based on one’s analysis of the images, such as whether the images are consistent and parallel with a

particular code of ethics thus lending itself to being ethical or ethically problematic (Foss, 2005). In so doing, the scholar is able to distinguish between the images when making such an evaluation.

In order to provide a comprehensive understanding of the “No On 37” campaign and its strategic communication, it is critical to closely examine not only the visual images but also the written discourse. This multimodal approach is unique and useful in this context. Regarding the written discourse, the researcher selected the news release as it is the most common tactic used in the practice of public relations (Bivins, 1999). The press release is then sent to media outlets in hopes of having such information shared with the public, thus increasing the credibility of the information as well as of that corporation or organization. The Process Model has been utilized to assess news release message content in several studies (Werder, 2006). The seven strategies identified by Hazleton and Long (1988) in the Process Model will be analyzed and the specific written messages will be coded according to those identifiable strategies. Those strategies are the following: (1) informative, (2) persuasive, (3) coercive – threat/punishment, (4) coercive – promise/reward, (5) facilitative, (6) bargaining, and (7) cooperative problem solving. The strategies are manifested in the form of the message which is embedded within that particular news release. Furthermore, the six functions were then used to develop such strategies when communicating with the public. The overlap between the strategies and functions is obvious, the functions being the following: (1) informative, (2) persuasive, (3) coercive, (4) facilitative, (5) bargaining and (6) cooperative problem solving. These categories are more descriptive rather than being judgmental as the information is assessed in terms of its accuracy and transparency.

The length of each news release, video and television commercial will be coded. For the written texts, the number of paragraphs will be coded as well. The prominent strategies used within each press release will be coded as well, according to the Process Model. Additional components such as additional strategies will also be identified, as well as key words and phrases which illustrate the specific strategy and tactic being utilized in each of the press releases contained in this sample. Additionally, the source of the communication, such as the media outlet and the specific placement of the item, will be identified and coded when available. The researcher did not arbitrarily create such categories, but rather these categories were originally identified by Hazleton and therefore are appropriate and relevant to assess the news release message content and strategies (Holtzhausen & Zerfass, 2015). At times, a particular strategy is used more often than the others, or a specific situation warrants the use of one or more of the identified strategies.

To effectively evaluate the sample, it is necessary to transcribe the qualitative data gathered. At the start, images were grouped based on their identifiable commonalities and differences. Next, the images were identified according to the specific public relations strategy to which it correlates, including thematic categories. Image captions were also coded, and the nature, function and evaluation were also identified and recorded. Later, an Excel spreadsheet was prepared to capture each image to then respond to the research questions of this study. Unexpected themes, if any, will also be recorded in the spreadsheet, as well as allusions, dominant messages, overlooked messages and aesthetic qualities such as the color, text, captions, claims to truth and whether the message was ambiguous or contained/excluded complex elements.

Upon review of the available visual images within the public relations “No On 37” campaign, this researcher anticipates that the function of the sample images create feelings of fear, uncertainty and even anger among the intended audience. Moreover, the evaluation of the images will likely identify how the images are congruent with the function of the images. Regarding the textual content analysis, it is likely the prominent public relations strategies utilized in the press releases (as contained in this sample) are the informative, persuasive and coercive strategies in order to effectively persuade the voting public to defeat the passage of Proposition 37. However, it remains possible that during evaluation and analysis of the data, additional prominent strategies and components may emerge.

#### **4 CHAPTER FOUR: RESULTS**

This section addresses the three research questions that constitute this study. Based on both the visual and textual analysis of the press releases and television spots, this writer explains which public relations strategies were commonly used and how the visual images were presented to determine whether “No On 37” is an example of an ethically problematic campaign violating the TARES Test. Research Questions 1a and 1b discussed in this chapter (and in this order) include the specific public relations strategies as well as the visual rhetorical messages, and examples are included to provide further context. Research Question 2 discussed herein offers an analysis of the legal distinction between commercial and political (non-commercial) speech and its impact on public relations campaigns such as the “No On 37” campaign.

The Five Principles for Ethical Persuasion, also known as the TARES Test, serves as the tool to determine whether a corporate advocacy campaign is ethical or ethically problematic. As

noted above in Chapter 1, this is the standard test used to evaluate persuasive communication. The five principles and duties of the TARES Test include the following: (1) the truthfulness of the message; (2) the authenticity of the persuader; (3) respect for the receiver of the message; (4) equity of the appeal; and (5) social responsibility which strives for the common good as the end result (Baker & Martinson, 2001).

Currently, the TARES Test does not address the inequalities of resources and the discrepancies within the power relationships in similar strategic communication campaigns. Moreover, when assessing the truthfulness of the message, it would be beneficial to take into account the transparency of the information provided in the strategic communication campaigns by the corporate speakers. An illustration is how the “No On 37” campaign provided facts to the audience in its promotional campaigns, but those facts were not from an independent unbiased third party. Rather, those were the facts prepared by the opponents of Proposition 37 who created the public relations campaign. Additionally, when the scientific studies the “No On 37” campaign relied upon are not disclosed to the audience, that reflects a lack of transparency as well, which communicates a lack of truthfulness of the message presented. This dissertation seeks to remedy these shortcomings and propose that additional factors be included in the TARES Test thus creating a more comprehensive tool for scholars to use when making such assessments and conducting research in this field.

In responding to this dissertation’s research questions, Hazleton and Long’s seven public relations strategies, as outlined in the Process Model, also serve as a useful tool to provide public relations professionals and advocates with an in-depth understanding of which strategies are most useful and how they can be improperly utilized to create an ethically problematic

campaign. The function of a message reveals how an organization communicates with the target audience. Hazleton and Long (1988) identified the following seven strategies, as discussed in detail in Chapter 1: (1) informative; (2) facilitative; (3) persuasive; (4) coercive – threat/punishment; (5) coercive - promise/reward; (6) cooperative problem solving; and (7) bargaining. In utilizing these strategies, the corporate speaker has the power to interact within an environment that is not only audience-specific but also issue-specific, thus increasing its effectiveness in persuading the audience to believe that particular corporate message.

#### **4.1 RQ1: How is the “No On 37” campaign, an example of an ethically problematic campaign pursuant to the elements set forth in the TARES Test?**

The “No On 37” campaign consisted of a multi-media campaign blitz, including television spots, as well as traditional press releases. Upon review of the accessible news releases and television spots aired by the “No On 37” campaign in the study’s sample, each of the TARES Test elements were violated. The first element of the TARES Test refers to the truthfulness of the message. The source of several studies relied upon by the “No On 37” campaign was not disclosed to the audience in both the television spots and the press releases, but instead generalities were utilized.

Moreover, the authenticity of the persuader (sender of the message) was also compromised, foremost because the identity of the sender was not clearly discernable by the audience. The voters did not know who was behind the message. Third, the campaign did not respect the autonomy of the audience (hence, failed to respect the audience). The audience was not given the autonomy to make an informed decision since it was not presented with truthful facts.

The fourth element refers to equity, but there was a vast discrepancy in the financial resources available to the “No On 37” and the “Yes On 37” campaigns, the latter being supported by non-profit and grassroots organizations and had minimal available funds. The lack of financial resources compromised the ability of the “Yes On 37” campaign to provide a response to the alleged mis-information being promoted and communicated by the “No On 37” campaign. The “Yes On 37” campaign had approximately \$8 million for the entire campaign while the 2-week public relations blitz prepared by the “No On 37” campaign totaled over \$44 million.

Lastly, the “No On 37” campaign did not exhibit a concern for social responsibility but rather the sole objective was financial gain. This principle should incorporate not only social responsibility but also an ecological responsibility as well. As such, an additional “S” should be added to the existing TARES Test taking into account this additional criteria, thus making it the “TARESS” Test. The additional criteria should be applicable to all issues, not only environmental issues such as climate change or mandatory labeling of genetically modified organisms. It is not the contention of this researcher that a corporation should not be concerned about financial gains, but the end result of the “No On 37” campaign was a distortion of how the voting public understood an important issue which had a direct effect on how that audience voted on Election Day. This was evidenced by the follow-up study conducted by the Center for Food Safety shortly after the election, and 21% of voters who opposed Proposition 37 did in fact support mandatory labeling of genetically modified organisms.

Based on the foregoing, the “No On 37” is an ethically problematic campaign. Furthermore, as the sponsors of the “No On 37” included front groups comprised of corporations

as well as individual corporations, all of which have an endless supply of financial and political resources, additional factors should be added to the TARES Test when a corporation is involved in advocacy public relations campaigns. This will be discussed in detail in the following chapter.

#### **4.2 RQ1.a: What public relations strategies were identified in the “No On 37” campaign?**

Hazleton & Long (1988) identified seven key public relations strategies when examining news releases in their Process Model. The seven strategies are the following: (1) informative, (2) persuasive, (3) bargaining, (4) facilitative, (5) cooperative problem solving, (6) coercive – threat/punishment, and (7) coercive – promise/reward. In applying the Process Model, the researcher discovered that a vast majority of the press releases in the sample for the “No On 37” campaign used a combination of three strategies. The “No On 37” campaign incorporated the informative strategy the most often, in 34 of the 37 press releases. Next, the persuasive strategy was employed in 28 of the 37 press releases. Lastly, the coercive strategy, specifically the threat and punishment, was identified in 11 of the 37 press releases contained in the sample.

Of interest, none of the other strategies are noted in any of the sample’s press releases – facilitative, promise and reward (coercive), bargaining and cooperative problem-solving. Table 1 below reflects the frequency and combination of the strategies used in each press release. Table 2 then reflects key words and phrases from each press release that specifically relate to the particular strategy being used as well as whether those statements are more “truthful” or are “false.”



#### **4.3 RQ1.b: What visual rhetorical messages were identified in the “No On 37” campaign?**

Overall, the ten television spots produced by the “No On 37” campaign contained similar messages which were consistently reinforced. The most prominent messages include the following, and are reflected in detail in Table 3 below: the safety of GMOs; the extensive flaws within Proposition 37 including the loopholes and exemptions which “do not make sense;” how Proposition 37 would be costly to consumers increasing food costs up to \$500 per year for all families; and how Proposition 37 was written by trial lawyers for their own benefit and at the expense of small businesses and local California farmers. Furthermore, the emotions conjured by these images are those of fear, uncertainty and in some instances anger, despair, and frustration.

#### **4.4 RQ2: How does the distinction between commercial and political (non-commercial) speech impact public relations campaigns?**

There is clearly a difference in how the legal system and the field of communication classify and identify public relations campaigns. Needless to say, there are obvious challenges in creating a bright line test to distinguish between commercial and non-commercial (also known as political speech). It is not enough to distinguish between “truthful” speech on the one hand and “false and misleading” speech on the other hand. As noted above in Chapter 2, all speech components of commercial transactions, where the speech and conduct are normally interconnected, can be protected so long as the government retains its power to regulate the commercial conduct if it can show it has a substantial interest.

Moreover, commercial speech can be classified as such when there is a general public interest and such advertising has contributed to enlighten the audience. This, in turn, fosters democracy as the public is aided in making important decisions, such as voting for proposed legislation. Recent legal analysis has also upheld the ruling of the *Bolger* court (463 U.S. 60, 1983), which held that just because the advertising and public relations campaign at issue links a product to a current public debate, does not automatically grant such speech greater protection under the umbrella of political speech.

It is appropriate to point out that it becomes extremely challenging for a corporation to engage in solely political speech, such speech required to be void of any link or nexus to commercial speech. This is difficult since the speech is intrinsically tied to the corporation's goods and services which are promoted on a regular, if not, daily basis. For example, the audience is primed to think of running shoes and athletic gear when exposed to the name Nike. The same holds true with the name Monsanto which has become synonymous with genetically engineered crops, genetically modified organisms and herbicides such as Roundup Ready. In turn, the corporate speaker will be judged based on its products and services, and the benefit, or harm, it produces. The researcher does not want to foreclose the possibility that corporations, recognized as an artificial person under the law, cannot ever engage in political speech, but rather the researcher would like to illustrate the challenges and hurdles which must be initially overcome.

In analyzing this study's sample, this researcher classified each press release and each television spot as (a) commercial speech, (b) non-commercial speech or (c) a mix of both commercial and non-commercial speech. The sample contains 37 press releases, of which 30

were classified by the researcher as commercial speech following the California Supreme Court ruling in *Nike, Inc. et al v. Katsky* (2002) which examines the commercial speaker, the intended audience and the content of the message. There was one press release which potentially could be classified as purely non-commercial speech. The remaining six press releases were mostly commercial but contained minimal elements of political speech. These press releases contained political elements as the focus was predominately on the problems associated with Proposition 65. Similarities were consistently drawn between Proposition 65 and Proposition 37, as it relates to shakedown lawsuits, written for the benefit of trial lawyers at the expense of citizens, local farmers and the agriculture industry. The commercial aspect is tied to the specific crops which are genetically engineered, and how Proposition 37 will increase grocery expenses for families, as well as the burden it would place on corporations to relabel and repackage the food products to comply with the measure, if passed. However, taken in the totality of the press release, they should be characterized as commercial speech nonetheless. Table 4 below identifies specific language within each press release that relates to the classifications as noted above.

As such, the 37 press releases put forth by the “No On 37” campaign should be classified as commercial speech in the totality of the public relations campaign to defeat the passage of Proposition 37. Similarly, the ten television spots included in this dissertation’s sample should also be classified as commercial speech as the message is directly tied to the products and services provided by Monsanto and GMA member corporations. However, this study did not conduct an analysis and examination of the television spots in terms of the commercial speech component.

**TABLE 1**

<b>Headline</b>	<b>Para. Length</b>	<b>Date posted</b>	<b>Tone</b>	<b>No. of quotes</b>	<b>Quote source</b>	<b>Subject</b>	<b>Multi media</b>	<b>Primary Strategy</b>
Nov. 2012 ballot measure to label genetically modified foods: “unmodified, unmitigated and unadulterated turkey”	6	Tues., Feb. 21, 2012	Favors No On 37	4	External	Improper labeling & litigation	Yes	Inform & Coercive
Family farmers, food companies, small businesses, grocers and others form coalition to oppose deceptive and flawed labeling proposition	18	Thurs. April 26, 2012	Favors No On 37	3	Internal & External	Flawed Prop 37, Safety of GMOs & cost	Yes	Inform, Coercive & Persuade
Food labeling proposition: “Right to know” or right to sue??	10	Mon., May 14, 2012	Favors No On 37	5	External	Trial attorney wrote Prop 37	Yes	Inform
In case you missed it: NPR “California’s genetically engineered food label may confuse more than	6	Mon., May 14, 2012	Favors No On 37	2	External	Badly written Prop 37 confuses public	Yes	Persuade

inform”								
Farmers, food producers, small businesses, grocers, taxpayer advocates and community groups gear up to defeat deceptive and costly food labeling proposition now on the CA November 2012 statewide ballot	14	Mon., June 11, 2012	Favors No On 37	6	Internal & External	Call on public to join the growing No On 37 campaign to defeat Prop 37	Yes	Inform, Persuade & Coercive
Scientific and academic community responds to qualification of ballot measure mandating labeling of genetically engineered foods	5	Wed., June 13, 2012	Favors No On 37	4	External	Science & academia agree to support No On 37	Yes	Inform & Persuade
American Medical Association takes official position that “there is no scientific justification for special labeling of bioengineered	10	Wed., June 20, 2012	Favors No On 37	2	External	Science finds GMOs are safe so no need to label	Yes	Inform & Persuade

foods”								
Groups reiterate opposition to deceptive and costly food labeling scheme	8	Thurs. July 12, 2012	Favors No On 37	5	External	Prop 37 is costly & flawed	Yes	Inform & Persuade
In case you missed it: Prop 37 means “bumper crop of litigation” say defense lawyers	30	Wed. August 1 2012	Favors No On 37	10	External	Benefit to trial attorney if Prop 37 passes	Yes	Coercive Inform & Persuade
State attorney general and legislative analyst agree: Prop 37 could restrict any processed food from being marketed as “natural” even if it has no genetically engineered ingredients	14	Tues., August 7, 2012	Favors No on 37	5	External	Injury to public	Yes	Coercive & Persuade
In case you missed it Victorville Daily Press recommends No On 37	18	Wed., August 8, 2012	Favors No On 37	6	External	Few support Prop 37 so join No On 37	Yes	Persuade & Inform
Court rejects Yes on 37 lawsuit, agrees proposition 37 could restrict non-GE	9	Fri., August 10, 2012	Favors No On 37	2	External	Yes trying to correct flaws but not accepted by court	Yes	Inform

processed foods from being marketed as “natural”						so flaws remain		
In case you missed it Oakland Tribune, Contra Times editorials recommend No On 37	18	Thurs. August 16, 2012	Favors No On 37	5	External	Follow media elite to reject Prop 37	Yes	Inform & Persuade
Yes on 37 internet fundraising ad based on fear, not fact	7	Mon., August 27, 2012	Favors No On 37	3	External & Internal	Ignore science & more fear	Yes	Inform & Persuade
New economic study: Prop 37 would increase grocery bills for typical California family by hundreds of dollars per year	14	Wed. August 29, 2012	Favors No On 37	3	External & Internal	Prop 37 will cost CA family more money in grocery bills	Yes	Inform, Coercive & Persuade
In case you missed it: San Jose Mercury News calls Yes On 37 ad “misleading”	8	Tues., Sept. 4, 2012	Favor No On 37	1	External	Prop 37 is flawed: deceptive unsafe, encourages litigation & increase in food costs	Yes	Inform & Persuade
UC Davis Professors of	16	Thurs. Sept. 6,	Favor No On	4	External	Costs &	Yes	Inform, Coercive

Agricultural economics release new report that shows Proposition 37 will increase costs for California farmers & food processors by \$1.2 billion		2012	37			Competition		& Persuade
New Yes on 37 radio ads highlight food exempt from Prop 37's labeling mandates	7	Thurs. Sept. 13, 2012	Favor No on 37	3	External & Internal	Absurd exemptions	Yes	Inform & Persuade
In case you missed it: Ventura County Star says No On Prop 37 "Food labeling law leaves a bad taste"	14	Fri., Sept. 14, 2012	Favor No On 37	4	External	Several problem with Prop 37	Yes	Inform & Persuade
In case you missed it: Sacramento Bee and Bakersfield California recommend No On 37	30	Mon., Sept. 17, 2012	Favor No On 37	7	External	Various reasons to vote No On 37	Yes	Inform & Persuade
No On 37 launches statewide radio ads	12	Mon., Sept. 17, 2012	Favor No On 37	3	External & Internal	Right to sue not right to know	Yes	Inform
No On 37 launches	3	Tues., Sept.	Favor No On	None	NA	New video	Yes	Inform



online video ads		18, 2012	37			ads launch		
No on 37 response to rat study released today	6	Wed. Sept. 19, 2012	Favor No on 37	4	External & Internal	Critique of Yes on 37	Yes	Inform
French rat study author made reporters sign confidentiality agreements prohibiting them from consulting independent scientific experts	7	Fri., Sept. 21, 2012	Favor No on 37	4	External & Internal	Critique of sources used by Yes on 37	Yes	Inform & Persuade
In case you missed it San Francisco Chronicle and Fresno Bee recommend No On 37	30	Fri., Sept. 21, 2012	Favor No On 37	7	External	Flaws in Prop 37 pushing media outlets to support No On 37	Yes	Inform & Persuade
Tight-knit group of trial lawyers backing Proposition 37 made millions suing businesses under prior ballot measure they helped write	12	Mon., Sept. 24, 2012	Favor No On 37	2	External	Prop 37 written by trial lawyers to benefit them & hurt CA public	Yes	Coercive, Inform & Persuade
Three more newspapers oppose Prop 37: Merced Sun-Star,	45	Thurs. Sept. 27, 2012	Favor No On 37	5	External	Media which is "liberal" still not in favor	Yes	Persuade

Modesto Bee and Redding Record Searchlight						of Prop 37		
In case you missed it nine more newspapers oppose Prop 37: Riverside Press-Enterprise, U-T San Diego, Orange County Register, LA Daily News, Long Beach Press-Telegram, Torrance Daily Breeze, Pasadena Star-News, Whittier Daily News and San Gabriel Valley Tribune	14	Mon., Oct. 1, 2012	Favor No On 37	9	External	List of media not support for Prop 37 grown	Yes	Inform & Persuade
In case you missed it: Los Angeles Times, Santa Rosa Press Democrat, San Bernardino Sun, Inland Valley Daily Bulletin and Victorville Daily Press urge No on Prop 37	8	Thurs., Oct. 4, 2012	Favor No On 37	7	External	More media urging public to join No On 37 due to its many flaws	Yes	Inform, Coercive and Persuade

In case you missed it San Jose Mercury News and Santa Cruz Sentinel urge No on Prop 37	5	Mon., Oct. 8, 2012	Favor No On 37	8	External	Prop 37 is bad law, higher food prices for public	Yes	Inform, Persuade & Coercive
In case you missed it: La Opinion – CA’s largest Spanish language daily newspaper urges No On 37	4	Thurs. Oct. 11, 2012	Favor No On 37	2	External	Poorly drafted Prop 37	Yes	Inform
In case you missed it: LA Times columnist Michael Hiltzik says of Yes on 37: “Manifestly shoddy research is being used to promote Proposition 37”	3	Mon., Oct. 15, 2012	Favor No On 37	2	External	Bad science relied on by Yes On 37 to cover up its flaws and exemptions	Yes	Persuade & Inform
Prop 37 will trigger flood of lawsuits, law firms warn grocer, food company and AG clients	13	Mon., Oct. 22, 2012	Favor No On 37	5	External	Severe impact on grocers if Prop 37 passes from lawsuits	Yes	Inform & Persuade
In case you missed it U-T San Diego	8	Wed. Oct. 24, 2012	Favor No On 37	11	External	Fear of lawsuits & bad	Yes	Inform & Persuade

writes second No On 37 editorial, calls it a “Scam” because of enforcement provisions allowing shakedown lawsuits						for farmers and the public, no reliable science, GMOs are safe		
In case you missed it most respected U.S. scientific organization and publisher of Science magazine says mandated labels for GE foods “can only serve to mislead and falsely alarm consumers”	13	Thurs. Oct. 25, 2012	Favor No On 37	4	External	Safety of GE foods, No need for labeling based on scientific evidence	Yes	Inform & Persuade
In case you missed it: Stretching the truth? Misrepresenting the truth? Or was Yes on 37 just flat out lying?	5	Friday, Nov. 2, 2012	Favor No On 37	1	External	Don’t be fooled by Yes On 37	Yes	Inform & Persuade
In case you missed it: Associated Press story stretching the truth? Misrepresenting the truth? Or was Yes On 37 just flat	42	Sat. Nov. 3, 2012	Favors No On 37	12	External	Lack of truth & Lies, safety of GMOs	Yes	Persuade

out lying?								
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TABLE 2

Headline of Press Release	Key Words & Phrases	Strategies Used	Is the statement true, false or problematic?
Nov. 2012 ballot measure to label genetically modified foods: “unmodified, unmitigated and unadulterated turkey”	<p>“Sacramento Bee Senior Editor and political columnist Dan Morain reviewed a possible November ballot measure requiring labeling of some genetically modified foods.”</p> <p>“The measure contains a provision permitted consumer suits if a product is improperly labeled. That would open farmers and food producers to litigation.”</p>	<p>Informative</p> <p>Coercive</p>	<p>True</p> <p>Ethically problematic</p>
Family farmers, food companies, small businesses, grocers and others form coalition to oppose deceptive and flawed labeling proposition	<p>“We urge voters to look beyond the proponents’ rhetoric and get the facts.”</p> <p>“...cost the average family hundred of dollars in higher food costs because of these special requirements”</p> <p>“As a mother and consumer, I am concerned that this initiative will have severe consequences.”</p> <p>“...overwhelming majority of scientists and medical experts have concluded that genetically engineered food products are safe.”</p>	<p>Informative</p> <p>Coercive</p> <p>Persuasive</p>	<p>Ethically problematic</p> <p>Ethically problematic</p> <p>Ethically problematic</p>
Food labeling proposition: “Right to know” or right to sue??	“The proposed food labeling proposition aimed for California’s November 2012 ballot was written by attorney Jim Wheaton – a trial lawyer who helped write Prop 65 and whose	Informative	Ethically problematic

	<p>law firm has profited more than \$3 million from suing California businesses in the last decade under the provisions of this proposition.”</p> <p>“...Proposition 65 has been abused by certain plaintiffs’ lawyers seeking to shake down small business owners into paying huge settlements that benefit only the lawyers.”</p>	Informative	Ethically problematic
In case you missed it: NPR “California’s genetically engineered food label may confuse more than inform”	<p>“...create a complex mandate for food companies that may make it harder – not easier – for consumers to figure out what’s really in their food.”</p> <p>“...not going to offer any additional safety to people...no real evidence this stuff is unsafe.”</p>	Persuasive  Persuasive	Ethically problematic  Ethically problematic
Farmers, food producers, small businesses, grocers, taxpayer advocates and community groups gear up to defeat deceptive and costly food labeling proposition now on the CA November 2012 statewide ballot	<p>“The ballot proposition inexplicably gives special exemptions for about two-thirds of the foods people eat every day, even foods which can contain GE ingredients.”</p> <p>“More than 300 studies have been done on GE foods which have been deemed safe by respected food scientists and regulators worldwide.”</p> <p>“At a time when California’s economy is struggling to create jobs, the last thing we need is more shakedown lawsuits that hurt small businesses.”</p> <p>“...deceptive...costly...loopholes...lawsuits, flaws and consumer and taxpayer costs associated with this poorly written measure.”</p>	Informative  Informative  Coercive  Persuasive	Ethically problematic  Ethically problematic  Ethically problematic
Scientific and academic	“Leading scientists and academics today issued a statement in response to	Informative	Ethically problematic

<p>community responds to qualification of ballot measure mandating labeling of genetically engineered foods</p>	<p>the qualification of a measure on California’s November ballot that would require mandatory labeling...”</p> <p>“...overwhelming majority of scientific and medical experts and the U.S. Food and Drug Administration...foods made with the benefit of modern technology are safe...”</p>	<p>Persuasive</p>	<p>Ethically problematic</p>
<p>American Medical Association takes official position that “there is no scientific justification for special labeling of bioengineered foods”</p>	<p>“The AMA’s rejection of mandatory labeling is consistent with the overwhelming majority of respected medical doctors, scientists and health experts that have concluded that foods made with the benefits of modern technology are safe, and that labeling these foods is unnecessary.”</p> <p>“...more than 300 independent medical studies on the health and safety of foods...all come to the conclusion that foods made using GE ingredients are safe, and are not materially different than other foods.”</p> <p>“...these labels will only serve to confuse and mislead consumers into thinking these food products are unsafe, which isn’t true.”</p>	<p>Informative</p> <p>Persuasive</p> <p>Persuasive</p>	<p>Ethically problematic</p> <p>Ethically problematic</p> <p>Ethically problematic</p>
<p>Groups reiterate opposition to deceptive and costly food labeling scheme</p>	<p>“Prop 37 isn’t a simple measure, as promoters claim... bans the sale of tens of thousands of perfectly safe, common grocery products only in California unless they are specially repackaged, relabeled or made with higher cost ingredients.”</p> <p>“Mandatory labeling can only be scientifically justified when based on the characteristics of the food product</p>	<p>Informative</p> <p>Persuasive</p>	<p>Ethically problematic</p> <p>Ethically problematic</p>



	<p>not on the processes used in their development... routinely been found to be safe...it is easy to sell fear and doubt.”</p> <p>“...deceptive, poorly written... arbitrary exemptions, self-serving provisions authorizing new frivolous lawsuits...increase grocery costs and taxpayer costs...”</p>	Persuasive	Ethically problematic
In case you missed it: Prop 37 means “bumper crop of litigation” say defense lawyers	<p>“Prop 37 will result in a ‘bumper crop of litigation.’” Legal critics say compliance would be a far more complex task.”</p> <p>“...a potential record-keeping nightmare... many retailers will feel pressured to settle claims when threatened with litigation.”</p> <p>“...perfectly safe, common grocery products only in California...Prop 37 is deceptive, deeply flawed...would add more government bureaucracy and taxpayer costs, create new frivolous lawsuits and increase food costs by billions.”</p>	<p>Informative</p> <p>Coercive</p> <p>Persuasive</p>	<p>Ethically problematic</p> <p>Ethically problematic</p> <p>Ethically problematic</p>
State attorney general and legislative analyst agree: Prop 37 could restrict any processed food from being marketed as “natural” even if it has no genetically engineered ingredients	<p>“Especially since farmers in other states and other countries wouldn’t be bound to these similar regulations.”</p> <p>“...far-reaching and nonsensical provision would seriously hurt California family farmers and their competitiveness.”</p>	<p>Coercive</p> <p>Persuasive</p>	<p>Ethically problematic</p> <p>Ethically problematic</p>
In case you missed it Victorville Daily Press recommends	<p>“Proposition 37 is anti-business, anti-agriculture, pro-union and pro-trial lawyer, which makes it a perfect</p>	Persuasive	Ethically problematic

No On 37	<p>vehicle for liberals to extend their already iron control over California.”</p> <p>“...urged voters to reject Proposition 37...it will be a gold mine for litigation lawyers... only in California.”</p> <p>“It requires labeling of genetically engineered foods which are plant or animal products whose DNA has been altered by genes from other plants, animals viruses or bacteria. What’s wrong with that?”</p> <p>“It would ban the sale of tens of thousands of perfectly safe, common grocery products in California unless they are specially repackaged, relabeled or made with higher cost ingredients.”</p>	<p>Persuasive</p> <p>Informative</p> <p>Informative</p>	<p>Ethically problematic</p> <p>Ethically problematic</p> <p>Ethically problematic</p>
Court rejects Yes on 37 lawsuit, agrees proposition 37 could restrict non-GE processed foods from being marketed as “natural”	“It means the State Attorney General, independent Legislative Analyst and now the courts all disagree with Yes On 37’s interpretation of the measure.... There is a possibility that these restrictions would be interpreted by the courts to apply to some processed foods regardless of whether they are genetically engineered.”	Informative	Ethically problematic
In case you missed it Oakland Tribune, Contra Times editorials recommend No On 37	<p>“We think voters should send it back to its creators.”</p> <p>“This is not some sort of weird science stuff. It is common... a minimum of 40 percent of the food sold in California grocery stores has some genetically modified ingredients.”</p> <p>“...Prop 37 carries onerous aspects that make it unworkable.... Creates a cottage industry for rainmaker lawyers worthy of a John Grisham novel.”</p>	<p>Informative</p> <p>Informative</p> <p>Persuasive</p>	<p>Ethically Problematic</p> <p>Ethically problematic</p> <p>Ethically problematic</p>

Yes on 37 internet fundraising ad based on fear, not fact	<p>“The ad, clearly a publicity stunt, ignores the overwhelming scientific evidence that genetically engineered food is safe and seems to have one goal: to scare consumers about GE food... an attempt to garner attention to avoid the real and significant flaws with their measure.”</p> <p>“Unable to win a debate on the merit of their poorly-written and deceptive measure, campaign engages in more fear-mongering.”</p>	Informative	Ethically problematic
New economic study: Prop 37 would increase grocery bills for typical California family by hundreds of dollars per year	<p>“A new economic study released today finds that by requiring food producers to relabel, repackage or remake thousands of common grocery products with higher priced ingredients, Prop 37 would increase the cost of food sold by as much as \$5.2 billion per year.”</p> <p>“Study finds Prop 37 would increase the cost of food sold in California by up to \$5.2 billion annually.”</p> <p>“It’s a hidden food tax and it comes at the worst possible time to add more financial burden on consumers and food producers, when we already face an economic downturn and a severe drought.”</p>	Informative  Coercive  Persuasive	Ethically problematic  Ethically problematic  Ethically problematic
In case you missed it: San Jose Mercury News calls Yes On 37 ad “misleading”	<p>“No peer reviewed scientific studies have found such foods to be harmful.”</p> <p>“...the ad raises the questionable fear that genetically engineered foods are dangerous as unsafe chemicals... fear-mongering tactics to scare and confuse consumers while ignoring the overwhelming scientific evidence...”</p>	Informative  Persuasive	Ethically problematic  Ethically problematic
UC Davis Professors	“Adversely affect the environment...”	Informative	Ethically

<p>of Agricultural economics release new report that shows Proposition 37 will increase costs for California farmers &amp; food processors by \$1.2 billion</p>	<p>hamper progress and innovations in developing crops that are resistant to disease, pests, frost and drought.”</p> <p>“This new 48-page report from researchers at one of the world’s top agricultural universities conclusively reveals that Proposition 37 threatens California’s economy and ability to compete with other states, and would impose costs directly on shoppers, farmers, manufacturers, seed companies, grocers and workers.”</p> <p>“Imposes higher costs on farmers... results in higher price tags on many of the foods Californians eat... place an increased burden of higher grocery costs on consumers, especially the poor...”</p> <p>“If passed Proposition 37 would imply that necessarily ill-informed popular opinion should dominate accepted scientific consensus in determining government-set mandates on food.”</p>	<p>Informative</p> <p>Coercive</p> <p>Persuasive</p>	<p>problematic</p> <p>Ethically problematic</p> <p>Ethically problematic</p> <p>Ethically problematic</p>
<p>New Yes on 37 radio ads highlight food exempt from Prop 37’s labeling mandates</p>	<p>“The ads highlight foods that are exempt from Prop 37’s labeling requirements... an online video ad with chefs who said they supported Prop 37.... They are seen cooking food in a restaurant yet restaurant food is exempt from Prop 37.”</p> <p>“Bizarre... full of absurd special interest exemptions that make absolutely no sense... absurd exemptions”</p>	<p>Informative</p> <p>Persuasive</p>	<p>Ethically problematic</p> <p>Ethically problematic</p>
<p>In case you missed it: Ventura County Star says No On Prop 37 “Food labeling law leaves a bad taste”</p>	<p>“Such a law would create mistrust and confusion about the foods that Californians eat.” The U.S. FDA is responsible for making sure that foods are safe and properly labeled. It would make fare more sense for that</p>	<p>Informative</p>	<p>Ethically problematic</p>

	<p>agency... to deal with the issue.”</p> <p>“...such a complicated, technical subject... The overwhelming majority of daily newspapers that have taken a position on Prop thus far are recommending “NO” votes.”</p>	Persuasive	Ethically problematic
In case you missed it: Sacramento Bee and Bakersfield California recommend No On 37	<p>“Prop 37 would prohibit food companies from marketing thousands of foods as “natural” even if they do not contain any genetically engineering ingredients.”</p> <p>“Consumers want more information, not less. Opponents of genetically engineered foods are taking advantage of that desire as they promote Prop 37, an ill-conceived initiative...”</p> <p>“It is an overreach, is ambiguous, and would open the way for countless lawsuits against retailers.”</p>	<p>Informative</p> <p>Persuasive</p> <p>Persuasive</p>	<p>Ethically problematic</p> <p>Ethically problematic</p> <p>Ethically problematic</p>
No On 37 launches statewide radio ads	“...written by trial lawyers to benefit trial lawyers... it is not a simple measure... it is a deceptive special interest measure that will have far reaching negative consequences... Prop 37 is about the right to sue.”	Informative	Ethically problematic
No on 37 launches online video ads	“The No on 37 campaign launched three online video ads... underscore the nonsensical and confusing exemptions.... And bureaucratic nightmare that will fall to grocery retailers who must take on extensive new record keeping requirements.”	Informative	Ethically problematic
No on 37 response to rat study released today	“...response to the questionable study released today alleging rat tumors from eating GE corn. This study appears to be questionable at best... being used to promote deeply-flawed Prop 37. The fact is the overwhelming majority of respected scientific and medical groups have deemed GE foods safe.”	Informative	Ethically problematic

<p>French rat study author made reporters sign confidentiality agreements prohibiting them from consulting independent scientific experts</p>	<p>“I have to place it in a big bin of suspect studies done by people out to prove something rather than investigate something.”</p> <p>“...prohibiting journalists from validating the report’s findings with independent scientists.”</p> <p>“Attempted manipulation of media prove that authors were concerned study would wither under scrutiny. Yes on 37 partnered with discredited authors in attempt to push flawed study as a means of pushing flawed ballot initiative.”</p>	<p>Informative</p> <p>Informative</p> <p>Persuasive</p>	<p>Ethically problematic</p> <p>Ethically problematic</p> <p>Ethically problematic</p>
<p>In case you missed it San Francisco Chronicle and Fresno Bee recommend No On 37</p>	<p>“Consumers want to know what is in their food, however this measure isn’t the proper vehicle.”</p> <p>“We don’t oppose labeling of genetically modified food. But the federal government or the food industry should develop standards, not individual states.”</p> <p>“Monsanto Co., which supports labeling in Europe, is the largest single donor to the opposition campaign... the flawed measure would set back the cause of labeling.”</p> <p>“Overwhelming majority of daily newspapers urged No on Prop 37... fraught with vague and problematic provisions... ill-conceived... an overreach, and would encourage countless lawsuits.”</p>	<p>Informative</p> <p>Informative</p> <p>Informative</p> <p>Persuasive</p>	<p>Ethically problematic</p> <p>Ethically problematic</p> <p>Ethically problematic</p> <p>Ethically problematic</p>
<p>Tight-knit group of trial lawyers backing Proposition 37 made</p>	<p>“An interconnected web of trial attorneys with a history of working together to champion and sue under a</p>	<p>Informative</p>	<p>Ethically problematic</p>

<p>millions suing businesses under prior ballot measure they helped write</p>	<p>ballot measure that has made them millions from shakedown lawsuits is at the heart of the campaign for California’s Proposition 37, according to public records.”</p> <p>“Notorious trial attorney contributed \$25,000 to the Yes on 37 campaign... other attorneys in those settlements raked in more than \$10 million.”</p> <p>“Prop 37 is really about giving lawyers new rights to sue farmers, grocers and food companies.”</p> <p>“What we have is a well-connected pool of trial attorneys who have a long track record of lining their pockets from California ballot measures.... Notorious trial attorney.”</p>	<p>Coercive</p> <p>Persuasive</p> <p>Persuasive</p>	<p>Ethically problematic</p> <p>Ethically problematic</p> <p>Ethically problematic</p>
<p>Three more newspapers oppose Prop 37: Merced Sun-Star, Modesto Bee and Redding Record Searchlight</p>	<p>“...classic example of an initiative that shouldn’t be on the ballot... it is an overreach, is ambiguous... creates a fertile new field of litigation... cause far more problems than it solves.”</p>	<p>Persuasive</p>	<p>Ethically problematic</p>
<p>In case you missed it nine more newspapers oppose Prop 37: Riverside Press-Enterprise, U-T San Diego, Orange County Register, LA Daily News, Long Beach Press-Telegram, Torrence Daily Breeze, Pasadena Star-News, Whittier Daily News and San Gabriel Valley Tribune</p>	<p>“More information is good but not when it comes with a heavy legal burden on small business.”</p> <p>“Prop 37 counts on a superficially appealing premise to distract voters from the practical quagmire beneath it.”</p> <p>“Voters should be concerned that Prop 37 would likely spawn waves of lawsuits...”</p> <p>“Once you get past the pleasing outside surface of this proposition, (more information is good, right?), it</p>	<p>Informative</p> <p>Persuasive</p> <p>Persuasive</p> <p>Persuasive</p>	<p>Ethically problematic</p> <p>Ethically problematic</p> <p>Ethically problematic</p> <p>Ethically problematic</p>

	reveals a rotten interior that pits the organic food industry against the non-organic food industry.”		
In case you missed it: Los Angeles Times, Santa Rosa Press Democrat, San Bernardino Sun, Inland Valley Daily Bulletin and Victorville Daily Press urge No on Prop 37	<p>“33 daily newspapers oppose Prop 37.” “Prop 37 creates more problems than solutions.”</p> <p>“...make it hard for mom and pop groceries to stay in business... what it will really do is raise the price of food.”</p> <p>“...sloppily written... families can’t afford it and the science simply doesn’t warrant it.” “Its intent seems to be to scare people, pure and simple.”</p>	<p>Informative</p> <p>Coercive</p> <p>Persuasive</p>	<p>Ethically problematic</p> <p>Ethically problematic</p> <p>Ethically problematic</p>
In case you missed it San Jose Mercury News and Santa Cruz Sentinel urge No on Prop 37	<p>“There are real problems with this particular law...”</p> <p>“Add to food costs... and who would this benefit? Lawyers.”</p> <p>‘A badly drafted law with good intentions is still a bad law.’</p>	<p>Informative</p> <p>Coercive</p> <p>Persuasive</p>	<p>Ethically problematic</p> <p>Ethically problematic</p> <p>Ethically problematic</p>
In case you missed it: La Opinion – CA’s largest Spanish language daily newspaper urges No On 37	“...urging its readers to vote NO on Proposition 37... so poorly drafted that it deserves to be rejected.”	Informative	Ethically problematic
In case you missed it: LA Times columnist Michael Hiltzik says of Yes on 37: “Manifestly shoddy research is being used to promote Proposition 37”	<p>“The use of poor information to promote an initiative aimed at creating an informed consumer is a defining flaw of the Prop 37 campaign.”</p> <p>“...guilty of the deployment of weapons-grade junk science... sensational promotion of a now discredited French study of rats and GE foods... the promotion of</p>	<p>Informative</p> <p>Persuasive</p>	<p>Ethically problematic</p> <p>Ethically problematic</p>



	manifestly shoddy research is especially shameful.” “Designed to frighten, not inform.”	Persuasive	Ethically problematic
Prop 37 will trigger flood of lawsuits, law firms warn grocer, food company and AG clients	“Prop 37 will likely impact many California businesses and may create an atmosphere favorable to private enforcers, leading to frequent litigation and settlements.”  “Allows trial lawyers to file a lawsuit against everyone... even without a shred of evidence, testing or research...”  “Prominent national firms warn clients about “bounty hunter” lawsuits from ‘another Prop 65.’”	Informative  Informative  Persuasive	Ethically problematic  Ethically problematic  Ethically problematic
In case you missed it U-T San Diego writes second No On 37 editorial, calls it a “Scam” because of enforcement provisions allowing shakedown lawsuits	“In total, 40 newspapers from throughout the state – NO on 37... The editorial warned voters about the potential for shakedown lawsuits allowed by the measure.”  “Trial lawyers drafted it... what a scam. California is the highest producing agricultural state in the nation. We shouldn’t slap unnecessary regulations on a successful industry.”  “Good for lawyers but bad for farmers. Voters need to stop this foolishness.”	Informative  Persuasive  Persuasive	Ethically problematic  Ethically problematic  Ethically problematic
In case you missed it most respected U.S. scientific organization and publisher of Science magazine says mandated labels for GE foods “can only serve to mislead and falsely alarm consumers”	“American Association for the Advancement of Science called mandated labeling for GE foods something that can only serve to mislead and falsely alarm consumers. To be clear, the board did not weigh in specifically on Prop 37.”  “FDA does not require labeling of a food based on the specific genetic modification procedure used in the	Informative  Persuasive	Ethically problematic  Ethically problematic

	development of its input crops. Legally mandating such a label can only serve to mislead and falsely alarm consumers... These efforts are not driven by evidence..."		
In case you missed it: Stretching the truth? Misrepresenting the truth? Or was Yes on 37 just flat out lying?	<p>"Yes on 37 sent out a dramatically headlined press release claiming the FBI was looking into the No On 37 campaign."</p> <p>"Yes on 37 can't win on the facts, they can't win on the science. It looks like they're, to be kind, stretching the truth. Desperate times call for desperate measures, it seems."</p>	<p>Informative</p> <p>Persuasive</p>	<p>Ethically problematic</p> <p>Ethically problematic</p>
In case you missed it: Associated Press story stretching the truth? Misrepresenting the truth? Or was Yes On 37 just flat out lying?	<p>"Legal scholars say the right to know contained in Prop 37 also comes with the right to sue."</p> <p>"Foods from genetically modified crops have been a staple of the American diet for more than a decade... such as cookies and snack bars contain ingredients derived from plants whose genes were tweaked in the laboratory."</p> <p>"It makes no sense to me as a businessman and as a consumer."</p>	<p>Persuasive</p> <p>Persuasive</p> <p>Persuasive</p>	<p>Ethically problematic</p> <p>Ethically problematic</p> <p>Ethically problematic</p>

**TABLE 3**

<b>TV spot</b>	<b>Duration &amp; Medium</b>	<b>Message &amp; Truth claim</b>	<b>Function (values appeal)</b>	<b>Corporate Transparency</b>
Makes no sense	32 seconds TV spot & YouTube	Creating confusion; audience should be skeptical, haphazard labeling measure	Moral/ethical Economic Cultural	Incomplete list of funding sponsors
Ask a Farmer	34 seconds TV spot & YouTube	Illustrate negative direct impact on state of California, farmers and consumers using fear	Fear Economics Moral/ethical Family Political	Partial list of funding sponsors at end of spot
Weapons-Grade Junk Science	31 seconds TV spot & YouTube	Fear that if Prop 37 passes consumers and farmers will pay; junk science used by Yes campaign	Moral/ethical Economic Family Political	Images are congruent with corporate message; Some corporate sponsors listed in last 4 seconds
They're at it Again	1 minute 1 second YouTube & radio	Cost to consumers & taxpayers, complex requirements to follow with exemptions, opens the door for shakedown lawsuits	Moral/ethical Economic Family Political Fear	Partial sponsors identified at the end of the radio broadcast
Dr. Henry Miller	1 minute 3 seconds YouTube & radio	No mention of GMOs, and Prop 37 is arbitrary and illogical, too many special interests	Lack of science Political	Do not know who Dr. Miller is

Red Tape	31 seconds TV spot & YouTube	Complex & confusing labeling scheme; cost to small business owners “thousands of dollars per year” and shakedown lawsuits	Moral/ethical Economic Family Political	Websites provided but unclear whose truth and facts are being promoted
Pizza	15 seconds TV spot & YouTube	Loopholes and exemptions of Prop 37 when it comes to labeling pizza	Economic No mention of GMOs or science	Partial list of funding sponsors in last 5 seconds
Safety	2 minutes 28 seconds TV spot & YouTube	Science & safety of GE ingredients to consumer; agreement from doctors	Science Technology Economics Moral/ethical Family	Last 10 seconds lists the sponsors, and some are different from sponsors in prior spots
Complex and Costly	31 seconds TV spot & YouTube	Prop 37 is complex and poorly written, illogical, unfair; negative financial impact on typical family & farmers	Economics Family Political Moral/ethical	Sources listed but not disclosing study funding
Benefits	2 minutes 7 seconds TV spot & YouTube	Science is positive; GE is helping the environment	Science Technology Political	Same three doctors from Safety spot but added new fourth doctor

TABLE 4

<b>Title of News Release</b>	<b>Classification: mix, commercial or political</b>	<b>Specific language in news release</b>
Nov. 2012 ballot measure to label genetically modified foods: “unmodified, unmitigated and unadulterated turkey”	Commercial speech	“The measure contains a provision permitting consumer suits if a product is improperly labeled. That would open farmers and food producers to litigation.”
#2 Family farmers, food companies, small businesses, grocers and others form coalition to oppose deceptive and flawed labeling proposition	Commercial speech	<p>“The flawed proposition would have no health or safety benefits, but it would hurt family farmers.”</p> <p>“The truth is that this measure goes far beyond labeling and contains extreme provisions that will cost all of us.”</p> <p>“This measure isn’t about the ‘right to know’; it’s about the right to sue.”</p>
#3 Food labeling proposition: “Right to know” or right to sue??	Commercial speech	“This language subjects family farmers, grocers and food companies to enormous risk of lawsuit and litigation costs, even if they have done nothing wrong.”
#4 In case you missed it: NPR “California’s genetically engineered food label may confuse more than inform”	Commercial speech	<p>“...the proposed ballot measure in California to label GMO foods will ‘create a complex mandate for food companies that may make it harder – not easier – for consumers to figure out what’s really in their food.’”</p> <p>“Apples could be labeled as ‘natural’ but apple juice could not, simply because it was pressed.”</p> <p>“This provision makes no sense and would put California farmers and food companies at a disadvantage to other states.”</p>
#5 Farmers, food producers, small	Commercial speech	“More than 300 studies have been done on Ge foods which have been deemed

<p>businesses, grocers, taxpayer advocates and community groups gear up to defeat deceptive and costly food labeling proposition now on the CA November 2012 statewide ballot</p>		<p>safe by respected food scientists and regulators worldwide.”</p> <p>“The ballot proposition inexplicably gives special exemptions for about two-thirds of the foods people eat every day, even foods which can contain GE ingredients.”</p> <p>“...when California’s economy is struggling to create jobs, the last thing we need is more shakedown lawsuits that hurt small businesses.”</p>
<p>#6 Scientific and academic community responds to qualification of ballot measure mandating labeling of genetically engineered foods</p>	<p>Commercial speech</p>	<p>“...scientists believe that foods made with the benefit of modern biotechnology are safe and that labeling them as ‘genetically engineered’ would mislead consumers by creating the false impression that foods containing GE ingredients are less safe than foods made without the benefits of biotechnology.”</p>
<p>#7 American Medical Association takes official position that “There is no scientific justification for special labeling of bioengineered foods”</p>	<p>Commercial speech</p>	<p>“...there is no scientific justification for special labeling of bioengineered foods, as a class, and that voluntary labeling is without value unless it is accompanied by focused consumer education.”</p> <p>“The AMA’s rejection of mandatory labeling is consistent with the overwhelming majority of respected medical doctors, scientists and health experts that have concluded that foods made with the benefits of modern biotechnology are safe.”</p>
<p>#8 Groups reiterate opposition to deceptive and costly food labeling scheme</p>	<p>Commercial speech</p>	<p>“Mandatory labeling can only be scientifically justified when based on the characteristics of the food product, not on the processes used in their development.”</p> <p>“But there are no material differences... they have routinely been found to be as safe... it is easy to sell fear and doubt.”</p>
<p>#9 In case you</p>	<p>Commercial speech</p>	<p>“Prop 37 would essentially ban</p>

<p>missed it: Prop 37 means “bumper crop of litigation” say defense lawyers</p>		<p>thousands of common food products that contain ingredients made from modern varieties of corn, soybeans, canola, sugar beets and other crops produced with the benefit of biotechnology in California unless they are specially labeled as ‘genetically engineered.’”</p>
<p>#10 State Attorney General and Legislative Analyst agree: Prop 37 could restrict any processed food from being marketed as “natural” even if it has no genetically engineered ingredients</p>	<p>Commercial speech</p>	<p>“This far-reaching and nonsensical provision would seriously hurt California family farmers and their competitiveness.”</p> <p>“The serious flaw means that raw, non-GE foods can be labeled ‘natural’ but if they are processed in any way, even if no other ingredient is added, the ‘natural’ label is prohibited.”</p> <p>“...under Prop 37 a raw almond could be marketed as ‘natural’ but the same almond that has merely been salted, roasted or canned, could not.”</p>
<p>#11 In case you missed it Victorville Daily Press recommends No On 37</p>	<p>Mix of commercial and political speech</p>	<p>“Prop 37 is a goldmine for litigation lawyers.”</p> <p>“Who supports Prop 37? The usual suspects, led by Sen. Barbara Boxer... and of course unions...the Center for Food Safety and the Sierra Club.”</p> <p>“And what does Prop 37 do? It requires labeling of genetically engineered foods, which are plants or animal products whose DNA has been altered by genes from other plans, animals, viruses or bacteria. What’s wrong with that?”</p>
<p>#12 Court rejects Yes on 37 lawsuit, agrees Proposition 37 could restrict non-GE processed foods from being marketed as</p>	<p>Commercial speech</p>	<p>“The inability to market our non-GE processed products as natural could harm family farmers and our competitiveness.”</p> <p>“Proposition 37 would ban the sale of tens of thousands of perfectly safe,</p>

“Natural”		common grocery products only in California unless they are specially repackaged, relabeled or remade with higher cost ingredients.”
#13 In case you missed it Oakland Tribune, Contra Times editorials recommend No On 37	Commercial speech	<p>“...we think voters should send it back to its creators.”</p> <p>“This is not some sort of weird science stuff. It is common... It is also common in such crops as canola, cotton, sugar beets and zucchini as well as in ingredients used in processed food.”</p> <p>“The LAO says that a minimum of 40 percent of the food sold in California grocery stores has some genetically modified ingredients.”</p>
#14 Yes On 37 internet fundraising ad based on fear, not fact	Commercial speech	<p>“Unable to win a debate on the merits of their poorly-written and deceptive measure campaign engages in more fear-mongering.”</p> <p>“The ad, clearly a publicity stunt, ignores the overwhelming scientific evidence that genetically engineered food is safe, and seems to have one goal: to scare consumers about GE foods.”</p> <p>“...there are no material differences between crops that have been genetically modified using modern techniques and other crops...”</p>
#15 New economic study: Prop 37 would increase grocery bills for typical California family by hundreds of dollars per year	Commercial speech	<p>“It’s a hidden food tax and it comes at the worst possible time to add more financial burden on consumers and food producers when we already face an economic downturn and a severe drought.”</p> <p>“Prop 37 mandates that by 2019, products must contain zero percent GE, or they must be labeled. “</p>



		<p>“These labeling regulations and restrictions do not exist in any other state or country in the world.”</p>
<p>#16 In case you missed it: San Jose Mercury News calls Yes On 37 ad “misleading”</p>	Commercial speech	<p>“The ad is yet another example of Yes ON 37’s fear-mongering tactics to scare and confuse consumers while ignoring the overwhelming scientific evidence showing that foods with genetically engineered ingredients are safe.”</p> <p>“The ad strongly suggests that the same companies that lied about cigarettes, DDT and Agent Orange are the corporations fighting the labeling of genetically engineered foods.”</p>
<p>#17 UC Davis Professors of Agricultural Economics release new report that shows Proposition 37 will increase costs for California farmers and food processors by \$1.2 billion</p>	Commercial speech	<p>“Prop 37 will significantly harm all farmers, including farmers of non-GE crops.”</p> <p>“Proposition 37 is a food-labeling measure that would ban the sale of tens of thousands of safe, common grocery products only in California unless they are specially repackaged, relabeled or remade with higher cost ingredients.”</p> <p>“Foreclosing the local market for GE products will provide a competitive advantage to researchers in other states and nations to the disadvantage of the California economy.”</p>
<p>#18 New Yes On 37 radio ads highlight food exempt from Prop 37’s labeling mandates</p>	Commercial speech	<p>“Prop 37 is full of absurd special interest exemptions that make absolutely no sense... the special carve out belie their ‘right to know’ mantra.”</p> <p>“Prop 37 requires special labels on soy milk, but exempts cow’s milk even though cows eat GE grains. Cheese is exempt.. Eggs, meat and poultry are all exempt.”</p>
<p>#19 In case you missed it: Ventura County Star says No</p>	Commercial speech	<p>“Prop 37 is an unwise expense when California has reduced funding for K-12 classrooms, colleges, health programs</p>

<p>On Prop 37 “Food labeling law leaves a bad taste”</p>		<p>and services for the elderly, poor and infirm.”</p> <p>“Supporters of Proposition 37 claim it would give consumers more information about what they eat and would foster transparency and trust in the food system. We think they’re mistaken on both counts. Such a law would create mistrust and confusion about the foods that Californians eat.”</p>
<p>#20 In case you missed it: Sacramento Bee and Bakersfield Californian recommend No On 37</p>	<p>Commercial speech</p>	<p>“It is an overreach, is ambiguous and would open the way for countless lawsuits against retailers.”</p> <p>“Proposition 37 would prohibit food companies from marketing thousands of foods as ‘natural’ even if they do not contain any genetically engineering ingredients – if they have been canned, frozen, dehydrated or processed in other ways.”</p> <p>“The food industry should take Proposition 37 as a warning. Consumers want to know what’s in their food. The industry ignores that demand at its peril.”</p>
<p>#21 No On 37 launches statewide radio ads</p>	<p>Commercial speech</p>	<p>“...the radio spot points out that Prop 37 was written by trial lawyers for the benefit of trial lawyers, and that it would add more government bureaucracy and red tape that will increase costs to taxpayers and consumers.”</p> <p>“Prop 37 is not a simple measure... it’s a deceptive, special interest measure that will have far-reaching negative consequences on consumers, taxpayers, farmers, grocers, small businesses and every Californian.”</p>
<p>#22 No On 37 launches online video ads</p>	<p>Commercial speech</p>	<p>“Two ads, ‘Makes No Sense’ and ‘Pizza’ underscore the nonsensical and confusing exemptions Prop 37 allows</p>

		<p>for foods, even those with GE ingredients.”</p> <p>“The other ad, ‘Red Tape’ focuses on the red tape and bureaucratic nightmare that will fall to grocery retailers who must take on extensive new record keeping requirements.”</p>
#23 No On 37 response to rat study released today	Commercial speech	<p>“The study appears to be questionable at best. Not surprisingly, it’s being used to promote deeply-flawed Prop 37.”</p> <p>“The fact is the overwhelming majority of respected scientific and medical groups, including National Academy of Science and World Health Organization, among others, have deemed GE foods safe.”</p> <p>“Prop 37 is about increasing California families’ grocery bills by \$350-\$400 more a year.”</p>
#24 French rat study author made reporters sign confidentiality agreements prohibiting them from consulting independent scientific experts	Commercial speech	<p>“Attempted manipulation of media prove that authors were concerned study would wither under scrutiny.”</p> <p>“It is clear that this so-called study is nothing more than a propaganda piece intended to create a false fear and misinformation to help support the flawed Prop 37 campaign.”</p>
#25 In case you missed it San Francisco Chronicle and Fresno Bee recommend No On 37	Mix of both commercial and political speech	<p>“The overwhelming majority of daily newspapers in California have urged a No Vote on Prop 37.”</p> <p>“Prop 37 is fraught with vague and problematic provision that could make it costly for consumers and a legal nightmare for those who grow, process or sell food.”</p> <p>“Consumers want to know what’s in their food. However, this measure isn’t the proper vehicle.”</p>

		<p>“We don’t oppose labeling of genetically modified food. But the federal government, or the food industry should develop standards, not individual states.”</p>
<p>#26 Tight-knit group of trial lawyers backing Proposition 37 made millions suing businesses under prior ballot measure they helped write</p>	<p>Mix of both commercial and political speech</p>	<p>“Deceptively being sold as a simple measure, Prop 37 is really about giving lawyers new rights to sue farmers, grocers and food companies.”</p> <p>“...under Prop 37, in order to bring a lawsuit, the lawyer would not be required to demonstrate any specific damage from the alleged violation.”</p>
<p>#27 Three more newspapers oppose Prop 37: Merced Sun-Star, Modesto Bee and Redding Record Searchlight</p>	<p>Commercial speech</p>	<p>“There would be significant costs associated with the initiative... and they would fall on agriculture, food processors and ultimately on consumers.”</p> <p>“Proposition 37 would create a fertile new field of litigation... even if nobody’s suffered any damages.”</p> <p>“...will cause far more problems than it solves.”</p> <p>“It might get to the point where there are so many products with GM labels that most consumers would just ignore labels because they would be everywhere.”</p> <p>“We don’t oppose labeling of genetically modified foods...but the standard should be developed by the FDA based on good science.”</p> <p>“...proposal contains wording that could prohibit ‘natural’ labels on any food that has been pressed or milled.”</p> <p>“...to avoid genetically modified foods, there’s a simple answer: Eat organic.”</p>

<p>#28 In case you missed it nine more newspapers oppose Prop 37: Riverside Press-Enterprise, U-T San Diego, Orange County Register, LA Daily News, Long Beach Press-Telegram, Torrance Daily Breeze, Pasadena Star-News, Whittier Daily News and San Gabriel Valley Tribune</p>	<p>Mix of both commercial and political speech</p>	<p>“...the measure has some hard-to-fathom loopholes and could spawn a wave of costly lawsuits.”</p> <p>“...voters should be concerned...with the litigation and enforcement costs passed on to grocers and the consumers.”</p> <p>“Berkeley attorney James Wheaton, Prop 37’s author, has made a career of filing lawsuits enabled by Prop 65.”</p> <p>“...once you get past the pleasing outside surface of this proposition (more information is good, right?), it reveals a rotten interior that pits the organic food industry against the non-organic food industry, includes special interest exemptions and sets up a system ripe for lawsuit abuse.”</p>
<p>#29 In case you missed it: Los Angeles Times, Santa Rosa Press Democrat, San Bernardino Sun, Inland Valley Daily Bulletin and Victorville Daily Press urge No On Prop 37</p>	<p>Commercial speech</p>	<p>“...make it hard for mom-and-pop groceries to stay in business.”</p> <p>“...there is no rationale for singling out genetic engineering.”</p> <p>“...what it will really do is raise the price of food.”</p> <p>“...genetically modified organism foods... with no discernible ill effects on the health of said consumers.”</p> <p>“It’s intent seems to be to scare people, pure and simple.”</p>
<p>#30 In case you missed it San Jose Mercury News and Santa Cruz Sentinel urge No On Prop 37</p>	<p>Mix of commercial and political speech</p>	<p>“A badly drafted law with good intentions is still a bad law.”</p> <p>“Clearly, this provision would create even more lawsuits. And who would this benefit? Lawyers.”</p> <p>“...Prop 37 could add to food costs for consumers, hurt small businesses and</p>

		create yet another avenue for costly litigation.”
#31 In case you missed it: La Opinion – CA’s largest Spanish language daily newspaper urges No On 37	Commercial speech	“Today <i>La Opinion</i> joined the overwhelming majority of newspapers throughout California urging its readers to vote NO on Proposition 37... that makes 35 daily newspapers.”
#32 In case you missed it: LA Times columnist Michael Hiltzik says of Yes On 37: “Manifestly shoddy research is being used to promote Proposition 37”	Commercial speech	<p>“...weapons-grade junk science...for its promotion of a now thorough discredited French study of rats and GE foods.”</p> <p>“Of course, ignorance and anti-intellectualism are not new phenomena in our elections.”</p> <p>“...the promotion of manifestly shoddy research is especially shameful.”</p> <p>“...the political exploitation of a manifestly imperfect study that’s disturbing.”</p>
#33 Prop 37 will trigger flood of lawsuits, law firms warn grocer, food company and AG clients	Commercial speech	<p>“...bracing for the onslaught of lawsuits that will result from Prop 37.”</p> <p>“Nearly every single daily newspaper across California has urged voters to reject Prop 37... will be a boon to trial lawyers without benefits to consumers.”</p> <p>“...measure’s potential impact that it will expose grocery retailers, food companies, farmers and others to predatory, shakedown lawsuits.”</p>
#34 In case you missed it U-T San Diego writes second No On 37 editorial, calls it a “Scam” because of enforcement provisions allowing	Commercial speech	<p>“The editorial warned voters about the potential for shakedown lawsuits allowed by the measure.”</p> <p>“Prop 37 supporters argue that the labeling is a health issue. It’s not.”</p> <p>“We’re not aware of a single credible</p>

shakedown lawsuits		<p>study that says GMO foods are less safe than non-GMO foods.”</p> <p>“...good for lawyers but bad for farmers.”</p>
<p>#35 In case you missed it most respected U.S. scientific organization and publisher of Science Magazine says mandated labels for GE foods “Can only serve to mislead and falsely alarm consumers”</p>	Commercial speech	<p>“...consuming foods containing ingredient derived from GM crops is no riskier than consuming the same foods containing ingredients from crop plants modified by conventional plant improvement techniques.”</p> <p>“Indeed, science is quite clear: crop improvement by the modern molecular techniques of biotechnology is safe.”</p> <p>“Civilization rests on people’s ability to modify plants to make them more suitable for food, feed and fiber plants and all of these modifications are genetic.”</p> <p>“The FDA does not require labeling of a food based on the specific genetic modification procedure used in the development of its input crops. Legally mandating such a label can only serve to misled and falsely alarm consumers.”</p>
<p>#36 In case you missed it: Stretching the truth? Misrepresenting the truth? Or was Yes on 37 just flat out lying?</p>	Political speech	<p>“Yes On 37 sent out a dramatically headlined press release claiming the FBI was looking into the No On 37 campaign.”</p> <p>“Yes On 37 can’t win on the facts, they can’t even win on the science. It looks like they’re to be kind, stretching the truth.”</p>
<p>#37 In case you missed it: Associated Press story stretching the truth? Misrepresenting the truth? Or was Yes</p>	Mix of commercial and political speech	<p>“It makes no sense to me as a businessman and as a consumer...”</p> <p>“It’s easier to convince the mom-and-pop stores to settle than to convince Monsanto.”</p>

On 37 just flat out lying?		<p>“Foods from genetically modified crops have been a staple of the American diet for more than a decade.”</p> <p>“Monsanto Co. and other international conglomerates have raised \$44.4 million to prevent California from being the first state to enact GMO food labels.”</p> <p>“...their effort is about empowering consumers who deserve to know what’s in their food.”</p>
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## 5 CHAPTER FIVE: DISCUSSION AND CONCLUSIONS

The study’s findings have implications concerning corporate advocacy public relations campaigns in terms of ethical communication in both the written and visual context. This next section takes a closer look at how the “No On 37” campaign used informative and persuasive strategies in its press releases as well as the visual images to reinforce its ethically problematic campaign to defeat Proposition 37.

### 5.1 Implications of Public Relations Strategies in Press Releases

Press releases involve nontraditional uses of mass media to promote a product, service or message. There are also different rules that apply when it is an individual speaker in comparison to a commercial speaker. Interestingly, when the speech involves an individual speaker, it is easier to make false claims about products, so long as it is not defamatory and does not present an immediate threat or harm to the target audience (Tushnet, 2010). Rather, commercial speakers are subject to false advertising laws and regulations which are intended to minimize and prevent such falsities and misleading statements. Interestingly, in the press releases prepared by



the “No On 37” campaign, one of the common strategies used was the reliance on individual farmers to comment about the problems with Proposition 37, urging voters to vote with that particular farmer and the values he represents. This strategy was again employed right before the election, in the November 3, 2012, press release. The information was presented in an effort to inform the voting public that the food labeling measure would “encourage lawsuits” which is contrary to what Americans want, especially since foods containing genetically modified organisms have been a steadfast component of the American diet for over a decade. The language used is a further attempt to reassure the public about the safety of genetically modified organisms in food products, since the public has unknowingly been consuming them for an extensive period of time, and there have not been any health or safety issues due to the consumption of genetically modified organisms. As such, there is no need to label genetically engineered food products since it is not something novel, unsafe or untested.

The informative strategy was repeatedly used in the press releases where the “No On 37” campaign reminding the audience of all the news media outlets which opposed Proposition 37. At times, only a partial list was provided, but at other times a press release would specifically identify the number of media outlets, such as “35 papers as of October 11, 2012.” However, it is unclear to the audience how many media outlets exist in California – 50, 100 or more? That makes a difference because if there are 300 media outlets in the state and only 35 are opposing the measure, then that falsely skews the information in favor of the “No On 37” campaign.

The press releases also included key excerpts from news stories, providing “information” to the audience in a way that adds credibility since it is allegedly unbiased. An example is from the October 25, 2012, press release, stating that “...consuming foods containing ingredients

derived from genetically engineered crops is no riskier than consuming some foods containing ingredients from crop plants modified by conventional plant improvement techniques... Indeed the science is quite clear: crop improvement by the modern molecular technique off biotechnology is safe.” These statements are further supported by scientists but again the lack of disclosure and potential conflict of interest is left out, as is the specific details related to all of the studies relied upon. In fact, in minimal instances the campaign discloses the studies it has relied on since it claims the evidence and facts are coming from neutral and expert third parties.

The “No On 37” campaign utilized a combination of informative and persuasive public relations strategies to effectively persuade the voting public to defeat Proposition 37. Minimal use of the coercive strategy, specifically the threat and punishment, was also identified in the press releases contained in this study’s sample. Attempting to confuse and mislead the audience, misinformation about what Proposition 37 required was prevalent throughout a vast majority of the press releases. An example is that if Proposition 37 passed, it would restrict food choices for consumers, when in effect it would provide consumers with *more* choices when purchasing food.

Persuasive strategies were scattered throughout the press releases issued by the “No On 37” campaign. In the press release dated October 15, 2012, it notes that the “Yes On 37” campaign uses “manifestly shoddy research...to promote Proposition 37.” The release continues to quote a business columnist from the *Los Angeles Times* but how would a business columnist have the scientific expertise to understand the scientific complexities regarding this issue? The columnist claims the “political exploitation of a manifestly imperfect study is disturbing... the use of poor information... this is shameful.” In fact, in its September 13, 2012, press release, the “No On 37” campaign claims that the “Yes On 37” campaign’s ads are “bizarre...and misleading

voters.” The goal is to persuade the audience to doubt the information relied upon by those supporting Proposition 37, and to create a negative brand and image associated with the supporters of this measure. Then, the audience is primed to accept the opposition’s message and refute anything positive that may emerge from the “Yes On 37” campaign.

In the press release dated September 6, 2012, numerous undisputed facts are listed which set forth the negative implications should Proposition 37 be approved, such as imposing \$1.2 billion in additional costs for local food processors, higher costs for farmers (even those not using genetically engineered seeds), placing local farmers and researchers at a competitive disadvantage with the rest of the country, adversely affect the environment, and the higher food costs will place a burden on consumers, especially the poor. No evidence is provided to substantiate these claims but rather are accepted at face value, hence raises the suspicion of false, misleading and deceptive statements which lack transparency and accountability. By ending with the statement that if Proposition 37 passes, it “would imply that necessarily ill-informed popular opinion should dominate over scientific consumers in determining government-set mandates on food.” Hence, the campaign is calling on the government and the FDA to make these decisions about what consumers need (namely, consumer protection) rather than providing consumers with autonomy and informed consent. Individual autonomy is reflected here as to what one chooses to eat and put in one’s body, as it remains a personal choice. If an individual chooses to consume Oreos and eat at McDonalds daily, it should come as no surprise when one gains weight and other health concerns arise. It remains the individual’s choice and responsibility of the consumer to read the ingredients. It is not the sole responsibility of the food manufacturer to prepare ‘healthy’ products. In the present case, consumers lack the information,

and are unaware whether a food product contains genetically modified organisms if manufacturers are not required to include such labels on food products. Identifying whether a food product contains genetically modified organisms is similar to listing the ingredients on Oreo cookies, Ritz crackers or Jiff peanut butter. Without such information, consumers are unable to make informed decisions which in turn diminishes one's personal autonomy.

The "No On 37" campaign in its August 29, 2012, press release noted the complexities of Proposition 37 and the burden it would be to re-package, re-label common food products such as cereals. It noted that this is actually a "hidden food tax" since it is common knowledge that the majority of the public is skeptical and has a sharp disdain for taxes, thus paralleling Proposition 37 to a "tax" is an immediate turn-off. Furthermore, it classified the measure to come "at the worst possible time to add more financial burden on consumers... when we already face an economic downturn and a severe drought." The attempt is to create a big picture of how Proposition 37 will affect the individual, while also using fear and uncertainty to persuade the audience.

Similar strategies were again utilized with the television spots, with individual doctors and farmers speaking directly to the audience about the loopholes in Proposition 37, how the measure does not make any sense, and about how Proposition 37 was written by trial lawyers for their own benefit. Thus, such individual speaker has greater latitude to make false claims without fear of liability. This has the potential of negatively impacting the integrity of the information provided by strategic communication campaigns. Public relations and commercial speakers have a significant incentive to hide their promotional message within this type of

individual-consumer speech to minimize liability and regulation which is what occurred in the present case.

Considering that the U.S. market for genetically modified seed crops makes up about two-thirds of the global annual genetically modified seed sales – totaling about \$13.3 billion per year (Pollin, 2012) – if Monsanto and the GMA truthfully believed that genetically modified crops are safe to eat, then why are these corporations so afraid of labeling the food as containing genetically modified organisms? The proposed labeling is similar to what current ingredient labels include, but “The fight isn’t just about keeping consumers in the dark in a single state; it’s about keeping genetically modified crops (and seeds) in farm fields and on supermarket shelves nationwide” (Pollin, 2012).

The promotion by the “No On 37” campaign assumed that most of the opposition to genetically modified organisms focused on health and safety issues as reflected in the press releases, and utilized a combination of informative and persuasive strategies to alter the conversation and misinform the audience. The opposition to GMOs centers on socioeconomic and environmental issues in conjunction with perceptions of transparency, governmental regulation and open communication. We see this reflected in Monsanto’s slogan that genetically engineered seeds and crops are created “to feed the world’s hungry – feed the world” and the new pesticides created are actually promoting environmental stewardship. This approach can be classified as paternalistic, easily manipulating public opinion to oppose Proposition 37.

If the “No On 37” campaign had demonstrated a more authentic attempt to engage in a real conversation about genetically modified organisms and the full range of issues involved in this complex issue, then perhaps there could be more cooperation to inform the audience with

accurate facts and for the “No On 37” campaign to listen to the real concerns being brought to light by those concerned about genetically modified organisms. One way to bridge the gap could be to promote science communication and to foster public debate that is not one-sided communication, one that is ethical, respectful, truthful and transparent. If science is used to reflect that there is only one “correct” decision or point of view, then a vibrant public debate is no longer possible. The audience must be given a choice, but a scientifically literate public must exist when it comes to biotechnology issues and genetically modified organisms.

## **5.2 Implications Based on the Visual Content Analysis**

The television spots within the sample of this study were part of the “No On 37” public relations media blitz campaign promoted by Monsanto and the GMA members to oppose the passage of Proposition 37 mandating labeling of genetically modified organisms in the state of California.

### **5.2.1 Nature – Subjects**

Similar themes were repeated in the television spots, including spreading fear among the voting public that if Proposition 37 passed, consumers and taxpayers would be negatively impacted financially, with the cost of food increasing among other negative effects. Some ads reported the increase to be “billions of dollars” which other ads noted it would amount to “an additional \$400 per year.” This came at a time when the economy was still struggling after the recession of 2008-2009, and many people were living paycheck to paycheck, and struggling families did not have an additional \$400 for groceries. Other themes included injury to California farmers and the local agriculture business. In one spot, “Ask a Farmer,” a local California farmer speaks about how devastating to both the farmers and the people of the state it

would be if Proposition 37 passed, putting them all at a disadvantage in comparison with the other 49 states. Correlations were also made between the drought in California in 2012 and how Proposition 37 would further devastate the state's economy.

The spots also reiterated how complex Proposition 37 was, banning common food in California due to special interests contained in Proposition 37, and additional government bureaucracy with which farmers and grocers would be required to comply. Thus, the measure, as written, did not make sense, was haphazard and was in desperate need of being re-written. Until the measure would be re-written, voters are urged to oppose Proposition 37. Moreover, the ads pointed out the several loopholes and special interests within the measure, mainly because Proposition 37 was written by trial attorneys for their own benefit, as they did with an earlier measure (Proposition 65). As with the prior measure, Proposition 37, if passed, would open the door for shakedown lawsuits allowing grocery stores and farmers to be sued. However, all of the media spots end with the announcer urging the audience to "look into the facts" and in numerous instances, the audience is provided with the website for the "No On 37" campaign where the audience can further investigate the issue. Therefore, the message is for the audience to read and be persuaded by the campaign's version of facts, but no other information is provided which would allow the audience to make an informed decision.

A majority of the television spots identified the same corporate funding sponsors at the very end of the ad, during the last four or five seconds. This makes it highly unlikely that the audience would even pay attention at the fine print at the end of the ad, or if the individual is listening only, then the individual misses out completely on the disclosure of sponsors. The disclosure also is provided after the audience has been exposed to the message, and at that late

stage, the audience is likely to have already been primed and persuaded to oppose Proposition 37.

In fact, some spots only listed a partial list of corporate sponsors since only those providing “major” funding were listed. It notes the major sponsors as well as “more than 40 food company members” as well as “sponsored by farmers, food producers and grocers.” It is not disclosed what “major” funding refers to – is it anything more than \$1 million, or more than that. This is important information that helps the audience determine if there are any conflicts of interest or whether the audience should blindly listen and follow the message being provided. In one ad, “Safety,” one of the major funding sponsor is the Council for Biotechnology Information but no information is provided to the audience, not even at the very least information related to the mission and members of the sponsor-entity. In the totality, this reflects a lack of corporate transparency which is ethically problematic.

Related to the issue of source disclosure is the issue of disclosing who conducted the studies relied upon by the campaign. In the “Complex and Costly” ad, the factual assertions made are that Proposition 37 is complex and costly. The studies relied on are not fully disclosed such as the purpose of the study, if there was a grant and if so who provided the funding. This reflects a lack of truthfulness, credibility, and authenticity on the part of the corporate speaker of the message.

In a few of the ads, there are external experts who speak about the safety of genetically engineered crops and food products, and their opposition to Proposition 37. In one ad, a radio spot where Dr. Henry Miller speaks for one minute, there is not much disclosure about who Dr. Miller is, what he does, whether he has any ties to the biotechnology field and genetic



engineering in agriculture, government involvement and the like. What the audience is told is that Dr. Miller has joined “hundreds of doctors, scientists and Nobel Prize winners” to urge voters to oppose Proposition 37. This information is crucial for the audience to know, so they can assess the truth and veracity of the facts being presented before deciding whether to oppose or support Proposition 37. Science is completely left out of this conversation as is any mention of genetic engineering and genetically modified organisms.

There was minimal discussion of the science of genetic engineering and genetically modified organisms in numerous other television spots. It would have been helpful for the audience to better understand how this works. Understandably, the explanation would take more than 30 seconds, but there could be an ad that is focused solely on the science for one or two minutes. This would provide the audience with necessary information to help them make an informed decision come Election Day. In yet another ad, there is a claim that the “Yes On 37” campaign relies on “junk science” but that is very vague and does not provide any factual information to support the assertion. Rather, such language can be interpreted as coercive and ethically problematic since reasons why this statement was made are not provided to the audience. It is also unclear who has defined what “junk science” means, other than it is not “real science” which is what the “No On 37” campaign relies upon. Therefore, the “No On 37” campaign should be deemed as credible and essentially the audience should follow the recommendations as set forth by the “No On 37” campaign.

In contrast, science is relied on in the “Safety” ad to inform and persuade the audience that genetically engineered foods are safe to consumer and by using this modern technology it makes us more “environmentally responsible” at the same time. There are three physicians in this spot

reporting on a variety of issues in the two minutes 28 seconds but interestingly only one was from California and none of them worked in a science field that would give them credibility to speak about this topic. One was an obstetrics and gynecologist, the other a pediatrician and the last one a pediatrician specializing in asthma and allergies. Why are these physicians qualified to speak about genetically modified organisms? The message in the “Benefits” ad includes all three physicians but adds a fourth one whose specialization is allergy and immunology. The speakers share with the audience there have been no mild or significant side effects, without disclosing the testing procedures and how this is determined, and genetically modified organisms are positive for the environment as less carbon dioxide is emitted into the atmosphere. However, no explanation as to how that works is provided. Interestingly, the physicians reiterated Monsanto’s message that “GMOs are helping to feed the world.” These are baseless claims that are presented as factual assertions from reputable, intelligent and credible individuals in positions of authority, essentially telling the audience if these individuals do not support Proposition 37, then neither should the voters.

### ***5.2.2 Nature – Aesthetics***

The colors used in the ads were uniformly not very vibrant. Grey and white were very prominent. At times there was white text against a grey background. A dark red burgundy color was used often as well, sometimes as the background or at other times as the text color to reinforce a particular word, such as “NO.”

The voice of the announcer in a majority of the ads had a soothing, steady voice that was void of emotion thus signaling the content was more factual than explosive or irrational. Even when the announcer tells the audience to “look for the facts” the voice is very calm and relaxed.

The text was clear in most instances, large for all age groups to view the message. In the “Weapons-Grade Junk Science” ad, it was a bit confusing and overwhelming to have so many local headlines appear all over the screen, such as “Prop 37 badly drafted” or “a poorly conceived mess.” This reinforces the message and theme that Proposition 37 should not be supported not because the “No On 37” does not support labeling but because how it was written is the real problem.

In other instances, such as in the “Makes no sense” ad, the written text under the products being excluded, such as mustard from France and soy sauce from China, is not large enough for the audience to clearly understand. There is quite a bit of text, audio and visual competing for the attention of the audience – listening to the announcer, watching the images and reading the text – in a very short period of time of 32 seconds.

The “Red Tape” ad had red tape coming down and hanging from the ceiling when the announcer mentions the words “red tape” which are entangling the small grocery store owner, and he is unable to break free. The red tape signifies the bureaucratic requirements inherent within Proposition 37, the goal being a parallel between both the audio and visual messages. The ad finishes with the announcer reminding the audience that Proposition 37 is “a confusing labeling scheme” and a “big tangled mess” that opens the door for shakedown lawsuits.

A majority of the spots used aesthetics effectively to highlight their message in a clear and understandable manner. The problems were identified, and the spoken message was consistent with the visual images. This is further demonstrated by the “Pizza” ad, the shortest one at 15 seconds. The ad uses vibrant colors for the pizzas, one which requires labeling and the other one is excluded. Not much text is provided, but asks the question: “Why would this pizza

need a label but not this one which has the same exact ingredients?” It leaves the audience questioning Proposition 37, not knowing the answer and none being provided, solely urging the audience to look into the facts with the “No on 37” campaign’s website.

### ***5.2.3 Nature – Exclusions and Ambiguities***

In a majority of the ads, the topics of genetic engineering and genetically modified organisms, which are the center of the proposed labeling measure, were entirely left out from the message. In the “Safety” ad, even though genetic engineering was mentioned, it was not fully explained yet this ad was two minutes and 28 seconds long. It is also questionable why this ad selected and utilized pediatricians as well as obstetrics/gynecologists who lack the scientific credentials to speak about genetic engineering. Also excluded within the list of paid sponsors is a list of the “farmers and food producers” who are supporting the “No On 37” campaign – it would be beneficial to identify those parties as well as the corporate sponsors.

When the ads note that a certain number of local newspapers are supporting the “No On 37” campaign, it is unclear how many media outlets exist in the state, and what percentage are voting together with the opposition. Also, what is excluded is the corporate ties between the media outlet and potentially one (or more) of the major corporate funders of the “No On 37” campaign.

At times, vague words and phrases are used without providing the audience with definitions and how those words will be used in that particular context. Similarly, a connection was made between Proposition 37 and the drought without explaining and connecting the dots for the audience. The only justification is that the voters should oppose the labeling measure since it is complex. That just doesn’t make sense, and it is ambiguous.

In the “Makes No Sense” ad, there is a reference to genetic engineering but not to genetically modified organisms, yet the language contained in the actual Proposition 37 refers to genetically modified organisms. Such has the potential to confuse or at the very least, provides ambiguity which prevents the audience from understanding Proposition 37. In the “Red Tape” ad, there was also no mention of genetically modified organisms or the science related to the topic but genetic modification is highly scientific and therefore should have been a cornerstone of these ad campaign messages. Moreover, in that same ad, Monsanto and the GMA were excluded as major funding sources for the campaign. Also, the identity of the grocer in the ad is not disclosed, and therefore we do not know whether he is a real small grocery store owner or a paid actor. Lastly, it continues to be ethically problematic when the ads urge the audience to “look into the facts” but then continue to instruct the audience to oppose Proposition 37 even before they had a chance to investigate and make their own informed decision.

#### ***5.2.4 Nature – Claims to Truth***

By incorporating and relying upon established media outlets, and their editors and journalists, in the state of California, the “No On 37” campaign increases its credibility with its target voting audience. One of the prominent truths is that Proposition 37 does not make sense, and therefore the campaign is instructing the audience to vote “No on 37” on Election Day. This is consistent with the ‘truth’ as promoted by the major corporate funders of the campaign.

In the “Dr. Miller” ad, the intellectuals (scientists, Noble Prize winners) who Dr. Miller is supporting in opposing Proposition 37, are not disclosed yet the campaign is relying on them for their truth, credibility, and authenticity. Furthermore, the campaign relies on science for the truth that genetically engineered food products are safe to consume, but the audience is not provided with links to the studies or even identification of the specific names of the studies and the authors

who conducted the research. The audience is entitled to know the source of the message – why should voters believe them?

In a majority of the television spots, the claims to truth center on Proposition 37 being poorly written, illogical, and unfair. However, these factual assertions are not supported by any research that the campaign has chosen to reveal, because if it had then it could be verified by independent third parties for the veracity and truthfulness of the message. Rather, the claims to truth rely on creating fear in the audience to then oppose Proposition 37; however, such fear is baseless and unfounded thus requiring the disclosure of accurate and truthful facts to the target voting audience.

#### ***5.2.5 Function***

The values to which the images appeal vary based on economic, family, political, aesthetic, cultural, as well as moral (ethical). In a majority of the television spots, the most common values represented were the moral, economic and political values. There is normally the moral obligation to support the local farmer who is growing one's food – if Proposition 37 passes, then the farmer is injured, and so the public has a moral obligation to take a stand and prevent the greedy and wealthy trial attorneys from taking advantage of the vulnerable farmer. Additionally, there is a moral obligation on the part of the public not to line the pockets of the very wealthy attorneys, thus another justification to oppose Proposition 37. In the "Red Tape" ad, the campaign goes even further by showing how the audience has an ethical responsibility to oppose legislation that is complex, is arbitrarily preferential and controlled by special interests to the detriment of the voting California public.

The economic values are also prevalent, where the campaign uses fear to persuade the audience that the passage of Proposition 37 will come with a high cost of a financial burden, in the billions of dollars range, for California consumers and taxpayers. The “Complex and Costly” ad specifically references the cost to be \$1.3 billion, translating to \$400 per year per family. Then, in the ad, “Makes No Sense,” the value the images appeal to focus on why should voters support Proposition 37 when it does not make sense, and there are severe economic repercussions that would be the end result of its passage.

There were only a few family values represented in the television spots, specifically when there were economic values at the forefront of the appeal. This is reflected when the audience is reminded of the financial burden Proposition 37 will place on families. In the “They’re at it again” ad, the implication was that Proposition 37 will cost families hundreds of dollars extra for food every year. This will have a significant impact on families who are already struggling due to a poor economy, according to the “Ask a Farmer” ad. The “Safety” ad also appealed to the female audience, where a local obstetrics/gynecologist informed the audience that it is safe to consume genetically engineered food products even when a woman is pregnant as it does not have a negative impact on the mother and it does not create side effects in the fetus.

Lastly, the political values represent how often the campaign referenced the loopholes and exemptions since Proposition 37 is a poorly-written measure, written by trial attorneys for their own benefit, opening the door for shakedown lawsuits thus creating a legal nightmare for farmers. Reference to the addition of red tape and bureaucratic regulations embedded within Proposition 37 solely benefits special interest groups is also common in these ads. In the “Dr. Miller” ad, the arbitrary and “completely illogical” exemptions were discussed, noting why dog

food would have to be labeled under Proposition 37 but meat for human consumption was exempt – the reason being the special interests set forth by the attorneys who drafted Proposition 37 and the additional bureaucracy that would be required by this measure, according to the ad.

None of the television spots took into account the aesthetic value. In the “Makes No Sense” ad, there is an appeal to cultural values when the images show which foreign food products are exempt from the labeling measure for no reason or justification. For example, both mustard from France and soy sauce from China are exempt but potato chips from the United States are not exempt. The preference for foreign products, giving them an unfair advantage in the commercial marketplace, is highlighted here. Additionally, in one of the ads, science and technology were the prominent values illustrated in conjunction with political values. This is evident in the “Safety” ad, which appeals to the value of how reliance on modern science and technology allows society to improve and move forward, even in the realm of environmental stewardship and preservation. Therefore, if one is concerned with protecting the environment, then it is necessary to oppose Proposition 37. In so doing, the ad is attempting to appeal to the social conscience of the voting public. This same message and value is repeated in the “Benefits” ad, noting how safe genetic engineering is for the environment, farmers, health and nutrition for everyone. Therefore, there is no need to be afraid or skeptical of genetically modified organisms, just trust the science experts to make those decisions for the public who lacks the expertise to make these decisions and judgments.

### ***5.2.6 Evaluation***

In evaluating the transparency of the message as represented in the visual context, it is important to be mindful that the viewer determines if the image has been an ethical success or



failure as this is the ultimate test for each image, as noted by Foss (2004). The majority of the ads which were reviewed in this study, the images were congruent with commercial speaker's activities in support of genetically modified organisms hence opposing Proposition 37.

Furthermore, the images of fear as reflected with the devastation to the agriculture field from the drought in California are represented in a few of the ads, correlating that catastrophe to what would happen if Proposition 37 passed. Images of economic hardship, impact on families, is also reflected throughout, with the shopper at the grocery store, attempting to read a label but with a confused and perplexed look on her face.

The complete picture is not provided in these ads, hence the conclusion that they lack transparency and are ethically problematic. In relying on doctors without disclosing their background and expertise (or lack thereof) in the field of biotechnology, this also reflects a lack of transparency while at the same time muddles the credibility of the source of the information but is relief upon, as credible, by an unsuspecting public.

There was always an impact statement at the end of each ad, and in several instances it provided a list of media outlets who oppose Proposition 37. The message is clear – if unbiased and neutral journalists have investigated this issue, and they oppose Proposition 37, then why should any voter support Proposition 37? The audience receives news from journalists, and individuals rely on the investigative, neutral and unbiased reporting from journalists. However, in these ads, the “No On 37” campaign, is attempting to appear neutral, portrays an image of truthful, factual and objective information to the voting public while in reality is misrepresenting the information.

In other instances, the impact statement at the end of the ad consists of calling upon the audience to “look into the facts” but the website link provided is that of those opposing Proposition 37. Therefore, it is not transparent but rather is deceptive in having the audience believe the link provided is from a neutral and objective source to obtain facts and truth about what is at stake concerning Proposition 37. Most audience members will not have the time to conduct research on their own time due to busy work and family schedules. Reliance on the ads is anticipated, and expected, in order for the campaign to achieve its goals and objectives, namely increase support to defeat Proposition 37.

The focus has shifted away from the right to know what is in the food one purchases to special interests, government bureaucracy, trial attorneys, shakedown lawsuits, fear of economic hardship and safety of genetically modified organisms. As conceived, Proposition 37 was a consumer protection bill – to protect consumers from the false and deceptive communication. It does not attest to the safety, nutrition or health value or lack thereof of genetically modified organisms. Rather it is similar to the list of ingredients on a box of Oreo cookies – including listing existing allergens such as peanuts or pine nuts. With such labeling, the consumer has a choice, and knowledge is power which translates to an increase in individual autonomy and control over basic food choices, what one chooses to put in one’s body at a basic, fundamental level.

Numerous claims made by the “No On 37” campaign are unsubstantiated, as they do not provide the audience with the source of the information contained in the ads, such as the study which said there aren’t any reported side effects from consuming genetically engineered food. However, no information is provided about how genetically modified organisms are produced,

the long term effects on the seeds and lack of diversity. Rather, the viewer is instructed that there are numerous benefits of genetically modified food products, and the science and medical expert shares his or her expert advice with the audience. However, neither medical credentials nor a link to where the voter can locate the expert's credentials, is provided. The source of the information also plays a vital role. One example of the misinformation centers around the campaign's claim that the change in labeling is something new, and costly. However, that is not true; in fact, corporations regularly change their labels every 14 to 18 months, and since Proposition 37 would not have taken effect immediately, it would have given the food producers ample time to change their labels in the normal course of conducting business, without any additional costs.

The time within the ads allotted to identifying partial lists of major funding sponsors is very limited – approximately four seconds of a 32 second ad. This does not allow the viewer to read the fine print, or to identify the identity of those entities, especially when viewing it on the television where the viewer is unable to pause and read that fine print. If viewing on YouTube, for example, the viewer can pause and read the list of sponsors. This requires more work on the part of the viewer using social media and networking sites but then conducting additional searches to seek out the relevant information related to the issue.

In all aspects discussed, the audience is asked to trust and believe the speaker of the ads. Yet, the source of the information is uniformly lacking, whether it is intentionally omitted or not. The "Dr. Miller" ad references "leading scientists and Nobel Prize winners" but their identities are also not disclosed but still the audience is provided with a false sense of security and comfort knowing that the medical experts have conducted testing to confirm GMOs are safe. Moreover,

the voters most definitely should be alarmed and concerned about Proposition 37's complex labeling scheme. Lack of transparency is also illustrated by the identification of general sponsors of the campaign as farmers and food producers, but who exactly are those groups and individuals? This provides a deceitful appearance of neutrality by not being affiliated with any particular political party. The message which is repeated is simple – Proposition 37 is a food labeling measure, and farmers know best since these facts fall within the farmer's area of expertise, and voters must follow the lead of the farmers, and vote in unison with the farmers. Even though the "No On 37" campaign was effective in achieving its goal (namely to oppose the passage of Proposition 37), it was not transparent and it was ethically problematic for the numerous reasons identified herein.

### **5.3 Implications for Expansion of the TARES Test**

The TARES Test: Five Principles of Ethical Persuasion is consistently used to evaluate whether a particular communication is ethical, ethically problematic or unethical. The existing five principles and duties as set forth in the TARES Test are: (1) the truthfulness of the message; (2) authenticity of the persuader; (3) respect for the receiver of the message; (4) equity of the appeal; and lastly, (5) social responsibility for the common good (Baker & Martinson, 2001).

When evaluating whether a corporation engaged in advocacy has created an ethical or an ethically problematic campaign, it is necessary to expand the existing framework of the TARES Test. The researcher proposes that the following additional factors be incorporated into the existing framework of the TARES Test: (a) credibility of the claims made by the corporate speaker (truthfulness of the message); (b) content of the message (truthfulness of the message); (c) persuader identity (respect for the audience); (d) extent and impact of the power, political and

economic imbalances between persuader and the receiver of the message (equity principle); and (e) the identity of the intended audience (respect for the audience principle). In each instance, these additional factors are not required to be additional, stand-alone principles but as noted parenthetically should be incorporated to the existing TARES principles.

### ***5.3.1 Credibility of Claims***

The line of demarcation between credibility and truthfulness can get muddled at times; hence, it is critical to distinguish between these two principles as they apply to the present case study. As Day (2006) notes, to be credible means one is believable and worthy of trust. What it means to be truthful differs for journalists and for those engaged in public relations and advertising. For journalists, being truthful requires the speaker to provide accurate information and facts that promote understanding of the issue at hand, thus providing essentially a complete picture of what is at stake (Day, 2006). However, in public relations, using selective truth to create a message is not unethical since persuasion is a legitimate function of the field (Day, 2006). That does not mean that corporate speakers can deceive and provide misinformation, but rather the public does not expect the same degree of truth – we should expect accurate information but without balance and objectivity which guide journalists. If the corporate speaker is intentionally controlling the flow of information to the public, then it is possible that speaker is engaging in ethically problematic strategic communication. Meanwhile, if there is a lack of credibility, that is translated into a lack of confidence in the message put forth by a commercial or governmental speaker (Day, 2006). By appearing more credible and independent, the corporate speaker is in a more advantageous position to reap greater profits and achieve their goals as established for the particular campaign.

One problem at issue in the present case study is that journalists accept the press releases from commercial speakers, such as the “No On 37” campaign, without making any changes, and when provided to the public we expect the high degree of balance and objectivity and truth that promotes an understanding of the issues at hand. However what is being provided to the audience in this instance is one-sided communication that is persuasive to an unsuspecting audience. The credibility of the speaker matters as it is a source of information and a source of brand loyalty, hence revenue building as well. The researcher proposes that this component be added to the first TARES Test principle that examines the truthfulness of the message.

### ***5.3.2 Content of Message***

Embedded within the content of the message is the principle of “selling” a product, service, belief or perception. Therefore, the writer proposes that a closer look be taken at what constitutes “selling” in a variety of contexts. In this case study, the “No On 37” campaign is “selling” the belief and perception that Proposition 37 is a poorly-written measure that was written by trial lawyers for their own benefit at the expense of farmers, small businesses and the California consumers and taxpayers. Interconnected within a message, the researcher proposes the consideration of how newspapers and media outlets select what messages to promote, and whether those decisions are based on fear not to upset existing corporate advertisers and sponsors. This has an impact on the topic selection and perspective shared by the media to the overall audience. It is plausible this occurred in the “No On 37” campaign since numerous press releases contained links to the newspaper stories urging the public to oppose the passage of Proposition 37.

Moreover, the information provided fosters open channels of communication which promotes the full liberty of audience action. This contradicts and starts to dismantle the paternalistic concern that even though the audience is provided with truthful and credible information, one does not know what to do with it. The position of this researcher is that an individual is in the best position to determine what is in his or her own best interest only when one is informed with the scientific facts. This is reflected in other industries by professionals such as attorneys and doctors. Consumers, clients and patients are entitled to more information to make better choices – such as organic food labels, geographic designation of where food comes from (such as Mexico, or even states within the United States), and privacy disclosures at the doctor's office. This is also evident in products such as tobacco and pharmaceutical drugs, where the side effects are disclosed and the individual retains the autonomy to make his or her own choice.

In assessing the content of the message, the researcher recommends the consideration of the form and nature of the interaction between the speaker and receiver of the message. Who has a material interest in the outcome, such as if Proposition 37 passes or fails, must also be considered in this context. Also, is the “No On 37” campaign making factual representations or is it mere exaggeration? When factual representations are being made and relied upon as an assertion of fact (not an opinion), there is a higher degree of likelihood for material deception of the part of the audience. This is interconnected with the principle of transparency so it is not only what is said, but why it is said and the motives in making the claims contained in the message (Plaisance, 2014). Furthermore, the accuracy of the information provided to the receiver in the message should also be evaluated, whether it was deliberately false or misleading

information, one-sided information, or if it was an honest exchange. There is a difference between legitimate persuasive campaigns and those which are ethically problematic or even outright deceptive and manipulative. As such, there is an underlying imperative that such corporate advocacy campaigns engage in responsible, legitimate and open communication.

### ***5.3.3 Identity of Persuader***

In the analysis, it is critical to identify the presence of front groups or associations between the persuader and other groups (governmental, corporate and/or individual) which has an impact on the credibility and content of the message. Therefore, the first step is for the campaign to disclose to the audience its identity. Disclosing the source of the funding from corporate, government, individual and non-profit sponsors, is critical in providing the audience with the power, respect and autonomy to make informed decisions based on their own values and beliefs. The undisclosed or partial disclosure of the sponsorship for a particular campaign message prevents the consumer from identifying whop is the speaker, and if any conflicts of interest exist, thereby compromising the message's authenticity, credibility and truthfulness. Disclosure improves the quality of the speech and it does not interfere with anyone's interest to convey a truthful message. Even if the campaign were to include the "Paid" designation, such disclosure would not have the effect of hampering speech. Rather, this potentially can improve decision-making on the part of the voting public.

Traditionally, the focus has been on the content of the speech rather than the source of the message. In the present case study, the "No On 37" campaign utilized several external sources to promote the message of opposition to Proposition 37, such as local farmers and doctors. It is



unknown whether those individuals were compensated for their participation, but whether or not they received compensation matters, as it makes the speech at issue more commercial hence strengthens the argument that this speech should be classified as commercial speech.

If corporate speakers fail to disclose fully the sources of the message, according to Bok (1999), then the audience is not treated with the dignity one deserves. By disclosing the identity and sponsorship of the speaker, it fosters responsible decision-making on the part of the voting public. The benefit of disclosure for the commercial speaker is the building of reputational capital as well. Therefore, the writer proposes that this component be included within the second factor of the existing TARES Test to assess fully the authenticity and identity of the speaker.

#### ***5.3.4 Power, Political & Economic Imbalances***

When assessing the power imbalance between the persuader and the receiver of the message, it is relevant to take into account the financial imbalances. Who has the power to control the message cannot be discounted or ignored. Rather, it plays a significant role – it determines what messages are created and which messages are released to the recipients. The receiver of the messages has minimal control, not in the production and creation of the message but solely in turning away from the message; however, one remains unable to completely avoid the message in its entirety. An individual cannot turn away before the message appears, so one ends up being exposed to a portion of the message even before one may then decide to avoid it by turning off the channel, for example.

Regarding the imbalance of power, consideration must also be afforded to both public and minority interests. If a commercial speaker is opposing legislation that protects the

transgender citizen, for example, what are the power imbalances and how does this translate into political and economic interests related to the audience and the speaker. Additionally, the role of lobbying efforts must be taken into account when assessing the power imbalances at stake. One must also take into consideration whether the speaker is championing a cause or challenging current norms, or even violating existing law(s).

In assessing whether there exists a mild or significant power imbalance within the particular campaign message, it is crucial to examine any political ties the corporate speaker may have to existing politicians or whether there is (or has been) a revolving door between the corporate speaker(s) and government agencies such as the Federal Department of Agriculture. Notwithstanding that society is not a cohesive and homogenous entity, an evaluation will be necessary to assess how the power imbalances, including political and economic, apply to members of society with different values, beliefs and perceptions.

As such, when making an appeal to an audience who is less educated or less technologically equipped to discern the potentially misleading communication, the element of a power imbalance becomes integral in the analysis. Taking advantage of a particular audience would be one factor that favors a finding that a specific campaign is ethically problematic. The element of power and the extent of a corporate speaker's political connections has an impact on the audience and the effectiveness of the message. When a corporate speaker engaged in advocacy has extensive political connections, it has the potential and likelihood of persuading a large segment of the audience to support the corporate and political agenda of those entities, thus having those issues on the media's agenda while silencing other issues which may be relevant, but the corporate speakers may not support. This translates to the corporate speaker having

greater access to the media, including but not limited to more frequent reporting and more favorable reporting on a particular issue.

At the same time, the sole fact that a corporate speaker has extensive financial resources at its disposal does not automatically make the strategic communication campaign “ethically problematic.” However, money is power and thus it enables the corporation to speak and communicate its message to a large audience, so it does provide that speaker with a definitive advantage which requires further investigation. This advantage over opponents is unlike a courtroom where all parties have a voice to present one’s case, facts and evidence. In this context, what happens to the non-corporate voices who lack the financial and political advantages? In many instances, those voices are lost and remain silenced. Therefore, a close examination of the impact within the marketplace of ideas may also be helpful to gain a more comprehensive view of the impact existing power, political and economic imbalances may have on the effectiveness of a message on the voting public.

### ***5.3.5 Appeal to the Target Audience***

When identifying the intended target audience, it is also beneficial to identify the values and perceptions held by such individuals and groups, as well as how easily or difficult it is to change those beliefs. In some campaigns, different messages may be necessary if more than one target audience exists. It is important to identify what action the campaign is calling upon the audience to take, or not take.

The researcher proposes that close attention be also given to assessing the harm to the audience who is exposed to an ethically problematic message, or even a false and misleading

message. In so doing, scholars will be in a position to identify the potential harm, and to propose methods of avoiding or minimizing such harm.

#### **5.4 Implications for Classifying Press Releases and Television Spots as Commercial Speech**

It is undisputed that today's strategic communication campaigns push the boundaries and are constantly moving into new terrain, including new formats as well as the law's ability to regulate such speech. At times, these campaigns may even appear to straddle the line between commercial and non-commercial speech. The role modern technology plays in society today establishes a dual role as both producer and consumer of information (Tushnet, 2010). To further complicate matters, Kozinski & Banner (1990) point out that commercial speech protection is the "stepchild" of the First Amendment – liberals don't like it because it is commercial, and conservatives don't trust it because it is speech.

Regardless of whether one is a conservative or liberal, the ability to give, but also to receive, information about commercial matters is critical to how individuals function within a democratic, free market society. It also opens the door for speech to become more intrusive, as everyone is vying for catching the audience's attention: "what the audience wants, or doesn't know that it wants but would if it heard the right pitch" (Tushnet, 2010, p. 723). It is difficult for public relations professionals to know exactly what an audience wants; hence, the audience becomes unpredictable which then directly affects the strategies, tactics, verbal and written discourse used in strategic communication campaigns to achieve the desired result. Potentially this calls for reshaping commercial speech regulation that takes into account modern strategic

communication campaigns and how they are crafted to constantly compete for the public's attention.

Intrinsically connected to this issue is the audience's willful disregard – individuals try to avoid advertising campaigns, and the more one hides the more advertising and public relations push the boundaries to get the audience's attention. Tushnet (2010) draws a comparison between the commercial sale of goods and services to that of pornography, namely that as society normalizes and accepts more sexual activity, then campaigns push those boundaries to excite the audience to garner more attention. As such, closely examining whether the “No On 37” campaign has pushed the boundaries and is attempting to normalize an ethically problematic campaign becomes very relevant in light of the lack of uniformity in classifying commercial speech.

At the same time, commercial speakers must disclose relevant information to avoid consumer deception. One concern is that by classifying corporate public relations campaigns as commercial speech, it would censor and create unconstitutional (and unnecessary) obstacles which would in turn prevent the corporation from speaking. That is not the case, as is evident in this case study. Rather, by classifying the “No On 37” campaign as commercial speech, it solely creates boundaries for such speech, and allows the government to impose reasonable regulations to ensure commercial speech is not false or misleading in order to protect consumers and to minimize consumer confusion. To clarify, the same would hold true for the “Yes On 37” campaign – meaning, the same rules would apply and that campaign would also likely fall under the same protections afforded under the commercial speech classification.

Mass media is driven by profit, and such is a critical factor when classifying public relations campaigns as either commercial or non-commercial speech, including editorials contained within print media. Press releases and television spots are considered to be conventional advertising format. In *Nike, Inc., et al v. Kasky*, one argument raised by Nike to classify its strategic campaign as political speech was because its ads did not appear in conventional advertising format (529 U.S. 654, 2003). However, notwithstanding such unusual format, the California Supreme Court still classified Nike's campaign as commercial speech. Similarly, the "No On 37" campaign also should be classified as commercial speech. The *Nike, Inc. et al v. Kasky* (2003) court also held that it is permissible for such campaigns to include a discussion of important public issues, such as the mandatory labeling of GMOs at issue in Proposition 37, and still be classified as commercial speech.

However, Proposition 37 is a measure asking the voters to vote either in support or opposition. Perhaps one argument can be made that this constitutes political speech. However, that is not the position of the researcher. As Justice Sandra Day O'Connor stated in *Nike, Inc. et al v. Kasky* (2003), there may be a political component embedded in the commercial speech, but the commercial aspect tips the scale in favor of governmental limits pursuant to the parameters set forth for commercial speech. Moreover, campaigns which link a product to a current public debate do not translate into such speech receiving greater protection as political speech. The corporate speaker cannot immunize itself from liability by providing false or misleading information solely by referring to a public issue – that would be too easy.

Rather, the *Nike, Inc. et al v. Kasky* (2002) court analyzed the campaign components according to three factors: (a) the commercial speaker; (b) the intended audience, and (c) the

content of the message. When identifying the commercial speaker, the court looks at the corporation(s) who are engaged in commerce related to the specific product or service. In this case, there are several corporate speakers, the GMA coalition including Monsanto which is the leader in providing funding for the “No On 37” campaign. The products at issue are food products which contain genetically modified organisms, are grown from crops that have been grown with seeds that have had their DNA genetically altered. If Proposition 37 had passed, the fear was that consumers in California would believe such foods were unsafe and not purchase them. This would translate to billions of dollars lost to Monsanto and other GMA members who are heavily invested in the genetic engineering of seeds and crops as well as the production of pesticides to be used specifically on genetically engineered crops. Monsanto controls the vast majority of the genetically engineered seeds and the pesticides such as Roundup, which translates into significant financial gains (or losses) at stake for Monsanto and its partners who control the seeds and the patents on those seeds if Proposition 37 had passed. Due to the bottomless supply of financial resources, this translates into the power to control the message by the commercial speaker, thus strengthening the argument that such speech should be categorized as commercial speech rather than as political speech.

Even though it is plausible to argue that the California Supreme Court has expanded the definition of what comprises commercial speech, the commercial speaker still retains the ability to weigh in and speak about matters of public interest and public debate. That right has not be eliminated or infringed upon. Simultaneously, it is also plausible that such expansion opens the door for corporate liability for inaccuracies in the course of public debate, but the same holds true for inaccuracies given by non-profit organizations such as People for the Ethical Treatment

of Animals (PETA) in the same context. However, if the commercial speaker is engaged in untruthful and misleading communication, then such could reduce or impair its ability to weigh in public debates, and would also be subject to governmental regulation.

Furthermore, Monsanto has taken an aggressive stand in pursuing lawsuits against farmers who violate its technology agreement and allegedly share seeds with other farmers. Monsanto has filed over 160 lawsuits in the last decade against farmers and it has not lost one of those lawsuits. The argument then becomes whether Monsanto is having a chilling effect on commercial speech, preventing farmers from voicing its opposition to genetically modified organisms. There is clearly a substantial government interest at stake here, to protect free speech to protect the health and safety of the public, and to prevent the spread of false, misleading and deceptive information. Moreover, Monsanto and the members of the GMA are engaged in the business of genetic engineering and genetically modified organisms, hence satisfying the first component of the elements set forth in the *Kasky v. Nike, Inc.* (2002) case.

The second factor, the intended audience, includes both actual and potential buyers of the products at issue, here that being foods containing genetically engineered ingredients. Pursuant to the *Kasky v. Nike, Inc.* (2002) holding, this includes not only letters to the editors addressed to the public generally but also press releases. This is done in order to maintain or increase the sales and profits of the commercial speaker(s). Clearly, that is what occurred in the present situation – the press releases were intended to attract the voting public in California to oppose Proposition 37. This included families, farmers, small business owners, those opposing trial attorneys, and the like. For the “No On 37” campaign, the target audience was quite broad thus encompassing a wide range of individuals as illustrated above. The government retains a



substantial interest in regulating such speech, to protect consumers from false and misleading information (*Cen. Hudson Gas & Elec. Corp. v. Pub. Serv. Comm'n*, 447 U.S. 557, 1980).

The last factor relates to the content of the message. This includes representations of fact of a commercial nature, how the product is made, facts related to the safety of the products and services, and other items which exist within the knowledge base of the commercial speaker. This is where the corporate speaker is in a position of power to verify readily the truth of any factual assertions being made on the specific topic at hand. This is exemplified by the content within the press releases as well as the television spots. For example, in the press releases, the “No On 37” campaign reminds the audience that genetically engineered food is safe to consumer with minimal or no side effects, and provides expert physicians to corroborate this information. Since the studies have been conducted at the request of the “No On 37” campaign sponsors, this information is clearly within the ambit of their knowledge base. Therefore, the “No On 37” campaign sponsors have the power to control the message and its content. The commercial nature of this communication stems from the fact that the “No On 37” campaign sponsors are all engaged in the production of genetically engineered food, ranging from the actual processed food product to the genetic manipulation of the seeds (such as Monsanto) to the production of the herbicides and pesticides required to grow genetically modified crops (again, Monsanto, Dupont and others). Therefore, if Proposition 37 had passed, it would have had a negative impact on their commercial brand, business and financial gains. This clearly falls within the umbrella of a commercial transaction, hence commercial speech pursuant to the holding in *Kasky v. Nike, Inc.* (2002).

The courts have been divided as to what constitutes commercial and non-commercial speech in press releases, including those which contain reprints of media articles. When a newspaper article includes written discourse from a press release into its story, it has the potential to covert the article into an advertising tool, and hence should be classified as commercial, rather than, political, speech. The same holds true as in the present case, where the “No On 37” campaign press releases not only included the actual newspaper story in the press release but it also included hyperlinks to the newspaper article. This goes beyond merely commenting on a public controversy but it also illustrates how the “No On 37” campaign was engaged in the promotion of genetically engineered foods, the very products of its major funding sponsors, including Monsanto.

Taken a step further, the “No On 37” press releases contained in this sample are a standard means of communicating directly with consumers and the general public, as was the case with Nike. Corporate speakers are aware that the material in their press releases is usually passed on to the public without any alterations or modifications by the journalists or television station editors (Beder, 2002). Simultaneously, the press releases and promotional material, including the television spots, which are passed through unmodified are perceived by the audience as having been vetted by the media outlet and any inconsistencies or falsities would have been removed prior to being communicated to the public (Tushnet, 2010). Hence this speech is considered very credible by the unsuspecting audience.

It is undisputable that both Monsanto and the GMA had control over the content of the message and the power to verify the truth of the factual assertions made by the “No On 37” campaign in the press releases as well as the content of the television spots. This is similar to the

control and power exercised by Nike. It is also reasonable to require the commercial speaker to be diligent and careful when creating its public relations and strategic communication campaigns as the effects on the public potentially are significant, especially when it involves a proposition where the public is voting to approve specific measures. Monsanto, the GMA and Nike all have the financial resources to act accordingly.

As noted above, there are numerous similarities between the *Kasky v. Nike, Inc.* (2002) case and the “No On 37” campaign. Both are attempting to create news, hence lending itself to a classification as commercial speech by utilizing a combination of press releases and written discourse. Moreover, the television spots were bought and paid for commercial time when airing on the radio and network television stations, and additionally it was costly to produce and edit those ten television spots as well. Interestingly, there is also reputation management rhetoric embedded in the “No On 37” campaign both in the press releases as well as in the television spots. This is evident when there are facts given about the safety of genetically engineered food products, and how they have been tested for decades before making their way onto the grocery shelves. In one press release, the statement was that this is not “franken food” but rather very safe. This was corroborated in the television spots where various doctors spoke directly to the audience, telling the public that there are no health risks for pregnant women, children or anyone to eat these foods, since they are genetically altered with natural occurring foods.

As noted above, our current legal system and public relations, advertising and marketing guidelines do not provide a comprehensive framework to uniformly categorize commercial speech and political speech. This case study illustrates the novelty of the issue, and how scholars can collaborate to work towards creating new rules of law to apply in this context as existing

case law is incomplete and is unable to fully address the issue of categorizing commercial and political speech. Commercial speakers regularly engage in public debate, offering support for one particular position, but the law cannot permit a corporate speaker to shield itself from liability by claiming such speech is categorized as political speech thus entitled to greater First Amendment protection solely because it concerns a matter of public concern.

### **5.5 Implications for Environmental Communication Scholars**

Journalists have the power to narrate a story that reinforces the status quo or attempts to destabilize the existing hegemonic power structure (Good, 2008). A majority of the public, those who are not attorneys, judges, law enforcement and lawmakers, rely on media coverage for information to assist them to make decisions ranging from what shampoo to purchase to which candidate to support for President of the United States. Essentially, coverage of “news” is driven by what the media deems is newsworthy, and what the media believes will garner the most attention from the public.

Often, journalists focus on speed, accuracy and simplicity in reporting rather than investigating further and attempting to distinguish between information and disinformation. In fact, many journalists lack the background to understand the scientific complexities of a range of issues including genetic engineering, climate change, water issues and droughts. The end result is ineffective reporting where the audience lacks access to relevant information to help the audience make critical decisions that have an impact on their daily lives. Journalists are the most important source of public information about a range of social and environmental issues, including climate change and genetically modified organisms (McIlwaine, 2013, p. 47).

Therefore, it makes sense to offer journalists help to better understand these complex issues so they are in a better position to provide the public with necessary information, rather than misinformation. The Society of Environmental Journalists (“SEJ”) is one of those online sites which seeks to aid journalists in North America and in the United States. In the “Guide to Diversity in Environmental Reporting,” range of issues are addressed such as diversity, climate change and calling for a more inclusive form of journalism, including how to separate information from disinformation (SEJ, 2016). This includes issues of representation of women, racial and ethnic groups, age groups, people of various abilities and orientations. Different perspectives are also recommended, including from editors, publishers and journalists and other sources all of which offer relevant perspectives in the stories being told (SEJ, 2016). In so doing, journalists gain a more comprehensive understanding of the media landscape and how they can actively participate in the story-telling process.

Notwithstanding the shortcomings identified above, journalists play a critical role in raising the level of public awareness on matters of public interest such as mandatory labeling of genetically modified organisms. Within the field of environmental communication, it would be beneficial for scholars to collaborate with journalists to better identify ethically problematic campaigns but also to create effective strategies to respond so that the public is informed as to what constitutes information, separate from disinformation.

Rather than focusing on political disputes and the “dueling scientists” which only leaves the audience apathetic, confused and disinterested, other strategies should be employed by journalists. One resource that fills the gap in this area is the SEJ’s Reporting Tools and Toolbox for journalists (SEJ, 2016). The Reporting Tools provides journalists with numerous ways to be

part of the process that distinguishes facts from disinformation (SEJ, 2016). Additional topics in need of additional collaboration include the following: disasters and extreme weather; fracking; drought facing western states; nuclear energy; farm and food; water pollution; as well as reporting tools for various environmental issues (SEJ, 2016). These reporting tools provide a step in the right direction to further assist journalists separate truth from potentially misinformation (either intentional or negligently).

Specifically, an example of the recommendations provided by the SEJ (2016) include asking questions covering the basics of an issue, such as “How is the water used” and “Who uses the water?” The answers are not so simple but rather require the journalist to dig deeper and ask follow-up questions to get to the truth, and relevant truthful information. Next, the investigation should focus on the underlying problems prior to the development of the draught. Therefore, questions such as “Is the infrastructure leaking or outdated?” become useful to uncover the truth. Environmental issues are not only about climate change and genetic engineering but also are fundamentally connected to economics and politics.

Journalists are also encouraged to put the story into human terms – find individuals who can offer their personal account thus making the abstract negative effects more tangible and less vague. The audience becomes emotionally invested in the story and will collaborate to find a solution to the problem. Individuals also remember personal stories better, with vivid detail. Journalists are also urged by the SEJ (2016) to “dig deeper on basic questions” by asking questions such as “How should water be used compared to how it is currently being used?” Journalists will uncover these truths when they dig deeper and ask follow-up questions and as

they become more informed about the facts, science, health, economics and other factors that have an impact on the particular story.

Warnings are also provided, such as urging the journalist to verify all information from independent sources (SEJ, 2016). Journalists are urged to verify the data acquired, and are warned not to accept information at face value. For example, journalists should verify the information with public records, water bills and compare this to the actual data uncovered.

Moreover, the SEJ (2016) also offers Question Point which is an online live reference service allowing journalists to speak with a librarian 24 hours a day seven days a week. This service provides the journalist with reporting tools, a transcript, links to other online sources as well as referrals to experts and the like. The Society of Professional Journalists (2016) also offers a Journalist's Toolbox which is free and contains helpful information and suggestions, but it lacks an environmental focus. It calls on journalists to include more diversity in their reporting, provides instructions as to how to conduct background checks on corporations, how to track campaign finance money, how to access public records, how to cover stories involving trauma and the like (SPJ, 2016).

Furthermore, another suggestion is for journalism schools to incorporate environmental education into their curriculum. This can also be reinforced within the Public Relations Society of America (2016) offering continuing education courses on these topics which are always changing and journalists must stay up to date with these changes to be most effective. The role of the journalist is becoming more important in our global society, and therefore the journalist

must constantly educate and re-educate h/herself as to the basics and complexities of environmental issues such as climate change and genetic engineering.

## **5.6 Integration and Application of Findings**

There are several lessons to be learned as a result of the findings of this study. First, the public relations strategies utilized by a corporate advocacy speaker play an integral role when crafting a strategic communication campaign in order to effectively and persuasively communicate with the intended audience. Moreover, the selection of particular strategies and tactics can reveal the motives of a corporate speaker. As a public relations professional, there is some degree of responsibility to create ethical campaigns. However, one must also be mindful of the different legal protections offered to such speech which should dictate how a message is framed and what information is included in the campaign. Knowing that including content concerning a public debate into a campaign will not in and of itself receive broader protection under the First Amendment as political speech. It is also beneficial to review the FTC guidelines related to false advertising, as commercial speech allows for government regulation when there is a substantial government interest – protecting the public from false and misleading information can be construed as a substantial government interest.

Next, it is important to review the findings herein in tandem – the public relations strategies are connected to the evaluation of a campaign based on the proposed expanded TARESS Test as well as with Foss's framework for visual rhetoric. Current society is extremely dependent on technology and visual images. As such, a vast majority of written discourse will be accompanied by some degree of visual images. The messages communicated by both the written and the visual content must be complimentary, otherwise if there is a disconnection, the



message will not be effectively communicated to the intended audience. Therefore, this requires a multimodal evaluation of strategic communication campaigns.

Corporate rhetoric continues to evolve, and even though it was not the focus of this dissertation, it warrants a brief mention as to how the findings of this study can be useful in that context. Most individuals watch a television (or online) advertisement and absorb the message without taking notice of the sponsor – it is almost surreal. Corporate speakers are well aware of this, and therefore the rhetoric takes this into account when creating a campaign. Moreover, there has been a recent trend since 2000 with the proliferation of environmental front groups, in that corporations are trying to co-opt environmental issues such as climate change. In so doing, the corporation is making climate change, for example, more mainstream (hence, greenwashing in some instances). This has the effect of turning the environmental group, which has a history of protecting animals or the oceans, into a fringe group that is unreliable and untrustworthy. Therefore, the audience is more inclined to trust the corporation. This is exemplified by Monsanto – one of their products, Roundup Ready, has been found to contribute to the death of millions of bees yet the corporation includes on its website its efforts to protecting the bee population (Monsanto, 2015).

Greenwashing campaigns also have the effect of clouding the real issue, thus minimizing the urgency of the issue. For example, once a potato seed has been genetically altered, it cannot be undone. This has significant implications yet this has not been addressed by the any campaign related to GMOs.

Corporate rhetoric has also incorporated elements of fear into the campaigns, including but not limited to the threat of government regulation. The narratives warn the audience about

the “bad” acts of its opponents, and how the opponents want to destroy the “good life” that has been achieved with hard work and sacrifice. In so doing, neoliberal principles are perpetuated and normalized while minimizing corporate social responsibility thus negating any meaningful dialogue regarding environmental and social issues. It could also be useful for non-corporate organizations to contact experts on a variety of issues so the corporate speaker and its experts are not the only legitimate voices being heard and allowed to speak.

Rhetoric such as the “war on coal” has also found its way into corporate advocacy campaigns. It has also relied on ambiguities, such as costs and feasibility of the proposed regulation or measure. The effect is that it shifts the attention away from the existing environmental, health and safety implications. This was evidenced in the “No On 37” campaign which focused the audience’s attention on Proposition 37 being poorly drafted, a hidden food tax that negatively impacted families by raising grocery costs, and would benefit trial attorneys while disadvantaging local farmers and small businesses. The “No On 37” also utilized the strategy of disarming its critics – it engaged in name-calling the proponents of Proposition 37, consistently reminding the audience that Proposition did not make any sense due to the nonsensical and arbitrary exemptions which favored foreign interests and it was essentially a bureaucratic nightmare for everyone in the state of California.

As it appears that corporate rhetoric has evolved over the years, it still relies upon a few basic narratives and strategies. This should be useful for non-corporate advocates such as non-profit organizations, to assist those entities to create effective strategic communication campaigns which aim to counter the misinformation provided by corporate advocates when

necessary. Having an action plan providing clear guidance will assist the non-corporate advocate to take action quickly and utilize their limited resources in the most efficient manner possible.

Third, the proposed expansion of the TARESS Test is beneficial as it allows scholars to take into account other relevant components that are important for an ethical analysis. Knowing the source of the information is critical, but this does not mean a corporate speaker can shield itself with the creation of a front group. That does not provide the audience with authentic information which will be useful to make informed decisions. Rather, in so doing, the corporate speaker is decreasing the audience's degree of autonomy and personal responsibility. Therefore, the expanded TARESS Test seeks to provide the audience with a broader spectrum of information, truth, transparency and authenticity to make more informed decisions that have an impact on one's personal health, safety, body and values in all contexts ranging from how one votes to the food choices one makes.

Lastly, the findings contained herein should be equally applied to both the corporate and non-corporate advocacy speaker. When any advocate, corporate or not, prepares a strategic communication campaign, all of the components of the expanded TARESS Test should be applied in order to assess whether the particular campaign was ethical, ethically problematic or if it amounts to unethical communication. At the same time, these findings provide public relations professionals of any campaign to create ethical campaigns that take into account principles of truth, transparency, respect and equity. In so doing, scholars and professionals in the field have additional tools to assist them to identify and prevent the creation and promulgation of ethically problematic strategic communication campaigns.

## **5.7 Conclusion – Limitations and Future Research**

The goal of Proposition 37 is simply a labeling initiative – it was not calling for any statement about the safety of genetically modified organisms and their consumption. It aimed to provide consumers with the right to know what it is the food one is purchasing and consuming. In fact, the proposed labeling in Proposition 37 does not go so far as the labeling on tobacco products and cigarettes. Rather, it is more in line with labeling allergens in food products, such as peanuts and pine nuts, which is already being done quite easily and cost-effectively.

The question surrounding whether public relations strategies employed by corporations to create environmental advocacy campaigns are considered ethical communication has not been extensively researched. Perhaps this is due to the ethical complexities of persuasion, or that persuasion has grown to be more powerful so it is often correlated as synonymous with propaganda and manipulation. This study does not provide a stamp of approval for any false or misleading strategic communication campaigns. Rather, this study attempts to create an in-depth framework and two-tier analysis of both the visual and the written elements in a public relations campaign. These have never been explored prior to this research. Future communication scholars can then assess, on a case by case basis, whether corporate advocacy campaigns concerning environmental issues amount to ethical or ethically problematic communication. In so doing, this study proposes to expand the TARES Test to comprehensively make such evaluation and assessment within environmental communication and public relations. In so doing, the existing criteria are more comprehensive and an additional criteria was proposed, thus making it the “TARESS Test” to take into consideration social and ecological responsibility for all strategic communication campaigns.

Based on the foregoing research in this case study, the “No On 37” campaign is ethically problematic. In utilizing persuasive, informative and coercive public relations strategies as identified by Hazleton & Long, the campaign engaged in one-sided communication which reduces individual autonomy, is not truthful or transparent, lacks respect for the audience, fails to disclose its funding sponsors, and blurs the lines with journalists by having its spin of facts reported to the public as objective and neutral, and therefore credible. This is exemplified not only in the press releases but also in the television spots prepared by the campaign. In so doing, it has violated the principles set forth in the TARES Test as well as the additional components the writer proposes should be added to the expanded TARESS Test.

Albeit the “No On 37” was an ethically problematic campaign based on the foregoing analysis and evidence, it is still possible for a corporate speaker engaged in advocacy to be persuasive and not engaged in ethically problematic campaigns. Public relations professionals could look at this research and use it as a roadmap to create campaigns for their clients that were not only persuasive but also ethical. Alternatively, those same public relations professionals could use the information contained herein to create extremely effective but ethically problematic campaigns. Non-corporate activist organizations could also use this information to create action plans to be more effective such as to shape their messages to combat corporate advocacy campaigns which are ethically problematic. Furthermore, attorneys and legal scholars can utilize this information to gather evidence to then file lawsuits against corporate speakers, such as Monsanto and Nike, if the campaigns are providing misleading and deceptive information to the audience (hence, harming the audience) in violation of existing federal and state laws.

### ***5.7.1 Limitations of Study***

In this initial study, it was not possible to take into account all forms of communication related to Proposition 37. The focus of this study was not only the written but also the visual content forms of communication. One limitation was that this study did not include in the sample the other public relations campaigns created by front groups and other opponents of mandatory labeling of genetically modified organisms to defeat Proposition 37 in 2012. After the defeat of Proposition 37, several states followed California's lead and asked voters to approve similar propositions, but very few have been successful.

Another limitation of this study was that it cannot be replicated as one would for an experiment. Even though the findings of this study cannot be generalized to other labeling of genetically modified organisms propositions, the framework and findings can be used as a springboard for future studies as identified below.

Lastly, the writer was the only coder for the sample and that presented a limitation. Perhaps it may be beneficial to have one other coder to analyze the press releases to determine which strategies were being used, as well as to determine whether the speech contained therein was more commercial or political speech. The advantage of the researcher being the sole coder was time efficiency. If another coder would be used, that coder should have a legal background at the very least, and preferable be an attorney. Having two coders would provide additional clarity on issues of potential ambiguity.

### ***5.7.2 Future Research***

Upon completion of this study, several ideas emerged for future research – one being a comparison of public relations campaigns promoted by activist special interest groups and non-

profit groups, taking into account the specific strategies being used and their degree of effectiveness among the target audience. The focus could be on the performance of a specific behavior, such as voting, and whether those beliefs were influenced by one or more of the public relations strategies as identified by Hazleton & Long.

Additionally, future studies might investigate and analyze how both traditional and online media outlets incorporate the message put forth by commercial speakers in public relations campaigns. Elite media outlets, such as *The Los Angeles Times*, could be included in the sample as well as online networking sites such as Twitter and Instagram. This might also include the integration of corporate, social and personal responsibility elements into the analysis. When assessing how journalists repeat the commercial speaker's message, a discussion about how media normalizes and promotes the status quo, and which messages are marginalized, may also be beneficial.

The "Yes On 37" campaign could also be investigated to determine its similarities or differences to the "No On 37" campaign, and whether it was ethically problematic. Additionally, a discussion about whether the methods of communication employed are similar to the "No On 37" campaign, and therefore constitute a classification of commercial speech would be beneficial. Another component could be to examine the public's comments on YouTube and Twitter about the specific genetic engineering labeling measure, taking into account what is being said and whether it could have had an impact on the final outcome of the passage or failure of that measure.

Society is moving more toward a trans-media perspective that allows for an audio-visual form of storytelling using social media, where the verbal is used in conjunction with the visual.

Even though this has not been the scope of this study, future research can investigate this new perspective and the value it may offer to the field of communication and media studies.

Advertisers are constantly fighting for the audience's attention, and as such the market is saturated with constant advertising, marketing, and public relations campaigns. This has made it more difficult for the public to sort through and separate out information from disinformation. A future study could examine how this can be done effectively, and which tools the media provides to the public to effectively sort through the "authentic" from the "fake" or "stupid."

Another future research study could focus on investigating the pattern of public relations strategies used by commercial speakers when a proposed measure is on the ballot for the audience to vote on. Communication scholars could then build on this framework and examine the public relations campaign strategies used by opponents (including Monsanto) of mandatory labeling of genetically modified organisms in other states. Perhaps scholars can then compare how the public relations strategies differed (or were similar) in states where the propositions failed and in those states where propositions passed (Vermont, Maine, and Connecticut). This will provide a further evaluation of whether there exists a combined, sustained, systematic and intentional pattern of ethically problematic communication by corporate advocates on the issue of mandatory labeling of genetically modified organisms. A potential future study could closely evaluate, within the genetically modified organisms labeling debate, which public relations strategies and tactics are used when two advocacy groups are competing for the advantage – one being backed by powerful corporate industry entities and the other being a citizen advocacy group. Future studies could also examine the role of the Internet in fostering ethical, unethical or



ethically problematic communication on issues of environmental concern, and whether it amounts to eco-terrorism, an emerging concept which requires further exploration.

### ***5.7.3 Final Thoughts***

Over the last decade, Monsanto's image and reputation has suffered due to its involvement in the promotion and creation of GMO seeds and herbicides. On the receiving end of such backlash, Monsanto now has the possibility to erase the negative publicity to its brand and products. In May 2016, German drug and crop chemical group, Bayer AG, offered to purchase Monsanto for \$62 million in cash (Broder & Prodhon, 2016). This would translate to approximately \$122 per share. Some financial analysts believe this is an uphill task for Bayer to persuade Monsanto, potentially requiring Bayer to increase its offer price (Broder & Prodhon, 2016). It is interesting that even though Germany has banned GMOs within its country, Bayer, as a German company, is interested in expanding its control of the GMO market with the purchase of Monsanto.

Should Monsanto accept Bayer's purchase proposal, this could very well create interesting repercussions within the GMO and agriculture arena, including potential antitrust complications. However, one of the benefits of such purchase for Monsanto would be that the name Monsanto would disappear as the company name would remain as Bayer. This is similar to what took place with Wachovia, which was not very well-liked, and when it was purchased by Wells Fargo, not many people today (over a decade later) associate Wells Fargo with Wachovia. The same potentially could hold true for Monsanto – the public will soon forget about their hatred for Monsanto, and perhaps in so doing, the public's perception and opinions about GMOs would change and become more favorable, thus providing a win-win for Monsanto.

The debate over genetically engineered seeds and crops, the use of GMOs is far from over as this dissertation points out. In fact, the issue continues to be muddled with allegedly scientific evidence from various front groups, “think tanks” and advisory boards which do not disclose their affiliations or sponsorships, hence continuing the lack of transparency regarding this issue. A recent example is the National Academics of Science, Engineering and Medicine, a prominent advisory board, which concluded that GMOs are not the “franken” food as opponents claim (Herald & Review, 2016). Rather, the report issued by this advisory board noted that GMOs are, in fact, unable to fulfill the initial prophecy that using GMOs will “feed the world” as Monsanto has continuously claimed as the justification for the usage of GMOs in agriculture (Herald & Review, 2016). Interestingly, the report did not enter the mandatory labeling debate, but only noted that labeling potentially could be beneficial by increasing transparency. Thus, mandatory labeling remains undecided at this time due to the lack of federal law and a patchwork of state initiatives that lack uniformity.

Polarization over this issue remains a hot button-issue, as evidenced by this advisory board’s report, clearly illustrating how little science actually knows about the effects of GMOs not only regarding the impact on seed diversity but also on human health, our water, our soil, as well as non-human life such as plants, animals and the oceans. It is the hope of this researcher that further investigation will shed light on this vital issue and how corporate advocacy campaigns impact our decisions about critical issues that have a long-standing effect for generations to come.

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## APPENDIX

### Sample Items

#### Press Releases:

1. November 7, 2012 [Voters Reject Proposition 37](#)
2. November 3, 2012 [IN CASE YOU MISSED IT: Associated Press Story Stretching the truth? Misrepresenting the truth? Or was Yes on 37 just flat out lying?](#)
3. October 25, 2012 [IN CASE YOU MISSED IT Most respected U.S. scientific organization and publisher of Science magazine says mandated labels for GE foods “can only serve to mislead and falsely alarm consumers.”](#)
4. October 24, 2012 [IN CASE YOU MISSED IT U-T San Diego writes second No on 37 editorial, calls it a “scam” because of enforcement provisions allowing shakedown lawsuits.](#)
5. October 22, 2012 [Prop. 37 Will Trigger Flood of Lawsuits, Law Firms Warn Grocer, Food Company and AG Clients](#)
6. October 15, 2012 [IN CASE YOU MISSED IT: LA Times Columnist Michael Hiltzik says of Yes on 37: “Manifestly shoddy research is being used to promote Proposition 37”](#)
7. October 11, 2012 [IN CASE YOU MISSED IT: La Opinión – CA’s Largest Spanish Language Daily Newspaper Urges No on 37](#)
8. October 8, 2012 [IN CASE YOU MISSED IT San Jose Mercury News and Santa Cruz Sentinel Urge No on Prop. 37](#)
9. October 4, 2012 [IN CASE YOU MISSED IT: Los Angeles Times, Santa Rosa Press Democrat, San Bernardino Sun, Inland Valley Daily Bulletin and Victorville Daily Press Urge No on Prop. 37](#)
10. October 1, 2012 [IN CASE YOU MISSED IT Nine More Newspapers Oppose Prop. 37: Riverside Press-Enterprise, U-T San Diego, Orange County Register, LA Daily News, Long Beach Press-Telegram, Torrance Daily Breeze, Pasadena Star-News, Whittier Daily News, and San Gabriel Valley Tribune](#)
11. September 27, 2012 [Three More Newspapers Oppose Prop. 37: Merced Sun-Star, Modesto Bee and Redding Record Searchlight](#)
12. September 24, 2012 [Tight-Knit Group of Trial Lawyers Backing Proposition 37 Made Millions Suing Businesses Under Prior Ballot Measure They Helped Write](#)
13. September 21, 2012 [French Rat Study Author Made Reporters Sign Confidentiality Agreements Prohibiting them from Consulting Independent Scientific Experts](#)
14. September 21, 2012 [IN CASE YOU MISSED IT San Francisco Chronicle and Fresno Bee Recommend NO ON 37](#)

15. September 19, 2012 [No on 37 Response to Rat Study Released Today](#)
16. September 18, 2012 [No on 37 Launches Online Video Ads](#)
17. September 17, 2012 [IN CASE YOU MISSED IT: Sacramento Bee and Bakersfield Californian RECOMMEND NO ON 37](#)
18. September 17, 2012 [No on 37 Launches Statewide Radio Ads](#)
19. September 14, 2012 [IN CASE YOU MISSED IT: Ventura County Star Says No on Prop. 37 “Food labeling law leaves a bad taste”](#)
20. September 13, 2012 [New Yes on 37 Radio Ads Highlight Food EXEMPT From Prop 37’s Labeling Mandates](#)
21. September 6, 2012 [UC Davis Professors of Agricultural Economics Release New Report that Shows Proposition 37 Will Increase Costs for California Farmers and Food Processors by \\$1.2 Billion](#)
22. September 4, 2012 [IN CASE YOU MISSED IT: San Jose Mercury News Calls Yes on 37 ad “Misleading”](#)
23. August 29, 2012 [NEW ECONOMIC STUDY: PROP. 37 WOULD INCREASE GROCERY BILLS FOR TYPICAL CALIFORNIA FAMILY BY HUNDREDS OF DOLLARS PER YEAR](#)
24. August 27, 2012 [YES ON 37 INTERNET FUNDRAISING AD BASED ON FEAR, NOT FACT](#)
25. August 24, 2012 [IN CASE YOU MISSED IT Stanford University Expert in the San Francisco Chronicle: Flawed Proposition 37 Has no Basis in Science](#)
26. August 16, 2012 [IN CASE YOU MISSED IT Oakland Tribune, Contra Costa Times Editorials RECOMMEND NO ON 37](#)
27. August 13, 2012 [PALM SPRINGS DESERT SUN EDITORIAL: “We Don’t Need Prop. 37”](#)
28. August 10, 2012 [Court Rejects Yes on 37 Lawsuit. Agrees Proposition 37 Could Restrict Non-GE Processed Foods from Being Marketed as “Natural”](#)
29. August 8, 2012 [IN CASE YOU MISSED IT VICTORVILLE DAILY PRESS RECOMMENDS NO ON 37](#)
30. August 7, 2012 [State Attorney General and Legislative Analyst Agree: Prop. 37 Could Restrict ANY Processed Food from Being Marketed as “Natural” Even if it has NO Genetically Engineered Ingredients](#)
31. August 1, 2012 [IN CASE YOU MISSED IT: Prop. 37 Means “Bumper Crop of Litigation.” Say Defense Lawyers](#)
32. July 12, 2012 [Groups Reiterate Opposition to Deceptive and Costly Food Labeling Scheme](#)
33. June 20, 2012 [American Medical Association Takes Official Position that “there is no scientific justification for special labeling of bioengineered foods”](#)

34. June 13, 2012 [Scientific and Academic Community Responds to Qualification of Ballot Measure Mandating Labeling of Genetically Engineered Foods](#)
35. June 11, 2012 [Farmers, Food Producers, Small Businesses, Grocers, Taxpayer Advocates and Community Groups Gear Up to Defeat Deceptive and Costly Food Labeling Proposition Now on the CA November 2012 Statewide Ballot](#)
36. May 14, 2012 [Food Labeling Proposition: “Right to Know” or Right to Sue??](#)
37. May 14, 2012 [IN CASE YOU MISSED IT: NPR: “California’s Genetically Engineered Food Label May Confuse More Than Inform”](#)

**Social Media and Television Spots: published by <http://www.noprop37.com> (No On 37 campaign)**

1. TV: “Weapons-Grade Junk Science” – 31 seconds, published on November 2, 2012
2. “Combo” – 31 seconds, published on October 31, 2012
3. Radio: “Dr. Henry Miller – No On 37” – 1 minute 3 seconds, published on October 26, 2012
4. “Ask a Farmer” – 34 seconds, published on September 25, 2012
5. “Makes No Sense” – 32 seconds, published on September 18, 2012
6. “Red Tape” – 31 seconds, published on September 18, 2012
7. “Pizza” – 16 seconds, published September 18, 2012
8. “Safety” – 2 minutes 28 seconds, published on August 6, 2012
9. “Labeling” – 1 minute 55 seconds, published on August 6, 2012
10. “Benefits” – 2 minutes 7 seconds, published on August 6, 2012