

ETHICS IN ADVERTISING AND MARKETING IN THE DOMINICAN REPUBLIC:
INTERROGATING UNIVERSAL PRINCIPLES OF TRUTH, HUMAN DIGNITY, AND
CORPORATE SOCIAL RESPONSIBILITY

BY

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DISSERTATION

Submitted in partial fulfillment of the requirements
for the degree of Doctor of Philosophy in Communications
in the Graduate College of the
University of Illinois at Urbana-Champaign, 2012

Urbana, Illinois

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ABSTRACT

This research project has explored and critically examined the intersections between the use of concepts, principles and codes of ethics by advertising practitioners and marketing executives and the standards of practice for mass mediated and integrated marketing communications in the Dominican Republic. A qualitative inquiry approach was considered appropriate for answering the investigation queries.

The extensive literature review of the historical media and advertising developments in the country, in conjunction with universal ethics theory, facilitated the structuring of the research questions which addressed the factors affecting the forces that shaped the advertising discourse; the predominant philosophy and moral standard ruling the advertising industry; the ethical guidelines followed by the practitioners; and the compliance with the universal principles of truth, human dignity and social responsibility.

A multi- methods research strategy was utilized. In this qualitative inquiry, data were gathered and triangulated using participant observation and in-depth, semi-structured interviews, supplemented by the review of documents and archival records. Twenty industry leaders were interviewed individually in two cities of the country, Santo Domingo and Santiago. These sites account for 98% of the nation-states' advertising industry. The interview process lasted six months. The data reduction and interpretation of the transcripts was reviewed and examined three times to guarantee accuracy. The analysis of document and archival records followed the same procedure as that of the interviews.

The results are presented in terms of the most important findings, grouped in 6 major themes: 1) The advertising industry in the Dominican Republic has a rich and influential history; 2) Dominican advertising practitioners are skeptical about the value of academic

literature concerning the field; 3) Although there is some government regulation, for the most part the advertising industry in the Dominican Republic practices self-regulations; 4) Advertising and marketing professionals in the Dominican Republic receive little formal education and training regarding ethics and how to apply it in their field and rely more on workplace rules and practices as well as formal and informal networks; 5) There is a widespread adherence to universal ethical values such as truth, human dignity and social responsibility among advertising practitioners in the Dominican Republic; and 6) The advertising industry in the Dominican Republic faces a precipitous future because of consolidation, digitalization, globalization, and a new generation of consumers who take an “anything goes” approach concerning what one may or may not write, express or post about an institution, organization, product or individual.

The most relevant aspects of the findings are then discussed in the final chapter and some perspectives for future venues of research are analyzed.

This dissertation is dedicated to my Dad (in memoriam) and to my family members Asunción, Salvador, and Lavi. I value your patience and hope the endeavor was worth it.

ACKNOWLEDGMENTS

I would like to express my thanks to individuals who have challenged, encouraged, helped, and supported me to complete this project. These persons are professors, family members, and friends. They have directly or indirectly aided me in carrying out this study.

I am honestly appreciative of my dissertation committee, a group of talented and supportive professors whose confidence, encouragement and inspiration made the task of completing this dissertation an enjoyable process. Dr. William (Bill) Berry, my dissertation chair, advisor, and mentor, was the one who brought to my attention the idea of entering the doctoral program. Also, he was essential in helping me navigate the scholastic terrain, suggesting ideas for conferences and papers, and securing financial support for my learning experience. Moreover, his commitment, direction and motivation were essential to complete this dissertation. I am indebted to him for the rest of my academic and professional careers for his assistance to my education and personal growth.

Also, I want to thank Dr. Cliff Christians, an exceptional person and professor. His outstanding wisdom and philosophy along with his devotion to scholarly work inspired me to use his ethics theories to further expand them to new grounds. Dr. Christian's intellectual contributions inside and outside the classroom helped provide a theoretical framework for this study. In addition, he lectured me about the essentials of a dissertation and reassured my understandings about research.

The underpinning of my identifying with qualitative inquiry for this project was the outcome of studying under the guidance of Dr. Norman Denzin. His energy,

enthusiasm, and enticing passion for a large breath of methodologies in conducting qualitative research was decisive in helping me understand that there are many more ways of looking at “data”. He was influential for the decision of conducting interviews in this exploratory study.

Dr. John Nerone, the Director of Graduate Studies, was my point of entry to the academic world. His significant lectures in communication studies, history and historiography were the tip of the iceberg for my introduction to the rigor and standards in producing quality research and following a line of investigation. He is a bright intellectual who contributed comprehensively not only to the overall success of my scholarly development, but also to my personal progress in Champaign-Urbana.

Other professors who have provided invaluable guidance include Dr. Jan Slater, Dr. Michelle Nelson, Dr. Chris Benson, Dr. Menah Pratt-Clarke, Dr. Charles Roseman, and several others at the University of Illinois. Their personal concerns and individual advice at different stages of my doctoral studies will always be remembered.

I am deeply grateful to my family for their support and encouragement and would like to express my heartfelt appreciation to my departed father, who always kept wondering when I was going to finish and return home, but didn’t live long enough to see the completion of my study. Further, I want to express my gratitude to my mom, my son, and my spouse for their measureless endurance. Additionally, I must mention the support received from my siblings. My warmest expression of appreciation extends to my sisters Susy, Gina and (posthumously) Jacqueline, to my brother Frank, and to their families for their emotional support is necessary. Also, I feel the need to acknowledge my uncle Alfredo and my cousin Sunny. Our phone interactions served as a continued source of

motivation. Their spirit, sense of humor, and constantly positive wishes kept me going. I must express my thankfulness to Sergio Forcadell, the undisputed Godfather of advertising in the Dominican Republic, whose dream of completing a PhD has now become a reality via me. His dedication to helping me with my field research was beyond expectations. Thanks a million and I look forward to working with you in writing the untold history of Dominican advertising.

A large group of friends and colleagues have also contributed to the happy conclusion of this venture. They have enriched my personal and professional growth with the moments we have shared and experienced at the “University of Life”. Although it is a long list, each one deserves a token of my appreciation. In the United States, there are two sets of individuals that have played a role in providing support, from both close and distant range. Christian Alcántara, Alberto Coronado, Michelle Cruz-Santiago, Atilio de Frias, Jose de Leon, Wen Cheng Fu, Owen Kulemeka, Geremias Polanco, Feniosky and Minoska Peña-Mora, Milagros Martinez, Jean McDonald, Tracy Runk, Zully Rivera, Ida Salusky, Roberto Santiago, and Marcos Tavaréz have contributed a pleasantly familiar ambience to my days in Champaign-Urbana. Luis and Michelle Atilés, Mario Camilo, Lucia Kim, Ron Martin, Lil Mejia, Oneida Mejia, and Raymond Ventura, have been of extremely valuable assistance in different seasons and settings in Chicago, Dallas and New York. In the Dominican Republic, Inmaculada Adames, Vinicio Almonte, Abel Cruz, Alejandro Esteban, Tony Garcia, Fonso Khouri, Harold Priego, Elisa Mariot, Ezequiel Molina, Aura Núñez, Angye Rincon, Adalgida Rodriguez, Adalberto (Tony) Rodriguez, and Iluminada Severino were all instrumental in keeping

me on my toes and connected to my Dominican roots. Thank you all. Your energy was unbelievable.

My cohort members have been extremely helpful for enhancing my horizons. My gratitude goes to Tabe Bergman, Katia Curbelo, Richard Doherty, Koeli Goel, Stephen Hocker, Jungmin Kwon, Mel Stanfil, and Jungmo Youn for sharing your perspectives and helping me to comprehend better the intricacies and the beauty of research. Also, I want to acknowledge some other ICR fellows including John Anderson, Sayuri Arai, Christina Ceisel, Wenrui Chen, Matt Crain, Letrell Crittenden, Ian Davis, Kevin Dolan, Steve Doran, Vernita Fort, Alice Liao, Robert Mejia, Aisha Talé Mitchell, Richard Potter, Carolyn Randolph, Dennis Redmond, Desiree Yomtoob, and many others whose dedication have inspired me. Spending time around such a talented group of researchers has helped me become a better scholar.

Teaching has also been an integral part of completing my PhD and even though I was a professor before returning to grad school, the experience of working with the talented undergrads I have taught here at Illinois, and seeing them succeed, confirmed that teaching and research are my passion. I specially want to acknowledge four enthusiast individuals: Nicole Abrahamson, Stephanie Lafaire, Ann Rondone, and Natalie Todd who were very instrumental in the construction of the advertising regulatory system in the Americas. Your voluntary participation to gather the information was extremely important.

Through this journey there have been persons who offered treasured assistance at different phases of my PhD studies at the University of Illinois. I want to thank several administrators and staff personnel for being supportive and/or helping me find the way

with administrative issues and paperwork: Chancellor Robert Easter, Rhiannon Clifton, Cindy Curtiss, Janette Bradley Wright, Sheri Chambers, Denise Davis, Bonnie Howard, Robin Price, Andrea Ray, Michele Andrews, Tara Derossett, Susan Weiss, and other College of Media personnel, as well as Tamara Chapman, Victoria Corkery, Hope Daniels, Heidi Johnson, Tammy McDivitt, Otis Noble III, Shirley Olson, Monique Rivera and Sam Smith from other units on campus. Each one of you has been of considerable help in many different ways during my years as a doctoral student.

Some others were helpful in fundamental ways. Lisa Romero, Betsy Karlberg and Nick Rudd at the Communications Library provided extraordinary service in locating all the books and online documents needed for coursework and preparing academic manuscripts; whereas Greg Zike, Bob Pollett, Sean Seckler, Dan Hahn, Mike Bohlmann, and Meghan Smith assisted me sorting out the computer matters that I encountered while writing this dissertation and several other research papers.

The respondents in this investigation were promised anonymity and therefore their names cannot be mentioned. Thus, I can only recognize the great aid of the advertising and marketing experts who voluntarily agreed to participate in this study and who openly and freely expressed their opinions helping me tell the story of the advertising practices in the Dominican Republic in this report. Hopefully, I have communicated it well.

I have probably forgotten to include some names and for such lapse, I sincerely apologize. But, rest assured, I am thankful to each and every one who in any way helped me complete this dissertation.

LIST OF ACRONYMS AND ABBREVIATIONS

AAAP	Argentinian Association of Advertising Agencies (Asociación Argentina de Agencias Publicitarias)
AAP	Puerto Rican Association of Advertising Agencies (Asociación Agencias Publicitarias Puerto Rico)
AAF	American Advertising Federation
ACHAP	Chilean Association of Advertising Agencies (Asociación Chilena de Agencias Publicitarias)
ACODECO	Consumer Protection and Competition Defense Association (Asociación de Protección al Consumidor y Defensa de la Competencia)
ADAN	Dominican Association of Advertisers (Asociación Dominicana de Anunciantes)
ADORA	Dominican Association of Radio Broadcasters (Asociación Dominicana de Radiodifusores)
AMAP	Mexican Association of Advertising Agencies (Asociación Mexicana de Agencias de Publicidad)
ANA	Association of National Advertisers
ANDA	National Advertisers Association (Asociación Nacional de Anunciantes)

ANDA-FEVAP	National Advertisers Association-Venezuelan Federation of Advertising Agencies (Asociación Nacional de Anunciantes-Federación Venezolana de Agencias Publicitarias)
ANDEBUR	National Association of Uruguayan Broadcasters (Asociación Nacional de Broadcasters Uruguayos)
APAP	Panamenian Association of Advertising Agencies (Asociación Panameña de Agencias de Publicidad)
APAP	Paraguayan Association of Advertising Agencies (Asociación Paraguaya de Agencias de Publicidad)
APAP	Peruvian Association of Advertising Agencies (Asociación Peruna de Agencias de Publicidad)
ASAP	Salvadorian Association of Advertising Agencies (Asociación Salvadoreña de Agencias de Publicidad)
ASCAP	Costa Rican Association of Advertising Agencies (Asociación Costarricense de Agencias de Publicidad)
ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives
AUDAP	Uruguayan Association of Advertising Agencies (Asociación Uruguayo de Agencias de Publicidad)
BBB	Better Business Bureau

CERNECO	Regulations, Norms and Communication Studies Center (Centro de Regulación, Normas y Estudios de la Comunicación)
CLICAC	Free Competition and Consumer Affairs Commission (Comisión Libre Competencia y Asuntos del Consumidor)
CONANI	National Council for Children (Consejo Nacional de la Niñez)
CONAR	National Council of Auto-Regulation
CONARP	National Council of Advertising Auto-Regulation (Consejo Nacional de Auto-Regulación Publicitaria)
CONASUP	National Commission for Advertising Supervision (Comisión Nacional de Supervisión de la Publicidad)
DACO	Consumer Affairs Department (Departamento Asuntos del Consumidor)
IAA	International Advertising Association
ICC	Interamerican Chambers of Commerce
FDA	Food and Drug Administration
FCC	Federal Communications Commission
FTC	Federal Trade Commission

INDECOPI	National Institute for Competition Defense and Intellectual Property Protection (Instituto Nacional Defensa de la Competencia y de la Protección a la Propiedad Intelectual)
INDEPABIS	Institute for the Defense of People’s Access to Goods and Services (Instituto para la Defensa de las Personas en el Acceso a los Bienes y Servicios)
LIDAP	Dominican League of Advertising Agencies (Liga Dominicana de Agencias Publicitarias)
LPRA	Laws of Puerto Rico Annotated
NARB	National Advertising Review Board
ONAP	Nicaraguan Organization of Advertising Agencies (Organización Nicaragüense de Agencias de Publicidad)
PROCONSUMIDOR	Department of Consumer Protection (Departamento de Protección al Consumidor)
SEC	Securities and Exchange Commission
SERNAC	National Consumer Service (Servicio Nacional del Consumidor)
UCEP	Colombian Union of Advertising Enterprises (Unión Colombiana de Empresas Publicitarias)

URESEC

Communication Services Regulatory Unit (Unidad
Reguladora de Servicios de Comunicación)

USPS

United States Post Office

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CHAPTER 1: INTRODUCTION

This dissertation is a study that examined the historical context of the advertising industry and the ethical standards of advertising practices in the Dominican Republic. This section explains the setting of the study, the problem to be examined, the study's significance, and the methodology that was employed. In addition, it outlines the delimitations of the study and explains how the rest of the dissertation is organized.

Background and Research Problem Statement

With approximately 50,000 square kilometers, the Dominican Republic occupies two-thirds of Hispaniola, the second largest island of the Great Antilles in the Caribbean. The nation offers researchers a tremendous opportunity to study advertising and consumer culture in the 21st century. Although it has approximately 10 million residents, and is a relatively poor country, it ranked 50 in the world in consumer spending with US\$ 17.3 billion in "Household Final Consumption Expenditure" (<http://www.nationmasters.com>, 2009). This placed the country ahead of Bulgaria, Costa Rica, Croatia, Ecuador, Iceland, Jordan, Lebanon, Panama, Slovenia, and more than 70 other countries. This island nation-state is also ranked 8 in consumer expenditure growth at 17% (<http://www.nationmasters.com>, 2009). In this category, the DR is situated ahead of China, the United States and Germany, countries which account for some of the largest economies in the world.

The Dominican Republic is a mere two-hour flight from Miami, and its people are indubitably a major source of immigrants to United States mainland (Cambeira, 1997). In recent decades significant attention has been devoted to the concept of the "global economy," and primary focus has been on the BRIC countries – Brazil, Russia, India and China. And while the

Dominican Republic certainly does not reach that scale as a single nation-state, when one looks at it in aggregation among other similarly-sized Caribbean and Latin American countries, a different picture emerges. Nonetheless, scholars and practitioners of advertising would certainly coincide in expressing that one of the histories about the Dominican Republic that awaits to be written, as suggested by Frank Moya Pons (2008) in his book *La Otra Historia Dominicana* (The other Dominican History), is that of its advertising industry. Still, those who have tried to write it in a formal way have been limited because there are only a few existing sources that examine consumer culture in the Dominican Republic (Ortiz, 2000).

This research project focuses on advertising practices by local and transnational organizations operating in the Dominican Republic with attention to ethical issues and questions concerning misrepresentation of people and culture, deception of consumers, as well as corporate social responsibility of the advertisers and their agencies. It also presents an interpretive examination of advertising practices in the Dominican Republic, assessing how distinctive cultural differences may play a role in the way notions of ethics are conceptualized and applied.

Theoretical Framework

Text materials from two bodies of knowledge give helpful insight on how to examine advertising practices in the Dominican Republic. The first literature comes from history. The early developments in advertising in the DR can be traced back to the 19th century, when the first print ad appeared in a newspaper (Ortiz, 2000). Ever since there have been many different successes that helped shape the industry in terms of producing the ads and developing a “Dominican” style of advertising (Castillo, 1979). That style is scrutinized in terms of ethics. Therefore, a second body of knowledge was used for that purpose. The classical ethical theories (utilitarian, deontological and virtue) help to understand the basic grounds for ethics and moral

values. Then, the universal principles of truth, human dignity and social responsibility (Christians, 2008) and the Vatican Council provide the foundations to evaluate the advertising executions in the Dominican Republic.

Purpose of the Study

The purpose of this investigation is to examine the advertising standards in the Dominican Republic. More specifically, the study will investigate: (a) the historical developments in the industry; (b) the ethical principles and guidelines followed by advertising practitioners; and (c) the existence of and compliance with codes of ethics.

Even though advertising history and ethics have been documented in North America and in some Latin American countries, the focal point of this study rests in the Spanish-speaking Caribbean, particularly in the Dominican Republic. This center of attention is selected for a couple of reasons. First, there are some similarities within the historical contexts of the Americas and the Caribbean, including colonialism, and slavery. Second, the evolution of media and advertising industries in the island nation-state is related to the trends set by the United States.

Significance of the Study

This exploratory research project contributes to the study of advertising, consumer culture, and ethics in the Dominican Republic. It complements some other isolated historical monographs about this island nation-state and sheds light on the standards of advertising practices in the country. Advertising scholars and practitioners in the Dominican Republic, the United States, and elsewhere in the Americas or the Globe, can accrue new knowledge about the development of this profession in emerging markets. Also, the study facilitates the juxtaposition

of moral philosophy with advertising practices to critically examine the operating policies set forth by the codes of ethics.

Delimitation

The dissertation focuses on the ethical standards displayed by advertising practitioners in the Dominican Republic. This research seeks to explore the truth, dignity and responsibility expressed by the executives, at the time the study was conducted. That is, from July 2011 to December 2011.

Limitations

One limitation of this project arises from its pioneering principle and thus to the lack of scholarship about advertising in the Dominican Republic (Artero, 2009). This researcher has tried to obtain all possible secondary documents related to advertising in the Spanish-speaking Caribbean and Latin America with the intention to add new information to the narrative concerning advertising in the Americas. Another limitation is that since the researcher will be the sole analyst of the interviewees' responses, there is a chance that personal experiences might influence or skew the interpretations. To deal with this limitation, this researcher will rely on the participants and other experts in advertising ethics to review the conclusions to determine whether they reflect what the participants were trying to convey in their responses.

Summary

This dissertation is organized into five chapters, plus a references section and a section with the appendices. This chapter introduced the study by providing a background of the study, the theoretical framework and the purpose statement. It also explained the significance of the study and provided its delimitation and limitations. Chapter 2 is a review of the literature on

Dominican advertising history, the universal ethics principles and the intended research questions. Chapter 3 outlines the research design and the methodology of the study, the questions that participants were asked, the procedure that was followed, and the respondents' selection process. Chapter 4 presents the findings. Chapter 5 discusses the findings, and presents the conclusions and recommendations.

CHAPTER 2. LITERATURE REVIEW

Given the goal of this project, an interdisciplinary theoretical approach was needed and the conceptual framework will be detailed in this section. Literature from two fields of study (history and ethics) provides the foundations for this dissertation. This chapter is divided into three major sections. The first part provides a comprehensive panorama of the evolution of advertising and media in Latin America leading to a brief historiography of Dominican Republic advertising. A second section focuses on ethics theory and the search for the universal principles of truth, human dignity and social responsibility. The chapter concludes proposing the research questions examined in this study.

Mass Media and Advertising in Latin America

Some authors tend to identify Latin America territory as that of all of the countries south of the United States in the Western Hemisphere. However, it should be noted that Latin America is a diverse region with many variations in political and economic systems and has vast differences among its lands and peoples. Defining the region depends upon what criteria are selected. Therefore, the number of nations ranges from 20 to 23. Buckman (1996) is happy with only 20 independent nations greatly influenced by Latin cultural traditions from Southern Europe (mainly Spain and Portugal). Just as those 20 nations are enormously different geographically, culturally and economically, so are their mass communication systems, both historically and currently (Cole, 1996). Moreover, Cole posits that freedom of the press everywhere depends upon a nation's culture, general political development and the political administration of power at the time.

In examining the media, in order to place advertising history and practice in context, it becomes necessary first to understand the evolution and expansion of mass media in Latin

America. It is essential to discard the North American stereotype of the region as being homogenous in the economic, ethnic, linguistic, and cultural realms. Traditional media in Latin American countries are of extraordinary singularity, as well as dynamic and complex. In the early years, it was the newspapers that played their vanguard role. Then again, due to high levels of illiteracy in some countries, television and radio have earned the most important share. In the 21st century, in remote rural areas, people still erect improvised television antennas on their rooftops, and power TV sets or radio receivers from car batteries and, most recently, from solar panels.

The history of Spanish-speaking Latin American media shows peculiar features and delineates the decline of U.S. political and media influence in the past 60 years (Tunstall, 2008). Changes have occurred in the control of international news agenda setting for print media in Central and South America. According to Tunstall, a study of eight Latin American newspapers in the late 1990's showed them relying heavily on European agencies. For example, while *El Mercurio* (Chile) was Associated Press's best customer in 1997, the news agencies from Europe accounted for 64% of its foreign news. In the Dominican Republic the history is not much different. The most prestigious newspapers *Listín Diario* and *El Caribe* have switched from U.S. sources such as United Press International (UPI) and Associated Press (AP) to mostly European agencies (EFE and Reuters).

In terms of the airwaves' development in the region, there are also some similarities. Radio broadcasting in Latin America began simultaneously with that in Europe and the USA, and it was corporations such as Westinghouse and GE that paved the way. Brazil was a unique case, beginning with privately owned non-commercial radio stations (Buckman, 1996). Most Latin Americans were followers of the news bulletins consistently provided by the Voice of

America (VOA) 25 years ago. That situation changed drastically in the 1990's and remains invariable, even though in some areas in the South American jungle, radio is the only communication device available to inhabitants; but the news provider factor is not necessarily the same. Local radio in Latin America is different from local radio in any other part of the globe albeit sharing some similarities with radio in Europe and Africa, when it comes to the point of being the only news/entertainment source available in the area. In Latin American countries, radio is a technology that has been appropriated to serve neighborhoods and family systems. It is highly commercial, but involves people in collective participation and gives voice to neighborhood-level discourse, interests, and demands (Martin-Barbero, et al., 1994).

Television broadcasting began slowly and was advanced by the private sector in some countries and by the government/public sector in others. Color programming came at a much slower pace and stations in the region rely heavily on dubbed imported shows, primarily from the US (Buckman, 1996). In spite of significant differences between the score of nations that comprise Latin America, there are similarities which they share as far as television is concerned. First, in contrast to the state-owned and usually public service models upon which most countries of the world began their television systems, Latin American countries almost all adopted the US privately-owned, commercial model right from the start. The most popular kind of programs throughout the entire region is the *telenovela* (Tunstall, 2008; Tungate, 2007; Sinclair, 2004), the characteristic Latin American prime-time serials, equivalent to United States soap opera. The Televisa network can be held responsible for the success of Mexico's huge *telenovela* output. The first one was produced in 1956 and ever since has rivaled Brazil as a producer of TV soaps.

Sinclair (2004) posits that due to the expansion of cable and satellite modes of distribution, there has been a rapid growth in the number of channels available, including facilities for

soundtracks in different languages. This, in turn, has brought in new service and content providers, including US corporations, now in a position to compete with Latin American networks on their own ground. However, he states that the age of *CNN en Español*, *MTV Latino*, *HBO Olé* and other services provided by the major US cable channels is already moving on to a further stage defined by the advent of digital direct-to-home satellite delivery.

An abbreviated review of the most relevant Latin America media shows two countries better placed than the rest: Mexico and Brazil. It is useful to acknowledge that some common factors within the Spanish-speaking countries can also be transferred to Brazilian media. Among those aspects is the fact that in the 1950s and 1960s when the film industry was dominated by Hollywood, but in the 1970s Brazil and Mexico were the first countries to break the dependency on imported programs. High quality, locally produced shows emerged in both countries and eventually were distributed throughout the region. Such production led to a significant decline in media imports in the 1990s. As a matter of fact, Buckman (1996) contends that the most popular media export toward the end of the 20th century was the *telenovela*, second only to soccer on Latin American television (Sinclair, 2004). One more factor to be taken into consideration with Brazilian mass media is the existence of private family owned media groups. In that respect, the Portuguese-speaking O'Globo network represents a noteworthy example, placing Brazil in a similar situation to that of each one of the big Spanish-speaking nation-states.

Mexico has a distinctive national history and a unique national media. With a population over 100 million people, is not a net media importer. In fact, the country exports more media than it imports (Tunstall, 2008), placing it atop the Spanish-speaking America media pecking order. Mexico hosts some of Latin America's poorest people and several hard currency billionaires. One of those powerful men is Emilio Azcarraga Jean. In 1997 he took control of

Televisa, the family owned media empire comprised of TV networks, local TV stations, a collection of radio stations, Mexican film and cinema, major print media interests and other companies related to sports and arts (Tunstall, 2008). Another powerful Mexican media figure is Carlos Slim, who in 2010 became the richest person on the globe. This media mogul is the head of a telecommunications empire that serves a large audience in Latin America and also the Latino community in the United States.

One other interesting media site for analysis in Latin America is that of Venezuela, where many political and media changes occurred at the end of the 20th century. These issues pose challenges to power that had traditionally been shared by the ruling party and the military and by the oligarchy families, owners of the newspapers and most recent broadcast media (Tunstall, 2008). This Latin American scheme is no secret to Venezuela, where Gustavo Cisneros, the second wealthiest person in the region, has played a role in confronting President Hugo Chavez.

Latin America's advertising evolving path and distinctive changes are not as clear as that of mass media throughout the region. Scholarship has been more concerned with specific aspects of the advertising industry, more likely trying to explain economic, creative and technological factors rather than examining its origins and evolution. In his book *Ad Land: A Global History of Advertising*, Tungate (2007) asserts that as well as having strong historic, cultural and mercantile links, the Spanish and the South Americans make a similar kind of advertising. The author theorizes that there is a Hispanic advertising culture, with links as far-flung as Argentina, Miami and Cuba.

Either despite or because of the burgeoning technological demands on the broadcast media, particularly TV, Latin America's electronic media are subject to the same marketplace

pressures as the print media. In fact, print and broadcast media must compete with each other as well (Buckman, 1996). This leads to dynamic tensions concerning the advertising dollars. In Mexico, for instance, Televisa is also a near monopoly in terms of absorbing the advertising budgets. The bulk of radio and TV advertising in Mexican territory goes to radio and TV. This is due, perhaps, to corrupted activities employed by the newspapers in the form of inflated circulation data and the paid stories published as editorial material. But it is important to acknowledge that *la mordida*, a Mexican corrupted journalism practice (Buckman, 1996) is also common to other countries in the region, such as Argentina and the Dominican Republic (Wilson & Kluck, 2001). Those practices have made some ad agencies in the region reluctant to use newspapers as a medium for persuasive communication.

Furthermore, Tungate (2007) theorizes that Brazilians are gluttonous TV viewers and contrast the power of TV as an advertising medium versus print, pointing out that in terms of the cost of reaching the audience, a *telenovela* was capable of pulling in 90 per cent of all households. For the price of a double-page spread in a magazine aimed at an upper scale market, the agency could place a 30-second spot during the television news broadcast and reach 45 million people (Tungate, 2007).

While modern Brazilian advertising began in the 1960s, it gained visibility and strength in the 1970s and particularly the 1980s, when it began to get noticed internationally, especially at the Cannes advertising festival, where it has reaped an impressive pile of awards over the years. (Tungate 2007).

Status of Advertising Regulatory Efforts in Latin America

This section examines efforts that have been made to regulate advertising in Latin American geographies. It encompasses the approaches taken by government officials, as well as the private sector, either individually or collectively. This scope of information sets the stage for a more detailed discussion of the institutions and instruments used by the state to control advertising in the Dominican Republic, juxtaposing them with those of 20 other countries, including the United States. In addition, this description will enable us to determine the amount of self-regulation that is followed within the nation-states. Later sections should be more meaningful because a general overview of the standards of practice and codes of ethics employed in the entire region provides context for advertising industry practices in the Spanish-speaking Americas.

The following table provides an overview of the different approaches taken. It lists each nation-state; identifies government laws, regulations and restrictions; and presents a roster of industry institutions, including their principles and practices concerning self-regulation:

Table 2.1. Advertising Regulation in Latin America and the United States

COUNTRY	GOVERNMENT (Institutions/ laws/acts)	INDUSTRY (Associations/self- regulation/codes of ethics)
Argentina	Sub-Secretary for Consumer Protection -Law of Media which regulates time allowed for advertising - Law 22.802 Chapter 3 on advertising and promotion using premiums (1983) - Law of Telecommunications which prohibits Subliminal Advertising (1972)	AAAP- Asociación Argentina de Agencias Publicitarias- Founded September 19, 1933 CONAR Argentina

	<ul style="list-style-type: none"> - Law 23.344 limits the advertising of tobacco products in the broadcasting media - Lack of regulation in recent decades has allowed the building up of powerful media oligopolies 	
Bolivia	<ul style="list-style-type: none"> -Law of Telecommunications (1995) Supreme Decree No. 09740 states that the procedure of subliminal perception is prohibited. Viceministerio de Defensa de los Derechos del Usuario y el Consumidor - Law of Advertising Project (2011) 	Cámara Pazeña de Empresas de Publicidad (La Paz City Chamber of Advertising Businesses)
Brazil	<ul style="list-style-type: none"> Code for the Protection and Defense of the Consumer - Decree Nº 57,690 (1966) Restriction of the content of advertisements or propaganda. 	<p>Asociación Brasileña de Agencias de Publicidad (Brazilian Association of Advertising Agencies)</p> <p>CONAR Brasil is an NGO whose duty is to enforce the Brazilian Code of Advertising Self-Regulation</p>
Chile	<ul style="list-style-type: none"> SERNAC Law 19.496 Law for Protection of Consumer Rights (Art 28-36) National Television Council - Restrictions on advertising alcoholic beverages and tobacco on television (1993) Ministry of Health - Decrees 164 (1986) and 626 (1990) 	<p>ACHAP- Asociación Chilena de Agencias de Publicidad</p> <p>CONAR Chile</p> <ul style="list-style-type: none"> - Chilean Advertising Code of Ethics (2007)
Colombia	<ul style="list-style-type: none"> Ministry of Health - Decree 2092 (1986) on packaging, transportation and sale of medications. Restrictions on advertising are not legally regulated but the 	<p>UCEP- Unión Colombiana de Empresas Publicitarias</p> <p>CONARP, founded by representatives of the Colombian Union of Advertising Companies, UCEP, the National Association of</p>

	Constitutional Court has dealt with academic writings of legal scholars in this field	Advertisers, ANDA and the International Advertising Association - IAA — Colombian Code of Advertising Self-Regulation (1998)
Costa Rica	<ul style="list-style-type: none"> - Law No. 6220 Regulating Media and Advertising Agencies Ministry of Interior - Law No. 5811 Regulations on the Use of images of Women National Institute of Alcoholism - Law No. 4048 Advertising Regulation and Control of Alcohol Ministry of Health - Law No. 20196 Regulations on Cigarette/Tobacco Advertising 	ASCAP- Asociación Costarricense de Agencias de Publicidad Asociación Interamericana de Publicistas
Cuba	The Cuban government controls all aspects of advertising- limiting ads to public service announcements. Commercial advertising is limited solely to publications aimed at foreign investors and tourists.	Asociación Cubana de Publicitarios y Propagandistas (Cuban Association of Publicists and Propagandists). Founded in 1991 and changed its name to Asociación Cubana de Comunicadores Sociales (Cuban Association of Social Communicators) in 1999 - No advertising codes
Dominican Republic	<p>Public Spectacles and Radio Commission</p> <ul style="list-style-type: none"> - Regulation 824 on texts for radio advertising - Law 42-01 about tobacco and alcohol - Law 65-00 about intellectual property regulates the use of logos and brand names - Law 14-94 puts some restrictions on advertising to children and adolescents <p>PROCONSUMIDOR</p>	LIDAP- Liga Dominicana de Agencias Publicitarias - Code of Ethics
Ecuador	The Consumer Protection Law	Asociación Ecuatoriana de

	<p>(1990) contains restrictions and guidelines on advertising goods and services.</p> <p>National Council of Radio Broadcasting and Television regulates artistic, cultural, and moral standards, including control of content before 9:00 pm</p> <ul style="list-style-type: none"> - Media outlets regulated by Superintendence of Telecommunications 	<p>Agencias de Publicidad (Ecuadorian Association of Advertising Agencies)</p>
El Salvador	<ul style="list-style-type: none"> - Consumer Protection Law (1996) establishes parameters for advertising goods and services 	<p>ASAP- Asociación Salvadoreña de Agencias de Publicidad</p> <ul style="list-style-type: none"> - El Salvador Advertising Code of Ethics (2011)
Guatemala	<p>There are very few restrictions to advertising</p> <ul style="list-style-type: none"> - Law of Consumer regulates deceiving broadcast messages <p>Ministry of Public Health and Social Assistance</p> <ul style="list-style-type: none"> - Code of Health imposes a restriction on advertising of medicines 	<p>Union Guatemalteca de Agencias Publicitarias (Guatemalan Union of Advertising Agencies)</p>
Honduras	<p>Law on Health has several restrictions for the advertising of medications.</p> <p>No specific regulations on advertising of alcoholic beverages and tobacco.</p>	<p>Agencias Publicitarias Hondureñas Asociadas (Honduran Associated Advertising Agencies)</p>
Mexico	<ul style="list-style-type: none"> - Law on Radio and Television (1970) <p>Federal Law on Protection of the Consumer (1975) prohibits advertising that misrepresents products or services</p>	<p>CONAR- Consejo Nacional Auto-Regulación (1997)</p> <p>Asociación Mexicana de Agencias de Publicidad</p> <ul style="list-style-type: none"> - Code of Ethics
Nicaragua	<p>Law on Protection of the Consumer (1994) about timely information on availability of goods and services in the market</p>	<p>ONAP- Organización Nicaragüense de Agencias de Publicidad</p>

Panama	<p>CLICAC (Comisión Libre Competencia y Asuntos del Consumidor)</p> <p>ACODECO (Asociación de Protección al Consumidor y Defensa de la Competencia)</p> <p>- Law 45 Arts. 38, 58-64 (2007)</p> <p>Ministry of Health</p> <p>- Health Code with censorship of advertising for medications and regulations for advertising of foodstuff.</p> <p>Commission of Advertising and Propaganda of the Central Office of Public Health; Resolution 001 (1994) regulates billboards advertising cigarettes, tobacco and alcoholic beverages</p>	<p>APAP- Asociación Panameña de Agencias de Publicidad- Fundada en Julio 1958</p>
Paraguay	<p>- Law 834/96 about political advertising</p> <p>Public Health Ministry</p> <p>- Law 1333/98 about tobacco and alcohol advertising</p> <p>- Law 1334/98 for consumer protection prohibits misleading advertising</p>	<p>APAP- Founded Julio2, 1966</p> <p>- Code of Ethics</p> <p>CERNECO- Centro de Regulación, Normas y Estudios de la Comunicación</p>
Peru	<p>INDECOPI- Instituto Nacional Defensa de la Competencia y de la Protección a la Propiedad Intelectual</p> <p>CONASUP- Comisión Nacional de Supervisión de la Publicidad</p> <p>- Law 28278 (for Radio and Television)</p> <p>- Law 28874 August 15, 2006 (regulates state advertising)</p> <p>- Decree 691 (1994)</p>	<p>CONAR- Consejo Nacional Auto-Regulación</p> <p>- Code of Ethics</p> <p>APAP- Asociación Peruana de Agencias de Publicidad</p>
Puerto Rico	<p>LPRA- Laws of Puerto Rico Annotated</p> <p>- Section 1014 of Title 23 prohibits</p>	<p>AAP</p> <p>- Code of Ethics</p>

	deceitful and fraudulent advertising DACO- Departamento Asuntos del Consumidor - Regulation Against Deceptive Practices and Advertisements (2011)	
United States	FTC- Federal Trade Commission - Robinson-Patman Act (1936) prohibiting phantom cooperative advertising allowances - Wheeler-Lea Amendment Act (1938) regulating misleading advertising Children's Online Privacy Protection Act (1998) FCC- Federal Communications Commission FDA- Food and Drug Administration SEC- Securities and Exchange Commission USPS- United States Post Office ATF- Bureau of Alcohol, Tobacco, Firearms and Explosives	AAAA- American Association of Advertising Agencies - Standard of Practices AAF- American Advertising Federation NARB- National Advertising Review Board - Code of Standards ANA- Association of National Advertisers BBB- Council of Better Business Bureaus - Code of Advertising
Uruguay	URESEC- Unidad Reguladora de Servicios de Comunicación. - Norms regulating some aspects related to advertising -Law 16.226 (1990) about government advertising. - Decree 327/980 modifies Law 14.670 about use of nationally produced ads (80-20 rule) - Law 17.250 about misleading and comparative advertising - Law 18.256 about prohibition of advertising / promotion in the media	AUDAP- Asociación Uruguaya de Agencias de Publicidad - Code of Ethics (2005) ANDEBUR- Asociación Nacional de Broadcasters Uruguayos CONARP- National Council of Advertising Self-Regulation- Formed by AUDAP and Advertisers Chambers - Oct. 2009
Venezuela	INDEPABIS- Instituto para la Defensa de las Personas en el Acceso a los Bienes y Servicios - Law for the Defense of the	FEVAP- Fundada en los 50's Comité Etica ANDA-FEVAP 1992 - Code of Ethics - Self-Regulatory Code of

	<p>People's Access to Goods and Services (2008)</p> <ul style="list-style-type: none"> - Law about Social Responsibility of Radio and Television (2005) - Minors Protection Law (1998) forbids commercial messages in which minors are used to promote vices, bad habits and false values and are disrespectful of human dignity. - Law to Promote and Protect Free Competition (1992) 	<p>Commercial Communications of the Association of National Advertisers (2007)</p>
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Hispaniola and the Historic Evolution of Dominican Republic to a Color-Coded Society

The island of *La Española* (as Columbus named it upon his arrival in 1492, for its similitude with Spain) is divided into two nation-states. On the East sits the Dominican Republic which is Spanish-speaking, with a predominantly white or mulatto population. It occupies two-thirds of the land. On the West sits Haiti, which is French and African culturally, French or *patois*-speaking, and predominantly black.

The Dominican Republic was “discovered” by Christopher Columbus on December 5, 1492, during first voyage to the “New World”. The country is shaped in the form of an irregular triangle. The short side of it is 388 kilometers long, while the two long sides form 1,575 kilometers of coastline along the Atlantic Ocean, Caribbean Sea, and Mona Passage. The total area of the country is 48,442 square kilometers. It boasts the highest elevations in the Antilles and also has a saltwater lake below sea level. (Wilson & Kluck, 2001).

In their book *The Dominican Republic: A Caribbean Crucible*, Wiarda & Kryzanek (1992) argue that in history, culture, language, and racial attitudes the two neighbors have little

in common. Furthermore, in their opinion, the Dominican-Haitian relations have seldom been cordial. The Dominican Republic has been invaded and occupied by the Haitians on several occasions since the beginning of 19th century. Haiti, in turn, accuses its neighbor of being a racist nation, slaughtering unwanted Haitians and continuing to import and use them as almost slave laborers, first in sugar plantations or sugar mills, and most recently in the construction industry. However, in order to better understand each nation-state's claims, it is useful to take a retrospective look at some meaningful developments in Hispaniola's history.

The phenomenal creation of what came to be known as Spanish America was the result of diverse ethnic, cultural and racial groups working together to build a New World (Cambeira, 1997). And it all began in the territory that today, 500 plus years later, is shared by the Haitians and the Dominicans. The mountainous Caribbean island, which served as cradle to civilization in America, was "encountered" and not discovered (Sagas & Inoa, 2003) on December 5, 1492. The isle, which has been called Quisqueya (Cambeira, 1997), Bohío, Aytí and (Sagas & Inoa, 2003), Haiti (Gutiérrez Félix, 2008), Santo Domingo (Moya Pons, 1992) and *La Española*, later Anglicized to Hispaniola (Wiarda & Kryzanek, 1992 pp. 5), came to harbor the first Spanish settlement in the Americas.

The violent nature of the European conquest brought about the demise of the *Tainos*, the original inhabitants of the land, and when they were gradually gone African slaves were brought in to carry on the hard labor. With the black slaves brought from Africa to work in sugar cane factories begins a tough and aggressive moment of creolization. In addition, the Spanish used the slaves as an element of sexual release, a relationship that resulted in the origin of a mulatto and *mestizo* society in more than 80% in the 18th century (Veloz Maggiolo, 2006).

As early as the 16th century, blacks (most of them slaves) outnumbered other racial groups in the Spanish colony of Santo Domingo. Keeping a tight rein on these slaves became a difficult problem for their white masters. While the colony still had sharply differentiated racial groups in the 16th century, by the end of the 17th century most of Santo Domingo's population was mulatto (Sagas & Inoa, 2003). At the beginning of the colonial era the "Spaniards" formed the social and economic elite of Creole society. But the various interracial activities gradually gave way to the formation of a class conformed by white individuals which were known as "Spanish Americans" for their Hispanic cultural background and their connections with the "motherland" (Moya Pons, 2008 pp. 124). Pervasive poverty helped to soften class distinction and the colony's declining population restricted the number of available sexual partners. So, in spite of the efforts of Spanish authorities to uphold European social mores, interracial liaisons were common in the impoverished colony, giving rise to a largely mulatto population within a few generations.

During the 16th, 17th and 18th Centuries, Hispaniola was a victim of European imperialist struggles for global power and was invaded or dominated by the English and the French, thus provoking changes in the demographic and ethnic characteristics in the island territory (Peguero, 2008). The signing of the Treaty of Ryswick in 1697 assured the French presence on the western half of the island, known as Saint-Domingue. However, by then the roots of the Dominican people were already drawn (Gutiérrez Félix, 2007 pp. 22 – 23). Furthermore, a linguistic unity, religion and customs of life also existed, outlining a society which was diametrically opposed to the one that the French started developing on the island.

The Treaty of Aranjuez, in 1777, provisioned the establishment of a fixed border between the two separate colonies to prevent future conflicts over territory, a task carried out by a bi-

national commission. Hispaniola thus became a small island divided into two different colonies that would eventually lead to today's division of the island into two independent nation states: Haiti and Dominican Republic. After the disappearance of a few agricultural rubles and the growth of the number of slaves, while the French colony spread to the eastern part of the island, more profound differences grew between the people who inhabited the East part and the French white masters, mulatto slave descendants of white French and the great mass of blacks under a system of exploitation that had made the colony of Santo Domingo, the richest in the world in the 18th century (Sagas & Inoa, 2003). Ever since then, the cultural differences of language and religion were manifested in attitudes of rejection by the *criollos blancos* (white Creoles), mulattos and free blacks who lived in the Spanish part, which felt they were different from French mulattos and blacks (Gutiérrez Félix, 2007).

At the time of the French Revolution, for the entire island class relations constituted exploitation and racial discrimination among propertied, middle class, and working class, on the one hand, and between masters and slaves on the other (Peguero, 2008). Regardless of its Hispanic nationality, the Creole Spanish person was well aware of its "American" culture and, in the case of Santo Domingo, of its island and tropical West Indies roots. It was the reason why many families refused to leave in 1795 when the Spanish colony of Santo Domingo was ceded to France by the Treaty of Basel (Moya Pons, 2008 pp. 125) which granted the French complete domination of the island. In retaliation the English invaded the eastern territory, in a move that Moya Pons (1992) argues was related to the control of the world sugar market.

Disputes over control of Hispaniola continued into the 19th century and Toussaint Louverture marched into Santo Domingo and granted freedom to the slaves in 1801, while at the same time Napoleon sent 10,000 soldiers to take control of the whole island and to restore

slavery. All these turmoils at the dawn of that century further reinforced the sense of identity of the Dominicans. The inhabitants of the eastern part were, by then, a community different than that of the Haitian people. In the memory of the residents of the Spanish colony, who identified themselves as Spanish-Dominicans, there were unforgettable moments of the Haitians behavior, particularly led by Dessalines, who in 1805 murdered, tortured and humiliated a large part of the population (Gutiérrez Félix, 2007).

The second Spanish colonial period (1809-1821) was a big disappointment for the people of Santo Domingo, who were already calling themselves Dominicans (Sagas & Inoa, 2003). The period of *España Boba* (Inane Spain) was characterized by a lax administration and a return to the old race -and class- based policies of the past. In 1821 José Núñez de Cáceres led a group of prominent Dominicans to declare the independence of “Spanish Haiti”, with the intention to merge the country with Simon Bolivar’s Gran Colombia. That “ephemeral” independence only lasted five weeks and ended in January 1822 when Jean-Pierre Boyer, Haiti’s President, took over the eastern part of the island, and for a little over two decades the island became one sole nation. Nevertheless, the Haitian annexation of Santo Domingo (1822-1844) failed in the task of establishing one nation with one culture because the Dominican people felt different from the Haitians (Sagas & Inoa, 2003).

By 1844, the Haitian hold on the increasingly nationalistic Dominicans was waning and Haiti itself was torn by domestic rivalries and civil war (Wiarda & Kryzanek, 1992) thus giving room to a largely bloodless revolt led by Juan Pablo Duarte and *Los Trinitarios* that allowed the Dominicans to declare their independence. On February 27, 1844 *La República Dominicana* was officially born and subsequently separated from Haiti.

After independence, the only undisputed common accord was not to return to Haitian domination (Cambeira, 1997). For almost three quarters of a century after the Dominican Republic acquired its autonomy, the political sphere experienced an interesting array of events that included finalizing the disconnection from Haiti and a restoration war resulting from the divided leadership among the ultraliberals who set the country free and the ultraconservatives who sought the annexation of the newborn nation to a powerful foreign country, as a means of safeguarding the country against external threat.

Because of its privileged location, the nation has historically been of major strategic significance and from the 16th century through the 18th century all major powers sought to get the better of Hispaniola. The United States is the most recent of the great powers that have tried to dominate the island and the Dominican Republic (Wiarda & Kryzanek, 1992 pp. 133). After its 1916 intervention that lasted eight years, the U.S. replaced France, England and Germany in relation to both Dominican imports and exports. Becoming the quasi-single buyer/seller of the Dominican Republic the U.S. facilitated any claim with respect to the Dominican sovereignty (Domínguez, 2001).

The occupation left a marked taste for the consumption of American goods and, although in the years that followed the Dominicans returned to use European merchandise, since the date of the intervention the majority of Dominican imports would have to come from the United States (Moya Pons, 1992 pp. 493). By the same token, one of the major ironies of the U.S. military occupation was that it was led by the world's greatest democracy, yet the same democratic ideals did not extend overseas. The Marines treated the Dominican people in a brutal, racist and condescending way (Sagas & Inoa, 2003).

At the end of the U.S. military intervention in 1924 a theory about the social composition of the Dominican people developed. Historian Américo Lugo supported by other intellectuals started a theoretical anti-Haitian tendency. This current of thought expanded vigorously and the issue was discussed at all intellectual levels when Rafael Leonidas Trujillo Molina came to power in 1930 (Gutiérrez Félix, 2007). The anti-Haitian theoretical expression appeared in the decade from 1940 to 1950 at the time that Trujillo's dictatorship consolidated. A group of intellectuals organized in the Institute Trujilloian, with Manuel Arturo Peña Batlle as a major figure, laid the foundation in the historical order to erase the cultural and political identity with any feature of Haiti. Nevertheless, Peña Batlle never denied in his public appearances and speeches the mulatto origin of the Dominican people (Gutiérrez Félix, 2007)

The Trujillo Era, which lasted 31 years, is remembered by many people today as a nightmarish period of fear and intimidation filled with atrocities. The dictator, also known as *El Jefe* (The Chief), ruled with the most brutal and ruthless manner imaginable, eliminating his opposition by direct means of torture, extortion, imprisonment, forced exile or even murder (Cambeira, 1997). His actions reached far beyond the insular territory and his terror machinery had no limits. Among the most horrific actions during Trujillo's authority is the assassination of thousands of Haitians near the Dominican border.

In this gruesome action, which was popularly called "*el corte*" (the cutting down), because of the knives and machetes used as weapons in the operation, from 2 to 4 October 1937 members of the national army killed thousands of Haitians (Domínguez, 2001). According to Gutiérrez Félix (2007) *el corte* began two months after the new national coins circulated and the deaths occurred, particularly in places where Haiti nationals had property and Haitians currency, both metallic (papanó) and paper (gourde) was circulating. Most deaths occurred between the

northern part of the border and in the northwestern city of Mao. However, the military did not kill Haitians working for American companies (Gregory, 2007; Gutiérrez, 2007; Sagas & Inoa, 2003; Domínguez, 2001), effectively preventing managers of the companies from testifying in the United States about the killings. The dictatorship propaganda team tried to portray the massacre as actions carried out by the peasants in retaliation for cattle rustling. Dominguez (2001) contends that intellectuals in the service of Trujillo wanted to justify the killings of Haitians in 1937.

The number of deaths varies according to the source offering the figures and runs anywhere from 2,000 to 40,000 people. Gutiérrez Félix argues that on May 11, just a few weeks before his death in 1961, while drunk at Puerto Plata's town square, Trujillo expressed that the deceased were 30,000 and jokingly said that even if it was a lie, it was necessary to inflate the numbers to scare them. The real number, therefore, will remain a mystery giving room to speculation. Whatever the case, the 1937 massacre ended an era of cordial, friendly relations with Haiti (Sagas & Inoa, 2003). The killing of Haitians was an international scandal and generated in Latin America and the United States a unanimous rejection. The Dominican government paid US\$ 750,000 to the Haitian government as compensation for what was called "border disputes" (Moya Pons, 1992).

After Trujillo's death in 1961, the country moved towards democracy, but first it went through another period of uncertainty and political instability, leading in 1965 to the second U.S. Marines' intervention to calm the revolts on the streets, and allegedly to save lives and to prevent the country from falling into a communist system. A year later, Joaquín Balaguer, one of the intellectuals at the service of Trujillo's dictatorship, became president. The electoral process was organized with the intent of installing him in power, with full support from the United States

(Domínguez, 2001) to start a democratic government in the country. His opening regime lasted 12 years after two consecutive re-elections. After two periods of the opposing *Partido Revolucionario Dominicano* holding power, Balaguer returned to the presidency with his *Partido Reformista Social Cristiano* party and remained there for another decade. Following a dispute over fraudulent elections in 1994, he agreed to step down after two years and in 1996 opened the door to the *Partido de la Liberación Dominicana* and its leader Leonel Fernández, the current head of the country, who served as president from 1996 to 2000, and again from 2004 to 2008, being re-elected at the end of that term to serve from 2008 to 2012.

Ever since the arrival of the Hispanic conqueror interracial sexual relations have been a part of the evolutionary process on the island of Hispaniola and has led to a mixed blood, mixed race, mixed class population on the entire island, and more specifically for the Eastern two-thirds of the insular land occupied by the Dominicans. In that sense, it is constructive to acknowledge that while the mulatto sector of the population is larger in number, the country has historically been led by its white, “Hispanic” residents, which tend to be wealthier and form the Dominican elite. Comparatively, the working classes, rural or urban, tend to be dark-skinned mulattoes or black. Those at the top of the Dominican social pyramid tend to be white, and of European background. Those at the bottom are not only poor, but they also tend to be descendants of the original slaves or recent arrivals from neighboring Haiti (Wiarda & Kryzanek, 1992). But, even if the white elite has historically dominated the nation’s social, political and economic life, the military and government are also a way to wealth and power in the country, and the Dominican Republic has had more black and mulatto presidents than any nation in the western Hispanic world (Wiarda & Kryzanek, 1992).

Race and Representation Issues in the Dominican Republic

Ethnicity is an umbrella term under which to group shared identities and the commonalities of race, nation, religion, aesthetics, language and kinship. It is a product of cultural, social, and political forces, which means a recognition that we all speak from a particular place, out of a particular history (Hall, 1997; Rodriguez, 2000). Race, as a component of ethnicity, is created by attaching social and cultural significance to physical features or color, and then grouping individuals according to phenotype (Howard, 2001). Representation is possible only because enunciation is always produced within codes which have a history, a position within the discursive formations of a particular space and time (Rodriguez, 2000).

Unlike many Latin American nations, the Dominican Republic has a relatively standardized racial composition. According to Duany (1998) historians have shown that its current population is the result of the mixture of people of European, African, and (to a lesser extent) Amerindian origin. The aborigine population and its culture were almost completely eliminated within 50 years of the Spanish colonization. And the island of *La Española*, or Santo Domingo, became the gateway to the first black slaves who stepped on Spain's newly conquered territories following Christopher Columbus' historic transatlantic voyage in 1492. The conquistadors brought in African labor to replace the Indians and over time a complex racial melting pot was formed, in which the mulatto became the dominant element numerically (Wiarda & Kryzanek, 1992). However, Dominicans have a specific way to affiliate themselves with “the Hispanic” (Zaiter Mejía, 2001 pp 90) and people of African descent have lacked the incentive to construct a discourse of racial self-assertion and have remained indifferently unmoved by the negrophobia of the elite (Torres Saillant, 2000).

Historically, the Dominican elite emphasized strong European heredity and “purity of blood”. Three groups formed the demographic basis for colonial society in the Dominican Republic: the indigenous population, Spanish settlers and African slaves (Howard, 2001). A study of Dominican historiography reveals that social sectors and political groups have tried to strengthen nationalist ideas based on distorted racial concepts, accusing ethnic hybridism of being the “harmful germ” that would retard the nation’s development (Peguero, 2008). The racial composition of the country was seen as a factor limiting material progress and the advancement of “civilization” of European origin. This was a common thought among the intellectual and social elite throughout Latin America and the Caribbean who believed that the presence of other sectors of a different origin than that of the colonizers would limit “progress” in the region. Immigration was one of the proposed solutions to economic and social ills. Therefore the Argentine dictum “*poblar es gobernar*” (to populate is to govern) became a commonplace among Dominican policy setters (Martinez-Vergne, 2005). They used populate as an appeal to “whiten” the population, increasing the migration from Europe (San Miguel, 2005 pp. 23).

However, the refusal to embrace elements of its African descent is the key to an understanding of race as a color coded construct in the Dominican Republic (Howard, 2001). Scholars have traced the origins and development of a racialized and xenophobic ideology in the Dominican Republic since the mid19th century. This ideology has produced an idealized view of the indigenous elements in Dominican culture, a systematic neglect of the contribution of African slaves and their descendants, increasing animosity toward Haitians and other black immigrants and a marked preference for Hispanic customs and traditions (Gregory, 2007; Veloz-Maggiolo, 2006).

The *Taino* Indians disappeared as a society but persisted as a culture. By 1520, when there were only a few hundred Indians left, the new colonial society looks European on the outside but inside is mixed and is beginning to function as a Creole society, where few mixed race people were seen, but they existed. Those children of *Taino* women with Spanish men were assimilated into the colonial family. The racial mixture remained hidden within poor families and in the countryside, thus representing the purest forms of being native Dominican. These phenotypes were transmitted to their descendants and to the rest of the colonial society, which never ceased to change and later received cultural elements from Africa, which helped produce the second stage of the Creole (Moya Pons, 2008).

After studying the state of affairs in Eastern Hispaniola society, one must contend with the fact that the black as a sociologically differentiated segment of the population does not exist in the Dominican mind's eye. A significant number of authors affirm that the dominant discourse on national identity defines the Dominican Republic as white, Hispanic, and Roman Catholic (Candelario, 2007; Duany, 1998; Ferguson, 1992; Moya Pons, 1981; Safa, 1984; San Miguel, 2005). However, scholars differ in their approaches and terminologies to define and describe the racial configuration of the country. Ferguson (1992) considers that approximately 75 percent of the Dominican Population consists of mulattos, with about 10 percent black and 15 percent white. Others suggest that 96 percent of the Dominican inhabitants could be represented as *jabao* (Corcino, 1998), a term used to describe a multiplicity of colors (Howard, 2001).

Moreover, Trujillo's regime gave currency to the term *indio* (Indian) to denominate the complexion of people of mixed ancestry. The term assumed official status in so far as the national identification card (*cédula*) gave it as a skin color designation during the three decades of the dictatorship and beyond (Torres-Saillant, 2000). According to Ernesto Sagas (1993), the

Dominican government classifies the majority of Dominican citizens as *indios*. Surprisingly, the equivalent term *mulato*, referring to a mixture of white and black, is rarely used and nowadays, even the darkest-skinned Dominican is considered not black but *indio oscuro* (dark Indian) or *trigueño*. While in the minds of most Dominicans who use it, the term *indio* merely describes a color gradation somewhere between the polar extremes of whiteness and blackness (in much the same way that the term *mulatto* does), the intellectual elite of the Trujillo regime preferred it primarily because the term was devoid of any semantic allusion to African heritage and would, thus, accord with their negrophobic definition of Dominicanity (Torres-Saillant, 2000). As a result of this cultural conception, most Dominicans are declared to be white (*blanco*), Indian (*indio*), or a mixture of the two races (*mestizo*); only Haitians are considered “pure” blacks (Duany, 1998). This notion of whitening the race can be found in Dominican advertising, where ads portray an unrealistic or idealized picture of people and their lives.

When analyzing advertisements, it is important to pay special attention to the way contemporary images help understand how marketing operates as a representational system that creates meaning that goes beyond the advertised product, service or brand. Such a set of images is integrally connected to a broader cultural context that helps create and perpetuate the meaning in the minds and actions of audiences receiving the messages intended by the imagery. Hence, Dominican advertisers could be criticized of racist because, although the history and culture of the country tells a different story, the industry has persistently represented images of people in the advertisements where “Europe”, not “Africa” becomes the standard of beauty.

Historiography of Advertising and Media in the Dominican Republic

Despite the widespread and vibrant presence of global marketing, merchandising and advertising industry in the D.R., one cannot find a coherent and comprehensive history of the

country’s advertising history. In order to fill the existing gap, this section provides a chronological recount of mass mediated communication, from print to digital media, in the island nation-state. The objective is to produce an “original and breathtaking” historiography of the Dominican advertising industry.

After examining archival documents, historical works, and other such materials, this researcher developed a matrix to illustrate the evolution of advertising in Latin America and the Dominican Republic. To begin with, a timeline with milestones and some of the names that were significant in the U.S. and the D.R. advertising and media culture evolution is presented here to aid in reviewing the development of the industries:

Table 2.2. Advertising Milestones in Latin America and the United States

Period Country	United States	Dominican Republic
Before the printed word	Vocal ads (shouting of announcements)	
1450-1500s	Invention of Printing Press (Guttenberg) and arrival in America	
1600s	First time word advertising was used (1655)	
1700s	First Newspaper (1704)	Printing Press arrives in Santo Domingo (1600-1790)
Early 1800s	Newspapers did not place much emphasis on advertising and restricted the ads to the	First print document (Religious flyer-1800)

	<p>back pages with very little pictures</p> <p>Volney Palmer agency in Philadelphia to place ads in print media (1841)</p> <p>Industrial Revolution - technological advances and mass production</p>	First Newspapers (1821)
1870-1900	<p>Explicit branding was introduced - to ensure consumers safety and quality</p> <p>Patent Medicine ads</p>	Listin Diario is born (1889)
First part of 20 th century	<p>Emergence of Ad Agencies (Ayer, Lord & Thomas, J WT)</p> <p>World War I</p> <p>AAAA founded</p> <p>The Age of Lasker</p> <p>N.W. Ayer & Son was the first full-service agency to assume responsibility for advertising content and to charge a commission on advertisements</p>	Campbell Edwald (J W T affiliate), creates advertising and PR campaigns for US Marines invasion of DR (1916)
1920s	<p>Modernity</p> <p>“Soft sell”</p> <p>Radio Broadcasting begins</p> <p>Stan & Helen Resor</p> <p>Jim Young & Raymond Rubicam</p>	<p>HIZ Broadcasting Corp. built by Frank Hatton (1927)</p> <p>First radio live ads are broadcasted by HIZ (1927)</p> <p>Publicita Agency in Santo Domingo is handling print ads and the first attempts for radio ads (1920-1930)</p>

1930s	Economic depression “Hard sell”	Dictator Rafael Trujillo is “elected” president
1940s	World War II	Record Publicidad starts operating (1947) El Caribe (1948) Publicitaria Grito (Gilberto Rivera Torres) uses “hard sell” in retail advertising for La Opera and R. Esteva
1950s	Back to the 20s Roser Reeves USP Introduction of Television Advertising hinges on the people's desire for a better living The idea of the commercial break was introduced by NBC executive Sylvester Weaver to allow separate blocks of broadcast time for the advertisements The growth of science, dieting and cigarette advertising	The first TV station, <i>La Voz Dominicana, Canal 4</i> , installed by George Graham (1952) New advertising agencies are opened Publicitaria Llaverías, Relco Publicidad, Reprex Publicidad y Publicitaria Ricart
1960s-1970s	The creative revolution (Burnett, Ogilvy, Bernbach, Wells) Soft sell/hard sell mix Cigarette ads banned in radio and TV (1971)	Romantic Ads Era Excelsior opens up and offers monitoring (1961) Badillo & Bergés, first foreign agency to open its doors Eduardo Palmer creates Productora Fílmica

		<p>Dominicana (1962)</p> <p>Civil War and Marines invasion (1965) Damaris forms partnership with Y&R (1967)</p> <p>Listín Diario uses offset</p> <p>Color Visión, the first color TV station starts broadcasting in Santiago (1969).</p> <p>Romantic Creatives Juan Llibre, Damaris Defilló (first female in DR advertising), Ramoncito Díaz, Roberto Ricart, Efraim Castillo</p> <p>Post-war creatives: René del Risco, Miguel Alfonseca, Iván García, Franklyn Dominguez</p> <p>Ad industry beginnings</p> <p>LIDAP is born (1979)</p>
<p>1980s</p>	<p>Introduction of cable television and MTV</p> <p>Mergers and acquisitions</p> <p>Consumer voluntarily watches channels for advertisements (eg. ShopTv)</p>	<p>Mergers/acquisitions international and local agencies</p> <p>Creativity mix from local and foreign talent: Daniel Pezzi, Sergio Velez, Jesús García, Ramón Matos, Peter Weidlich, Isabel Bonelly, Nandy Rivas, Daniel Rubio, Elena Ramírez, Mike Alfonseca, Cristina Jackson, Carla Matos, Freddy Ortíz, Sergio Forcadell</p>

1990s	<p>Advertising meets technology</p> <p>Dot com companies boom</p> <p>Marketing and advertising through the Internet became more and more popular</p> <p>Some websites used advertising as a revenue, containing all sorts of advertisements, serving as a platform on which the consumer can view these advertisements which the manufacturers have paid to be placed on the site</p>	<p>All America launches Internet service (1995)</p> <p>Agencies hiring mostly college grads with degree in advertising</p>
The 21 st century	<p>Google - introducing unobtrusive advertisements</p> <p>Increasing number of interactive advertisements - involves viewers' participation</p> <p>Guerrilla Marketing - alternative ways of advertising in public areas; video games</p> <p>Product placements - ads embedded, such as in Hollywood movies</p>	<p>Viral marketing and Internet advertising expand</p> <p>Websites become popular with plenty of banner ads</p> <p>Advertising in emergent and non-traditional media</p> <p>Social media explosion and growth of brand communities.</p>

Although scholars have debated the exact date for the appearance of Gutenberg's invention in the D.R. (Cruz Sánchez, 1999 pp. 53), Rodríguez Demorizi (as cited in Cabrera, 1980 pp. 33) posits that Santo Domingo became the third largest city in the Americas to receive a printing press. Rodríguez Demorizi chronicles that in 1800 the oldest paper known in the D.R.

was printed at the shop of Andrew Josef Blocquerst. It was titled “Novena to implore the protection of Virgin Mary through its image of Altagracia.” The printed document was used as a valuable communication tool for spreading the ideas of the church and to recruit faithful parishioners (Cabrera, 1980).

The first Dominican journalism effort was the newspaper *El Telégrafo Constitucional de Santo Domingo*, which like *El Duende* was founded in 1821, but neither one circulated after four months (Cabrera, 1980; Cruz Sánchez, 1999). In terms of using the newspaper pages to promote products or services, there is discrepancy among two authors in relation to which was the first ad ever published. Cabrera states that it was paid for by Juan Kettenhoven to promote his teaching of a writing method, whereas Ortiz affirms that the first advertising expression printed in a medium of mass communication in the Dominican Republic was a notice reporting on the arrival of a shipment of donkeys from Bonaire (Ortiz, 2000 pp. 3-4). Whichever the case, scholars concur that *El Duende* was the vehicle for the first print advertisement on record. Before such a historic event Dominican advertising was limited to a poster pasted on the front of the shop to announce the existence of a product and the shipments of merchandise that arrived every 42 days to the port of Santo Domingo (Ortiz, 2000; Cabrera, 1980).

Since that fledgling advertisement in *El Duende*, in 1821, the next step to connect with the history of Dominican advertising is to the mid-19th century, a time when the newspaper “*El Anunciador*” (The Advertiser) ran pages with abundant advertising content, which basically focused to inform, not to persuade (Ortiz, 2000). The newness in terms of quantity of ads was sufficient for the publication profitability but according to Ortiz it conflicted with the mission of advertising as the backbone of capitalism, encouraging people to consume, whether they need or want the products or services advertised.

The next significant moment, and perhaps the derivative step in the evolution of the relationship between mass consumption and advertising, came about with the changes brought to the country by the presence of U.S. Marines and the open import of goods manufactured in the United States. As José Cabrera notes in his book *Crisis de la Publicidad y la Mercadotecnia en la República Dominicana* (Advertising and Marketing Crisis in the Dominican Republic), with “Foxtrot” and “One Step” rhythm, Americans imposed on the Dominican Republic the consumption of products from American industry (Cabrera, 1980 pp. 142-143). After the military intervention of 1916, U.S. merchandise replaced a number of local products as a result of the use of advertising literature in which the pictures were from New York or other North American cities. Those ads were created by the powerful advertising agency J. Walter Thompson and channeled through their affiliated agency Campbell Edwald, which was based in the Dominican Republic (Ortiz, 2000).

The United States occupation of the Dominican Republic from 1916-1924 was to be a critical turning point in Dominican history (Hartlyn, 2001). It led the way to significant changes both in economic and political terms. The incursion prepared the land for Trujillo’s climb to power and he eventually became the single dominant force in the country by combining abuse of state power, threats, and co-optation. But also, the presence of U.S. Marines influenced Dominican social, economic and cultural history. One such role has to do with popular culture. In his book *Quisqueya la Bella: The Dominican Republic in Historical and Cultural Perspective* (1997), Cambeira includes baseball, in addition to dance and music, as an integral part of the popular culture. The Dominicans, who are extremely proud of their skilled baseball players, learned the game from the Marines during the United States occupation. Subsequently, the United States major leagues began recruiting Dominican players in the 1950s. For a poor

Dominican young man, baseball serves the same function that basketball serves for poor African-American youth in the U.S. in the 20th and 21st Centuries-- it is a possible path to fame and fortune.

The other role the U.S. invasion brought to the D. R. was a new technology, radio, to its media culture. But, similar to lack of clarity in the history of Dominican newspapers, the origins of the airwaves in the Dominican Republic are not as clear as one would expect. There are some discrepancies among authors in terms of time and mode of transmission. In his 2009 volume *Las Telecomunicaciones en America y República Dominicana* (Telecommunications in America and the Dominican Republic) Teo Veras claims that radio transmitting began during the first U.S. military occupation of the country between 1916 and 1924, when radiotelegraphic communication systems were installed for strategic purposes and that in 1926 the engineer Frank Hatton Guerrero, as President of the Radio Club of Santo Domingo, built a small amplitude modulation (AM) transmitter that would be the first indication of broadcasting in the Dominican Republic. But Cruz Sánchez counters that the first radio broadcasts began in 1924 when Hatton, who had come with the occupation troops, installed the first local station, Radio HIH, to broadcast sport events that occurred in United States (Cruz Sánchez, 1999 pp. 53). Although contradictory, authors grant Hatton the fatherhood of Dominican radio broadcasting. Also, the authors are in accord (and it is also documented in the Dominican National Archives) that the opening of the first official station of the country, HIX, owned by the Dominican government, took place in April 1928 (Veras, 2009) with regular broadcasts, previously advertised in local newspapers. It became the station where the first live radio ads were broadcasted (Cabrera, 1980). The new medium allowed advertising to take another turn and became the primary medium to highlight the qualities of products and services. The commissioning of the station

Radio Club of Santo Domingo in 1926, and the formal inauguration of the HIX in 1928, places the Dominican Republic as one of the first countries in Latin America to join the international broadcast history (Veras, 2009).

Commercial radio in the Dominican Republic began timidly in the 1930s and 1940s. Progress and development was very slow and hardly noticeable, because radio receivers were scarce (Batson, 1971; Schutrumpf, 1971) and expensive for the general public. The commercials were broadcast live and most stations remained on the air, thanks to the enthusiasm of their owners. Radio was more of a hobby than it was a business. Not surprisingly, several stations offering commercial free programming disappeared overnight (Veras, 2009). Moreover, the 1950s were not a period of significant evolution for Dominican radio industry, because of the total control of the Trujillo regime, who had ruled the country since 1930. The exception was *La Voz Dominicana*, owned by Arismendy “Petán” Trujillo, brother of the dictator. It was considered the official station, and had several AM and shortwave transmitters installed in major cities around the country. This station was also the site for the first national television channel.

At the dawn of the decade of the 1960s, with the physical disappearance of Trujillo, the Dominican Republic experienced a new life of freedom and media development. Huge scale rural-urban and international migration began to blur the gulf between city and countryside (Hartlyn, 2001). The country’s major newspaper, *Listín Diario*, founded in 1889 but shut down during the dictatorship, was revived in 1964 with an offset printing system (Veras, 2009; Wilson & Kluck, 2001). In a similar way radio stations flourished and television began to develop.

Although the United States started conducting consumer behavior studies after World War II, in the Dominican Republic it was not until the vanishing of Trujillo’s tyranny when

advertising and marketing research emerged. Companies began to gather psychological profiles of their target market as the foundation for Dominican creativity (Ortíz, 2000; Castillo, 1980). Ortíz also argues that if one were to write Dominican advertising history attached to the most accepted definitions of advertising, it would have been necessary to begin in the 1930s and the (print or radio) advertisements, broadcast during that period, should be framed as pure information.

Hector - Pappy - Quezada (as cited in Ortiz, 2000) in a lecture on the history of Dominican advertising presented in 1987 to the Dominican Broadcasters Circle maintains that advertising competition was established in 1933. Quezada pointed to the broadcast of a radio commercial for Ginebra Campana, an advertisement written by distillery owner Nicanor Martínez, which compelled the other liquor manufacturers to improve their advertising discourse by hiring poets to write their copy. According to Ortiz (2000), the predominant style in advertising from 1933 to 1962 was based on literary preciousness and advertisers hired poets to write texts based on rhyme, which were pleasant to both the ear, in commercial radio, and the eyes, in print ads.

In the 1950s some multinational companies such as Sterling Products imported innovative styles to advertise their products and used the power of visual resources to promote their popular brands to segments of the middle and lower class, traveling from town to town, with a 16 mm projector unit to present cartoons, newsreels, movies and advertisements of their products in the town parks (Ortiz, 2000).

The Dominican Republic was one of the first countries in Latin America to broadcast a television signal (Veras, 2009). It all started at *La Voz Dominicana*, in a building designed by

the engineers of RCA Victor in the United States following the same standards used for the ABC-TV station in Manhattan (Veras, 2009; Ortiz, 2000). Television, which was born August 1, 1952 in Ciudad Trujillo, initially was a medium limited to the families with greater purchasing power, since there were only two receivers per 6,000 inhabitants (Ortiz, 2000). The ads broadcast between 1952 and 1961 by the most important channel of the country were confined to basically report the existence of a product or service. The management of persuasion was limited by the lack of advertising culture, and the limited existence of talent and commercial equipment to produce film (Ortiz, 2000). Thus, all the advertising communication of that period was rather “radio advertising on television,” as the advertisers produced a jingle or a radio spot, sending it to television with three or four “flip charts”. Another mechanism used at the time, which is still used today is the “live announcement” read by the host of the program (Ortiz, 2004; Ortiz, 2000).

The Dominican television broadcasts were black and white since 1952. Then, in 1969 two events marked the transition to color TV. The first was *Rahintel's* re-transmission from a Puerto Rican broadcast of American astronauts landing on the moon (Veras, 2009). Such color images were only received by the very few families who owned a color monitor. The second experience occurred four months later, November 3, when the first color station of the area, Color Vision, started operating in Santiago. Ten years later the director-owner of the newspaper *El Caribe* along with other investors developed *Teleantillas*, a television project in Santo Domingo that soon captured the majority of the audience and advertising revenue (Ortiz, 2004).

In 1982 cable television appears in the D.R., inflicting significant changes to the cultural patterns of the upper and middle class population, and at the same time marking a revolutionary change in the television business. Ortiz (2000) argues that as a vehicle of cultural penetration,

cable TV could have been a service financed by the U.S. government for all of Latin America, to instill in the youth of the Third World “the American way of life.” But, cable TV has also allowed the penetration of Latin America culture to the country, via the U.S. based Spanish networks *Univision* and *Telemundo*. Interestingly enough Dominicans have become *telenovela* gluttons (to paraphrase Tungate) and whereas in the United States soaps operas are broadcast around noon time, in the D.R. they had become prime-time material, shown in the four hour span from 6:00-10:00 pm. Either broadcast via cable or through the import of the Brazilian, Mexican or Venezuelan producers, *telenovelas* pull in huge audiences and generate large budgets for ad agencies.

Another factor to consider is that akin to the tendency in other Latin American nations, ownership of newspapers in the Dominican Republic tends to be concentrated in family-held conglomerates, which sometimes use their control of the press to advance the interests of their firms or to attack those of their rivals. Journalists are not always well paid and sometimes accept additional remuneration from government offices, political parties, or firms (Wilson & Kluck, 2001). Not surprisingly, objectivity in reporting sometimes suffers and advertising agencies are skeptical about using some of these print media vehicles.

As of the 21st century the advertising industry in the Dominican Republic is still effervescent even in adverse worldwide economic conditions. Even though the Internet made its way into the nation-state in the mid-nineties, it took almost a decade for the skeptical advertisers to jump on the bandwagon. By the end of 2010, the country had embraced the global trends in emergent media and all of the major ad agencies in the U.S. and Europe have established offices and partnerships in the nation. Indeed, more than 20 global agencies now have offices in Santo Domingo (Campañas & Agencias, 2010). These include firms such as Leo Burnett, J. Walter

Thompson, Y& R, BBDO, Saatchi & Saatchi, Ogilvy and McCann-Ericson. Meanwhile, Internet and social media have begun to catch on among the Dominican people of every economic level and the ad industry is already using this medium for viral or buzz marketing. However, traditional media are still in command.

The Role of Advertising in Representing the Dominican Identity

To understand how the Dominican population is represented in print or video advertisements raises a wide range of perplexing and at times contradictory questions and issues. Indeed, it immediately becomes apparent to anyone who visits the country that the “look” is not what one sees. For example, trying to answer why the models used in the ads are primarily white it is imperative to explore the advertising trade’s imagining the country’s inhabitants as part of a global village and following the trend of creating images that lead to a misrepresentation of both the white and the Afro Caribbean citizens. Perhaps the creative directors and the account executives are responsible for shaping the definition of *Dominicanidad* presented in the ads in a way that meet the expectations of their clients.

Due to the lack of enough, if any, scholarship regarding the pervasiveness of “Euro-beautiful” models in Dominican advertisements, it is necessary to draw from the cultural, ethnic and racial perspectives to put forward some theory about the origins and perpetuation of lighter colored skin people in Dominican Republic advertising. It is also important to hold a critical point of view about certain crucial moments in the history of the nation-state as well as the evolution of political and social factors leading to Dominican’s denial of their African origins.

In her book *Immigration and Politics in the Caribbean*, Valentina Peguero (2008) contends that since the end of the 19th century a theory was developed that reduced the ethnic

groups of Dominican society from “*Taino*, European and African” to “*Taino* and European”, presenting a fictional racial notion by using the term Indian to dilute the African heritage. Such a notion contrasts with 2005 data showing that 73% of the population was classified as mulattoes, 16% as white and 11% as black. Peguero also argues that the desire to “better” the racial image was common among the educated classes in Latin America, who wanted to be white, but feared they were not. They equated whiteness with progress and advocated immigration of whites to present a progressive image. Such ideas were embraced by Dominican intellectuals and professionals. At the beginning of the 20th century, the lawyer Francisco J. Peynado proposed a promotion plan to attract “white, healthy and hard-working immigrants” to improve population growth and open a wide path to progress (Peguero, 2008).

Approaches that define culture as the dynamic process of meaning making (Hall, 1997) are well suited to investigate connotation in advertising. Thus, employing a cultural and critical approach, this study considers advertisements as artifacts of culture and interprets them as socially constructed texts. In this sense, aesthetics are key aspects of Dominican race. In advertisements which ask for employees of “good presence” there is an implied bias towards whiteness or *la blancura*. In Dominican banks, for example, color prejudice is most clearly seen at the cash desks. It is rare for a major bank to be staffed in the public space by dark-skinned cashiers (Howard, 2001).

In his 1979 book *Pulso Publicitario Dominicano* (Dominican Advertising Pulse), Efraim Castillo, posits that it was after 1962 when the Dominican Republic agencies started using advertising techniques adopted from Cuba, the advertising epicenter of the Caribbean (Castillo, 1979).

However, the Cuban influence in advertising creativity did not define the development of a Dominican style. Advertising in the Dominican Republic ignored its historical past and instead of looking for a national cultural identity and criterion which reflected its traditional background (Cabrera, 1980) it allowed the penetration of the North American school, which came to the country to create a “global style” of advertising (Ortiz, 2004). This meant that the strategy for any given product could be understood in any Latin American nation-state, instead of creating a strategy for each country. According to Ortiz, this was part of a long term plan that would be reinforced by the ideological injection from the United States via satellite communication, television and film, which began to slowly dilute the Dominican cultural identity.

Castillo (1979) argues that Latin Americans are used to copying everything that worked in more industrialized, more sophisticated markets, suppressing the spirit of creation. Consequently, Dominican ads can be understood as a reflection of both the migratory pattern of the country’s citizens to the United States, in search of an ideal life style, and the representation of America’s “good life” via television, music, cinema and other media. Therefore, it is fair to say that advertising executions in the Dominican Republic are a consequence of the American influence and do not reflect the country’s reality. Most ads are deceptive and promote a false sense of reality in term of race and representation:

There have been numerous accusations of “racism” against advertising due to the type of models used in ads. It is intended that there would be equilibrium, proportional to the Dominican racial composition. That is to say, as many mulattoes and blacks as whites (Ortíz, 2000).

When contemporary Dominicans speak of *los blancos* they normally have in mind either foreigners or a wealthy national elite of recent European origins. (Torres-Saillant, 2000). Such idealization on human appearance has been deeply influenced by mass media: Hollywood, cable

TV and advertisements for foreign (mainly American) products. Therefore, it is easy to understand that the misrepresentation in the ads accentuated the aspirations of the Dominican population to “live the imagined dream”.

Such distortion sets the ground for inquiring about the ethics of the advertisers and the agencies handling their accounts. In a country considered to be Catholic (Candelario, 2007; Duany, 1998; Ferguson, 1992; Moya Pons, 1992; Safa, 1984; San Miguel, 2005) it is essential to refer to the three basic principles that all advertising should uphold, which are laid down by the Pontifical Council’s statement on ethics in advertising: truthfulness, human dignity and social responsibility. Kim B. Rotzoll (1989) believed that these principles were accepted as relevant and appropriate by marketing and advertising academics. However, they were not always implemented by advertisers, creating room for debate and controversy. The fact that advertising is particularly vulnerable to criticism about professional ethics is not surprising, given its high level of visibility in the marketing mix.

In the 21st century ethical concerns regarding advertising practitioners and practices flourish. Therefore, is necessary to question whether advertisers should be allowed to suggest that using the product they promote will change a person’s life? Is it ethical to use models that reflect a different panorama than the actual racial composition of the Dominican nation-state? A priori, one is compelled to furiously refute such misrepresentations. It is the duty of this study to put forward the evidence and produce the framework for future interrogations, including corrective actions.

The Grounds for Ethics Theory

Any examination of ethics in the practice of advertising in the Dominican Republic must begin with the discussion of ethics theory. In order to analyze the field of professional or applied ethics, it is useful to look at some of the theories that originated with the thinkers of ancient Greece, Plato and Aristotle. These influential philosophers (more likely the latter) are said to have paved the way to mainstream ethical perspectives that continue to have currency today.

For more than 20 centuries philosophers have studied ethics, but have not been able to find the one-size-fits all answer to what constitutes “good” or “right” human behavior. One of the longest running arguments in philosophy and ethical theory has been that of whether means or ends should characterize what is moral. Different schools of thoughts have shaped diverse theories which, in turn, when applied to specific situations may result in different solutions (Gower, 2003).

Some academics have argued that a moral act is one that uses ethical means without consideration of the results (or ends). Others embrace the idea that the consequences of an act are what count. From such a standpoint, it seems reasonable to group these philosophy types in terms of consequences. Christians (1993) posits that to conclude that some behavior is right one must examine the three broad types of ethical thinking: ethics of consequence, virtue, and duty. Bivins (2009) coincides with Christians and states that there are two points of view in each human action usually called either *teleological* (having to do with consequences) or *deontological* (having to do with rules or duties). In other words, Bivins refers to *ethical* theories as *consequential* and *non-consequential*, pointing out that good consequences are the result of right action and that the means are ethical only if the results are good. Given the purpose of this assignment, it is reasonable to disaggregate these taxonomies and focus only on two of the

schools of thought that will foster the author's rationale for advertising ethics: consequentialism (utilitarianism) and ethics of duty (deontology). The literature review includes a panoramic perspective that explores the main ideas of their proponents.

Consequential Ethics

Philosophers refer to consequentialism thinking as teleological ethics, from the Greek word *telos*, meaning "goal." Therefore, goal-oriented thinking is used widely to solve moral dilemmas. For a consequentialist thinker the goals wanted to be reached define the moral behavior. This is the same principle used in Machiavelli's *The Prince* (the ends justify the means). Consequentialism thinks in terms of the effects of behavior or policy and not in terms of the rightness or wrongness of acts themselves.

Utilitarianism

Many philosophers have argued that the moral rightness or wrongness of any action can be judged entirely in terms of its consequences. Actions themselves are neither moral nor immoral. The most popular form of consequentialism was articulated by Jeremy Bentham. He called this philosophy *utilitarianism*, because it promoted an action based on its utility, or usefulness. Good consequences give pleasure whereas bad consequences result in pain (this became known as the "pleasure-pain principle."). His idea was that the right course of action was the one that promoted the greatest pleasure or minimized the most pain (Bivins, 2009).

Utilitarianism, presumes one set of considerations that determines what we ought to do morally (Christians, 2010) and utilitarians take the position that the ethical act is the one that produces the greatest possible balance of good over bad for everyone affected (Gower, 2003).

Bentham, one of the most influential proponents of utilitarianism in the 18th century, formulated the (mathematical) method of moral decision making in terms of calculating a good or moral act is one that results in the “greatest happiness for the greatest number” (Christians, 1993). His philosophy was furthered by his disciple James Mill, probably best known, however, as the father of John Stuart Mill, whose work has been a utilitarian philosophy much more amenable to the individual and less rigid in its attention to the majority's happiness (Bivins, 2009). Mill, in the legacy of Jeremy Bentham, contended that happiness was the sole end of human action and the test by which all conduct ought to be judged (Christians, 2008 c). A commonsense utilitarian formalism emerged as the overall framework; that is, rules and guidelines for producing the greatest possible balance of good over evil (Christians, 2010).

Determining the “greatest number,” however, can be problematic. Moreover, today’s utilitarianism has lost much of the mathematical focus that Bentham developed in order to evaluate good and evil against each other. Bivins (2009) suggests two basic forms of utilitarianism: *act utilitarianism*, which states that the right *act* is the one that produces the greatest ratio of good to evil and is used on a case-by-case basis. On the other hand, *rule utilitarianism* states that ethical actions and judgments can be based on *rules* that promote the greatest ratio of good to evil for all concerned. Modern utilitarianism simply asserts that we should always act to produce the greatest ratio of good to evil for everyone concerned with our decision (Bivins, 2009).

The benefits of using utilitarianism as a decision-making tool are that it forces us to consider everyone concerned with our actions, and that it directs us to pick the alternative that generates the greatest good for the majority, which in turns serves the basic principle for democracy. Nevertheless, as Alexis de Tocqueville (cited by Bivins, 2009) pointed out, another

problem exists: the majority may not deserve the greatest good. Also, critics of the utilitarian approach are concerned with the potential unpredictability of results and the fact that it ignores justice (Gower, 2003). Despite its immediate appeal, utilitarianism breaks down because predictions of consequences are never precise. The consequences of decisions and behavior are important, but consequentialism used as the *modus operandi* of moral decision making oversimplifies by ignoring significant features of moral contexts. At best, consequentialism can provide what appears to be a reasonable course of action. However, it cannot ensure the rightness of any course of action until all the results are in--and often they never are (Christians, 1993).

Non-consequential Ethics

Every time a person makes reference to a law, a code, or a guideline, he or she is using non-consequential ethical theory to sustain his or her position. Likewise, if the act is without a sense of duty or responsibility, non-consequential logic is in use. According to Bivins (2009) the idea behind non-consequentialism is that the action itself should be the focus of decision making, not necessarily the outcome of the action. No wonder the earliest form of this type of ethical thinking came from religion. The Judea Christian Ten Commandments are a good example of a rules-based approach to morality. If you keep the Commandments, you are moral. If you break the Commandments, you are immoral (Bivins, 2009). Another example of non-consequentialism reasoning is Kantian ethics. The system suggests treating each person as a goal, never as a means. It has a supreme normative principle, categorical imperative, which has an admittedly formal character and states the condition on which any particular moral rule claims to be valid. (Hillar, 1995)

Intuitionism

Some actions are simply right or wrong by nature; and, as human beings, we intuitively understand this (Bivins, 2009). Intuitive actions are opposed from utilitarian acts; the former are consequential and the latter are non-consequential. In intuitionism, ethical theory is associated with a morality that is intuitively held; a moral value that is the inner self; an obligation or duty. An intuitionist recognizes as morality qualities such as will, intent and motive.

Deontology, from the Greek word *deon*, meaning duty, holds that certain underlying principles are right or wrong, regardless of their consequences. To be moral, a person not only must achieve results through acts but also employ the proper means and act with good intentions (Gower, 2003). The best-known deontological theory is associated with the 18th century German philosopher Immanuel Kant, who produced some of the most influential philosophical work since the time of the Greeks. According to Kant, actions have true moral worth only when they spring from recognition of a duty and a choice to discharge it. Like other Enlightenment theorists, he believed that human beings were endowed with the ability to reason, and reasoning would logically lead to an understanding of how to construct moral rules to live by. Kant saw obligation (or duty) as the overriding determinant of morality. Kant's philosophy rejects the notion that the end justifies the means (Gower, 2003). He created an ethical system based on the human ability to discern and the belief that all moral actions were the result of virtuous intent (Bivins, 2009). The Kantian system of ethics is known to be intuitionist, believing that human beings naturally knew right from wrong. Claiming that behaviors are duties is to say that a dutiful act itself fosters an integration of personhood and community. Duty does not distinguish between means and ends (Christians, 1993). Such a moral scheme carries the principle to will

the right no matter what the consequences are. Thus, moral obligation comes from an imperative that is categorical.

Kant's categorical imperative implies the existence of an inherent moral system, which is substantiated in the Golden Rule ("do unto others, as you would have them do unto you"), implying that what is right for one is right for all. Under the *Categorical Imperative*, individuals would only act in ways that they would want everyone else to act, all the time. Subsequent to such a premise, certain important interrogations arise. For instance, if it is okay for the president or politicians to lie, therefore it is equally acceptable for the advertiser to deceive. However, the categorical imperative would forbid lying under any condition based on the fact that one cannot will that lying becomes a general practice in any context. In sum, moral laws are universally mandatory and human beings ought to do what is right. Kant reasoned that rational beings would not tolerate a state of existence in which everyone could lie or kill without compunction (Bivins, 2009).

Gower theorizes that Deontology or Kantian ethics is criticized for its rigid guiding principle. For example, to adopt telling the truth as an absolute rule leads one to ignore situations in which lying may be well justified. Another criticism of Deontology is that one culture may consider an action universally moral, but another culture might not find it so (Gower, 2003). And often decisions in business are not matters of choosing between right and wrong, but of choosing between two rights or two obligations.

The moral mean, thus, would be different for each person. The real value of virtue ethics is that it places the responsibility of taking the right action directly on the person making the decision. A person of strong character developed through habitual right action will make the

right decisions, most of the time. For public relations: truthfulness, loyalty, trustworthiness, honesty, diligence, and discretion. How about advertising? Certainly advertisers would cite truthfulness in common with the other media professions (Bivins, 2009), although it has been greatly challenged and questioned by critical theorists. Human dignity and nonviolence, in the form of socially responsible actions should also be added to the practice of advertising practitioners. These three principles can be analyzed from the aim for the universals in professional practice.

Ethics and Ethical Issues in Advertising

Since media ethics took shape, using utilitarian morals to evaluate industry behavior was attractive for its roots in individual autonomy and its worldly humanism (Christians, 2007). Utilitarian ethics was attractive for its compatibility with the canons of rational computation and an ethical position could be validated by hard evidence (Christians, 2010). Advertising, as an important component of media culture, has gone through the screening process to determine the necessary mechanism to evaluate ethics in the field as well. Rotzoll et al. (1996) assert that there is a discomfiting irony with advertising's most prevalent ethical system (utilitarianism), which is often incompatible with the uncertainty of its principal product (ads). In advertising practice, this ethical system is often expressed in terms of "market forces," loosely based on classical liberal thinking and rationalized in the ethical sphere by the concept of *utilitarianism*, the greatest good for the greatest number based on some notion of cost-benefit analysis (Rotzoll et al., 1996).

As early as 1961, Warne stated that advertising has been considered as a market practice susceptible to some of the least admirable of human traits and has been subject to several attempts to contain its exploding force within the confines of a reasonably moral framework.

The approaches to determine the morality of advertising pivot around the product, the media used to deliver the messages, and the actions of the ad people. Drumwright (2007) posits that the difficulties of determining the morality of an ad based on the product are at least threefold: (1) how to determine which products are problematic enough to be considered harmful; (2) how advertisers (or anyone) can determine the genuine needs of various individuals or groups; and (3) how a message can be confined to the people who need it.

Philosophers such as Santilli (cited by Drumwright, 2007) have argued that morality should be determined by the truthfulness of the message rather than by the worthiness of the product. Other academics have alluded to the interactions between media outlets and the ad world. For instance, Fink (1988) questions the role does advertising plays in newspaper and television ethics. Are the consumer and society truly served by advertising or, as some argue, is advertising wasteful, unnecessary, and simply devoid of any redeeming social value? The answers to these significant questions can emerge from any of the necessary two sides to the coin: in this case, the one of the defenders or that of the detractors. Those favoring advertising (including print and broadcast media executives) argue that it is a form of communication that permits consumers to make intelligent choices about products and services. In their view advertising stimulates consumption allowing the free enterprise system and mass production economies of scale which result in lower prices (Fink, 1988). Without advertising (its defenders say) business, commerce, and industry would slow down, and the consumption oriented economies, such as that of the United States and many others in capitalistic systems would falter.

On the flip side of the coin, advertising is frequently perceived as being ethically unprincipled by critics and is apparently unappreciated by the public in various polls. Rotzoll and his colleagues (1996) observed that of the two dominant ethical traditions in advertising,

deontology is preferred and that utilitarianism, the other major ethics school of thought, has been attacked by many moral philosophers today because it seems to suggest certain untenable outcomes when applied to particular hypothetical situations.

Those who critique advertising argue that it adds enormously to “selling costs,” eventually paid by the consumers, while it doesn’t fill an information need because its often sketchy slogans and jingles, don't truly inform consumers about a product; in fact, it is designed only to sell. Also, critics say that advertising simply shifts desire from one product to another and creates unnecessary materialistic consumer desires which make it manipulative and wasteful. Debate over these issues is lengthy but inconclusive, and neither supporters of advertising nor its critics can prove its true *social effect* (Fink, 1988). Given the difficulty in determining advertising's “effects,” there are serious problems in predicting the outcome in most advertising situations. Practitioners point to their social responsibility through self-regulatory codes and guidelines, as well as their various voluntary good works through the Advertising Council, special task forces to deal with social issues, and so forth. To summarize, the case in point is that there are many ethical issues confronted by advertising still these days, most of them mainly coming from: a) the fact that it has been rationalized by a classical liberal ethos; b) its one-sided messages with potential for deception; and c) advertising seeking out individuals instead of allowing individuals to seek it. Issues such as image manipulation and subliminal messaging, false comparisons or misrepresentations (of products and people) as well as the perpetuation of stereotypes, the use of the word FREE (in many different forms) to induce a sale, product placement, and invasion of privacy (more likely via the digital context and social media) are among the many ethically debatable aspects of today’s advertising domain. These issues serve

as the foundation to develop the ethics scheme of universal values as a theoretical framework for analysis.

The advertising business will continue to be criticized in the ethical arena for either being unprincipled *or* for utilizing principles seen as inadequate for the task (Rotzoll et al., 1996). Drumwright (2007) chooses to group the reproaches. She claims that although there have been a myriad of social criticisms of advertising, many of them fall into three categories: (1) encouraging excessive materialism, (2) creating, or at least reinforcing, problematic stereotypes, and (3) creating false values and the resulting problematic behavior. Attempts have been made to establish the industry perceptions in regards to ethical behavior. Advertising professionals have been surveyed to ascertain apparent ethical problems. Rotzoll and Christians (1980) reported that most of their respondents encountered ethical issues at the workplace and that “most of the responses show a lively interest in doing the right thing.” The major areas of ethical concern involved the content and creation of advertising messages and the agency/client relationship. Drumwright and Murphy’s (2004) findings from in-depth interviews with advertising practitioners were not nearly so encouraging. They found that within their sample of the advertising community, significant numbers of practitioners either did not see ethical dilemmas that arose or their vision was shortsighted -- a condition the authors referred to as “moral myopia.” And, when ethical issues were recognized, there was little communication about them -- a condition they called “moral muteness” (Drumwright, 2007). Blindness, deafness or muteness in morality definitely makes room for analysis within the advertising industry and needs to be contrasted against the standpoint of those professionals who intend to do the right thing. In that respect, Drumwright and Murphy (2004) contend that organizational context has a tremendous influence on the ethical sensitivity of individuals and it seemed to be

the differentiating factor between advertising practitioners who were ethically sensitive and those who were “morally mute” and “morally myopic.”

Right or wrong in advertising can also be observed from another angle, perhaps more human, because it has to do with the people that are the target of its messages: the consumers. Within this realm, there are critical questions that scholars have measured for a lengthy period of time and have produced similar results across the board. Fink (1988) suggests that it is possible to get a firmer grasp on *consumer perceptions* of advertising. He argues that consumers believe advertising raises product costs, which they must pay; that it creates unnecessary demand; and sometimes it is untruthful, misleading and often insultingly strident, intrusive, unpleasant, and simplistic. Calfee and Ringold (1994), on the other hand, propose that advertising gives consumers more choices, which sometimes involve “good or evil,” at lower costs. Additionally, they observe that in a period of over half a century, about 70% of consumers on average think that advertising claims cannot be believed. They also state that about the same proportion think advertising is a useful source of information. When surveys reach further, asking whether advertising “encourages people to use products they don't need,” or whether “advertising encourages people to use some products that are bad for them,” again, about 70% agree. And when consumers are asked whether there should be more regulation, there is, again, about a 70% agreement. Nonetheless, in 1985, the Federal Trade Commission (FTC) concluded that advertising provides information about product characteristics that enables consumers to make better choices among available goods (Calfee & Ringold, 1994). It is clear that scholarship about the perception of advertising ethics and effects on consumers reveals the need to police the erroneous actions some advertisers’ commit, but this has not produced much regulation on the government side.

Another perspective to take into consideration is that of the Pontifical Council for Social Communications in relation to advertising ethics. In a five-part document, the Council describes advertising as a “necessary part of the functioning of modern market economies” and accepts market economies as “the most efficient instrument for utilizing resources and effectively responding to needs”. Foley (1998) equally criticizes advertising that lies or deliberately deceives. Yet the Council suggests that, when advertising is selective and incomplete, that is, when it promotes some values and not others (Calfée & Ringold, 1994) or when it withholds relevant facts, consumers are incapable of evaluating advertisements in the context of the larger information environment. Similarly, the Council objects to the promotion of “harmful or utterly useless goods,” implying that consumers cannot discern for themselves what constitutes value.

Although several of these perceived values drawn from different sources tend to overlap and yield results pointing out to both good and bad performance from advertisers, in essence they reflect what the global population expects from advertising professionals: truthfulness, human dignity, community respect, and responsible behavior, all honoring the inviolability of life.

Universal Principles as Ethical Theory in Advertising

Because it stands at the intersection of industry, communications, and group interactions, advertising can come under attack from anyone who is upset about any feature of these three domains (Rotzoll et al., 1996). Certainly, the marketing practices throughout the historical development of the industry, the mass mediated communications used, and the possibility for stereotyping certain groups or communities represent rich fields for ethical issues.

Should advertisers be allowed to suggest that a product will make a person different/successful absent demonstrable and conclusive proof and evidence? Is it ethical to

distort reality or misrepresent human beings' races and roles through advertisements? Why propose the operating principles of the industry and write them in the form of codes to be hung on the walls of ad companies, if their principles are not to be practiced? Can this performance be considered a moral act? Are individuals to blame for such actions following ethical principles or social responsibility theories? Should advertisers and their agencies be blamed for using celebrities to endorse their brand, while knowing they are not users of the products promoted? To do so would be an outright misrepresentation and untruth, which is the reason why the Federal Trade Commission (FTC) ruled it illegal. Furthermore, the act is also unethical. It breaks the truthfulness principle in advertising's self-imposed code of conduct. Still, the question of how easy or feasible it would be to prove such lies, remains uncertain.

The Vatican's Pontifical Council laid down the 3 basic principles that all advertising should adhere to: truth-telling, respect to human dignity and exercise corporate social responsibility. In order to understand fully the extent to which these standards have been embraced and followed in the Dominican Republic, it seems appropriate to undertake a critical examination of these universals in detail.

Truth

Without articulating a sophisticated notion of truth, any new model of ethics will have an empty center. It is necessary, thus, to set up a foundation over which it will be possible to develop a solid structure about this universal ethical principle that Cooper (1989) identified as one of the three protonorms of professional standards in media ethics. Furthermore, in *The Search for Universals* Christians and Cooper (2009) ascertain that the sacredness of life binds people into a common oneness and truth represents one of the principles contributing to the intrinsic imperatives to moral philosophy around the world and across cultures. Arab-Islamic

communications rely on truthfulness. In Latin America, truth is one of the highest values experienced in the communications realm. Truth is central to indigenous culture in Canada (Christians and Cooper, 2009). Moreover, in Aristotle's legacy truth and falsehood are permanently imbalanced; the former noble and full of praise and the latter mean and culpable (Aristotle, 1947). Epicurus wrote that the wise person is prepared to lie if there is no risk of detection, but that we can never be certain our falsehoods won't be discovered (Griffin, 1994). Lying is so unnatural that a man made machine, the lie detector, can measure body reactions to it. Subsequently truth telling is a natural act that must be observed as a duty by all humans.

Truth is fundamental. In the Holy Bible one can find statements related to the truth and freedom: *"And you will know the truth, and the truth will set you free"* (John 8:32). Truthfulness is needed in almost every activity, field or professional action. In communication practice it appears everywhere in industry codes of ethics, and mission statements, and in classes and textbooks on media ethics (Christians and Cooper, 2009). In advertising and public relations, the term deception, the antonym of truth, is considered to be absolutely forbidden (Christians and Cooper, 2009). The acid test of truth must be applied when one needs to distinguish between advertising that is ethical or that which is unethical (Starr, 1931). The principle of truthfulness in advertising lobbies against advertisements that are "simply and deliberately untrue" or "distort the truth by implying things that are not so or withholding relevant facts" (Foley, 1998).

Perhaps because the practice of persuasive communication messaging started off on the wrong foot, advertising, advertisers and advertisements' truthfulness has been questioned for many decades. In the beginnings of the industry's development, the most advertised products were the patent medicines, whose claims were outrageously exaggerated, misleading and deceiving (Calkins, 1931). Nonetheless, in the advertising journals of the 1870s and 1880s, truth

in advertising was a very minor topic (Pope, 1983). But in order for the industry to flourish the need for “doing the right thing” arose. According to Starr (1931) the organized effort to better the standards of advertising started by The Associated Advertising Clubs of America under the slogan “Truth in Advertising” was a clear indication of the necessity to put their own house in order.

The movement has been in place since late 19th century and continues to be present. In the 1890s, the ethics of advertising copy began to receive more intensive attention from both buyers and sellers of advertising. Pope (1983) argues that at least some advertising agencies in the 1890s were scrutinizing their prospective clients’ ethics and even turned their business away. While curbing the scope of patent medicine ads was probably the most important development in advertising ethics in the first decade of the 20th century, advertising professionals also began to perceive the moral questions pertaining to other issues. Opposition to overt rivalry and price competition in advertising, for example, was elevated from practical advice to a moral injunction (Pope, 1983).

Early in their work on combating specific instances’ of wrong practice, the truth in advertising forces studied and recommended practical programs for various principal trades and industries (Kenner, 1936). Department stores were the pioneers in proclaiming truthfulness, due to their dependency on repeated sales, an issue not confronted by the itinerant patent medicine salespeople. By World War I the majority of established magazines and many important newspapers had eliminated, or at least greatly reduced, patently dishonest advertising (Pope, 1983). And eventually other necessary changes in the industry took place. Definitely, the most needed crusade for advertising truthfulness paid off. It ultimately strengthened the hands of manufacturers of nationally distributed brand-name goods, chain stores, and other mass retailers.

Using Kantian logic, an advertiser who avoided untruthful advertising because he or she was afraid of getting caught and fined would not necessarily be acting morally. However, if the advertiser recognized a duty to his/her constituents to tell the truth, and that is the reason he/she didn't lie, then the act would be a moral act (Bivins, 2009). Lying may be generally discouraged within the Diné people, those who the Spanish labeled *Navahu*. There are exceptions where lying to preserve the welfare of the tribe or to untrustworthy strangers are condoned. However, when accused of being a liar a tribe member may remain silent for the first three times, but must tell the truth the fourth (Cooper, 1998). In their own terms, "lying was the 'white man's' form of communication".

In Kantian ethics telling the truth is a categorical imperative. However, Ross (as cited by Gower, 2003) would have said that the obligation to tell the truth can be outweighed by other moral factors; that there may be conflicting obligations (to employees, shareholders, and consumers) which may pull an organization in different directions. In these situations, determining the corporation's proper moral course may not be easy (Gower, 2003). Christians (1993) also subscribes to this point of view. Although he posits that crises may provide exceptional occasions when people (institutions) are justified in lying, he also observes that telling the truth is a duty, because lies violate human community and empower the liar at the expense of the person who is duped.

Albeit some early flaws, the truth crusade served the purpose to build advertising credibility and helped the industry in winning public acceptance. However, some questionable practices remain in the field. For instance, an orange juice commercial that announces there are 16 freshly squeezed oranges in its 64 ounces carton, which leaves no room for water or added sugar. Is the information in the ad truthful? Beautifully executed and digitally mastered in the

days of social media, these claims are no different from the ones made during the era of patent medicines. The trends in advertising ethics in relation to truth-telling still need some questioning and adjustments. Whereas the truth-in-advertising movement in the early 20th century tended to define false claims in advertising as an act of “unfair competition”, perhaps nowadays this type of advertising “cleverness” is referred to as “persuasive puffery”. Puffery is generally acceptable under the law (Drumwright, 2007) but as Pope (1983) asserts, persuasion can be an assault on our intelligence and personal dignity.

Human Dignity

The notion of an audience has distinctive implications for the creation and delivery of advertisements. An audience, in its broader sense, is a designated group of people who would be exposed to a message. In advertising, the concept of target audience refers to a specific segment of the general population at which the advertisers aim their messages. This collective body is composed of individual human beings who need to be treated with deference and respected. Deception and misrepresentation are two of the most renowned wrongs advertising poses to its audiences. Both of these actions represent attacks to the sanctity of life and human dignity of every individual.

The human dignity norm has taken a central position in media ethics and subsequently in advertising. In that respect, scholars, religious institutions and regulators have theorized about ethnic diversity, racism and sexism in advertising. While at the beginning of the 20th century misrepresentation was related to false claims or imaging of products (Pope, 1983; Starr, 1931), in the third millennium it is more explicitly tied to the human being. All too often, advertising contributes to the stereotyping of particular groups that places them at a disadvantage in relation to others. This is repeatedly true, for example in the way advertisements depict women. How

frequently is the role of woman limited to that of mother and wife, compared to that of men who may be represented in far more roles than that of father or husband? How every so often are females treated not as persons with an inviolable dignity but as objects whose purpose is to please/serve others? How regularly is the role of women in professional life represented as “intrusive” into a territory presumed to be for men only? Similar situations occur with individuals who may have limited physical attributes, such as sight-impaired, racial groups, minorities and others. Likewise, there are many voices claiming that citizens are portrayed with respect in advertisements and that different cultures and ethnic group are represented in advertising about the same as the majority of the population.

The principle of the dignity of the human person condemns advertisements that violate people’s right “to make a responsible choice” or “exploit man’s lower inclinations”. This theory is particularly relevant for vulnerable groups such as children, youth, elderly and poor people as well as the culturally disadvantaged (Foley, 1998). But not all voices speak the same language. The American Association of Advertising Agencies (AAAA) argues that advertising self-regulation provides adequate safeguards against advertising abuses and that advertising does not harm children. Therefore, there is no need to protect them from it (Rotzoll et al., 1996). The classical liberal heritage is clear.

Refusal to comply with ethical duties was not allowed under Kantian rules. According to Griffin (1994) the violation was a fate worse than death. This was the logic of his categorical imperative, a term that means duty without exception, something Kant stated as a universal law. Also, under Kantian ethics all human beings should be treated with respect and dignity. Respect for another person’s dignity is one ethical principle on which various cultures rest. In Latin American societies, insistence on cultural identity is an affirmation of the unique worth of human

beings (Christians & Nordenstreng, 2004). The imperative of human dignity grounded in the sacredness of life moves us beyond an individualistic morality of rights to a collectivistic social ethics of the common good (Christians and Cooper, 2009).

Media and advertising professionals have enormous opportunities for putting a person's sacredness to work and enhancing the value of what it means to be a prime representative of the human species, regardless of race, gender, age, sexuality, physical abilities or other factors. To honor human dignity ethically, advertisers should embrace a moral cosmos of nonhierarchical collective relationship. In other words, they must allow audiences to enjoy the fundamental need of human recognition and feel self-reflected in the advertising mirror. Such accomplishment is a vital value.

Social Responsibility

Social responsibility theory has generally allowed formalism to dominate its paradigm in the same way the prescriptive model commandeered journalism ethics the preceding half century (Christians, 2010). Even though the concept of social responsibility is old, widespread acceptance of the idea that corporations must follow precise ethical policies is not (Fink, 1988). The theory establishes that an organization or an individual has an obligation to act to benefit society at large. Social responsibility is such a broad concept. However, only issues relevant to advertising will be considered in this discussion.

Milton Friedman (1970), one of the greatest critics of the concept, argued that the social responsibility of a business is simply and only to create profits for its shareholders and jobs for its workers, not to solve society's or governments' problems. But his viewpoint fell out of favor. Corporate and government scandals and the rise of the consumer movement toward the end of

the 20th century lead to a push for greater social responsibility on the part of corporations. Advocates of corporate ethics and corporate social responsibility have long argued that companies should be concerned with a “triple bottom line” (Drumwright, 2007), a concept which encourages business to act as a guardian of the environment, society and the economy, and that paves the way to Corporate Social Responsibility (CSR). The term “CSR report” is used instead of a triple bottom line report, but the two are interchangeable. Corporate Social Responsibility thus involves assessing all the probable ways that a company's actions and operations may impact others. It means looking at the company's stakeholders to consider how decisions affect a wide range of individuals, groups and organizations. CSR is the long-lasting commitment for ethical behavior in the business environment, contributing to economic development and improving the quality of life of the employees and their families in addition to enhancing the well-being of the local community and society in a broader context. Foley (1998) argued that advertising and marketing practitioners should observe a rigorous respect for the moral, cultural and spiritual requirements, based on the dignity of the person. In his terms, “advertisers, like people engaged in other forms of social communication, have a serious duty to express and foster an authentic vision of human development in its material, cultural and spiritual dimensions” (Foley, 1998). This approach from the Vatican reflects the religious concerns for clear rules to enforce advertisers' accountability in terms of human dignity and socially responsible behavior. Clearly, the challenge for advertisers is to act responsibly in order to be recognized as good moral citizens. Consequently, corporate ethics will continue as the prerogative of management (Fink, 1988) and those ethical rules must be transcribed into a readable and actionable form commonly known as codes.

Christians and Nordenstreng (2004) put codes of ethics in the larger context of the social responsibility theory. Codes of ethics contribute to bringing society to the forefront, if these codes are re-oriented from media centered professionalism to social responsibility as a citizen-based paradigm (Christians and Cooper, 2009). If codes of ethics and codes of conduct are to set the standards of ethical practice in the business world, rather than challenging and changing those codes, the opportunity for the advertising firms and practitioners is to respect the moral life as a whole, complying with the basic components of the sacredness of life: truth-telling, no harm to innocents and human dignity (Christians, 2008).

Self-regulation and Codes of Ethics

Irrespective of how they are communicated, ethical policies need the endorsement of top level management, and they should state explicitly who is expected to follow them and which activities are acceptable (Fink, 1988). In other words, a self-imposed regulatory system is one way for managing ethical behavior in an advertising organization. Drumwright (2007) states that self-regulation (the development of norms and responsibility for self-monitoring) is one of the primary criteria for a profession and as such, codes play an important role in the process of creating and maintaining a profession. In the case of advertising, they are largely a reflection of laws and primarily revolve around avoiding deception and staying free from fraud (Drumwright, 2007).

The rudimentary work to establish moral principles during the 1890s evolved into a serious enterprise early in the 20th century through codes of ethics (Christians, 2010). Codes have been around for almost a century. In support of standards for retail advertising, the Association of National Advertisers (ANA) and the American Association of Advertising Agencies (AAAA), in March 1932 announced jointly a code for national advertising,

condemning falsehood, distortions in illustrations, representations offensive to the public, and other practices (Kenner, 1936). In September of the same year the Fair Practice code was adopted by the National Retail Dry Goods Association and was also endorsed by many other retail trades and by advertising groups, local and national. Eventually, self-created codes became the norm in advertising regulation and as of today, the most complete self-regulating advertising apparatus is the National Advertising Review Council (NARC), established in 1971 by the Council of Better Business Bureaus, the American Association of Advertising Agencies, the American Advertising Federation, and the Association of National Advertisers.

In the ethics of formalism, canons of practice --that is, codes of ethics-- are the conventional format for moral principles (Christians, 2010). Nevertheless, some companies have used codes of ethics more for image and publicity rather than for utility in the workplace, which defeats the presumed purpose and is less acceptable from an ethical standpoint. However, if standards are enforced and made known to employees, a code can be seen as an ethical addition to a company. Some consider written codes dangerous because they could be used against the media in court (Fink, 1988) if, say, advertising actions or messages were proved to have broken their own company's policies.

The fact that all of the media professions have codes of ethics, and that nearly all media outlets (journalistic, advertising, and public relations) have their own, individual, codes as well, speaks to the Kantian desire to make and follow moral rules. And these rules are almost always made with no exceptions in mind. If your professional code of ethics says always tell the truth, then you don't have to give consideration to whether you should lie. Most laws, codes, policies, and regulations are the result of non-consequential ethical thinking: generally the result of people coming together to make guidelines by which to govern their own actions (Bivins, 2009). Bivins

also observed that when an earlier version of the PRSA code stated “a member shall not knowingly disseminate false or misleading information,” it means “no member-ever.” Not surprisingly, most rules are based on Kantian guidelines (categorical imperatives, such as. don’t lie, don’t deceive).

Advertising and marketing industry professionals and regulators have continuously tried to keep the promise of truth telling ever since the early days of the 20th century. The word truth is part of mission statements and codes of conduct throughout the world. Taking this argument one step beyond is the issue of selecting trusted and truthful spokespersons. For example, in the case of sports, companies have to set high ethical expectations when they contract athletes who will serve as spokespersons and will not pose a threat to the brand integrity or who will not exercise irresponsible judgment that could harm themselves or others.

In times gone by, critics of advertising and consumer movements have challenged governments and produced reactions that allowed nation-governmental regulatory policies to emanate in the form of laws including Acts. Moreover, there are government agencies devoted strictly to oversee and investigate advertising misconduct.

As a final point, it is important to remember that despite the global trends and the search for a universal ethics in communication and media, most codes of ethics contain standards for media entities that are specific for the countries where they operate. Whereas international associations exist, and some have created declarations of principles, no global code has been adopted by most major journalism associations and news organizations.

In relation to the advertising world, a comparable pattern holds true for ad agencies. Big corporations operate globally, but they have yet to develop a code of ethics that is applicable in

all their settings. As product and service brands receive increased distribution across nation-state borders, the time may have arrived to construct global advertising code of ethics, which may be adopted not only by the corporate headquarters but also by agencies and their branches throughout the globe.

Research Questions

The goal of this dissertation is to study the historical developments in media and advertising in the Dominican Republic, and to explore the intersection between ethical principles and theories and advertising practices. Part of this goal involves the critical examination of the universals in ethics theory regarding truth telling, human dignity and social responsibility, including issues of race and representation in advertising that have been influenced by distinctive complexities of Dominican history.

Based on the literature review, this study has examined how advertising standards of practice in the Dominican Republic reflect universal ethical principles and seeks to answer six questions:

RQ 1: What are the historical, social and political events that have helped shape advertising discourse in the Dominican Republic?

RQ 2: Is advertising in the Dominican Republic guided by utilitarian, deontological or virtue ethics?

RQ 3: Are global and local ad agencies operating in the Dominican Republic in compliance with the universal ethics principles suggested by the Vatican Council?

RQ 4: Have Dominican advertisers established codes of ethics, and if so, do they follow them?

RQ 5: Do Dominican advertising practitioners adhere to moral standards in the creation of their ads?

RQ 6: Do Dominican advertising practitioners represent the human dignity of all members of the nation's cultural community or is the general population falsely misrepresented?

Summary

The examination of concepts in the literature of advertising history in Latin America, marketing communications in the Dominican Republic, ethics theory and universal ethics principles such as truth, human dignity and corporate social responsibility has provided a conceptual framework for this dissertation. Also, it gave insight into other areas of investigation that need further exploration.

The reviewed literature, although scarce in relation to communications history in the Dominican Republic, provides a substantial theoretical basis for exploring the intersection of universal ideologies and practices employed by advertising and marketing communication professionals in Latin America and the Spanish-speaking Caribbean island nation.

The framework for this study connects the examination of three essential ethics concepts with the practice of persuasive communications. This research focused on the interplay of concepts of truth, human dignity and corporate social responsibility with advertising executions performed by local and global agencies operating in the Dominican Republic. The literature review was conducted to find answer to six research questions.

The other chapters of the dissertation are organized as follows: Chapter 3 describes the methodology employed in the study, providing rationales for qualitative research and the use of interviews as the primary data gathering instrument. Also, it explains the research context, the

procedure followed for selecting the participants and the use of triangulation to assure trustworthiness. Chapter 4 presents the findings. In that respect, the excerpts from the interviews are presented in Spanish and English. Chapter 5 contains the discussion of the findings offering conclusions and recommendations for future research.

CHAPTER 3. METHODOLOGY

The goal of this chapter is to present and explain: the method utilized for answering this dissertation's research questions, the study design, the interviewee's selection process, and the data collection and analysis.

Utilizing a critical interpretive approach, this research project was designed to capture and represent the voices, emotions and actions of those studied (Denzin, 2001). It was organized to examine the perceptions, perspectives and opinions of advertising experts in the Dominican Republic concerning the development of the industry of commercial persuasive communication discourse, with particular attention to the awareness and practice of ethical principles by professionals.

This chapter is comprised of the following sections: a) Rationale for Qualitative Research, b) Institutional Review Board, c) Rationale for Interviews, d) The Research Context, e) Selection of Participants, f) Pretest, g) Data Collection, h) Rationale for Documents Review, i) Data Analysis, and j) Trustworthiness.

Rationale for Qualitative Research

This study was a qualitative examination characterized by interrogating, interpreting, describing, and defining ethics in advertising and marketing communications in the Dominican Republic. Qualitative research was employed because it has become a reputable mode of investigation in social behaviors (Creswell, 2009). Also, Denzin (2001) argues that a qualitative researcher is not a neutral observer, but is situated locally within the investigation process being studied.

Thus, given that the objective of this project was to enter the environment of Dominican advertising leaders and practitioners to achieve a more holistic understanding of the factors and events

influencing advertising discourse in the Caribbean nation-state, and to allow these industry leaders to express their perspectives directly, the use of a qualitative methodology was appropriate.

Denzin and Lincoln (1998 a) theorize that qualitative researchers study things in their natural setting, attempting to make sense of, or to interpret phenomena using the meaning people bring to them. The data collected in this study would, thus, disclose stakeholders' perceptions regarding the principles and practices adhered to in the industry.

This study was designed not only to explore the context under which Dominican advertising practices have evolved, but also the ethical principles that the industry follows. And more precisely, this research project interrogated how advertising executions from global and local companies operating in the island nation-state align with the universal principles of truth, dignity and social responsibility. To accomplish this goal, a qualitative approach was chosen because qualitative methods are helpful when seeking to gain insight into how participants understand their experience (Creswell, 2007). Moreover, an exploratory and critical interpretive research design was selected to assure that the voices of participants were provided the space to be both heard and understood.

There are several reasons for considering this investigation exploratory. First, theories to explain the "boom" in the D.R. advertising industry have not been developed; thus, there is a need to make comprehensive inquiries about the phenomenon. Second, as of 2011, no known studies have focused on determining the presence of the universal ethical principles in Dominican advertising, and the extent to which practitioners are aware of and embrace them. Given the continuing explosive growth of consumerism in the nation-state and the scarcity of literature, this topic provides a forum for consumers, advertising professionals, and providers of goods and services to understand the interplay between consumption and culture. Finally, this

project is considered exploratory because it gives the subjects a voice, yet the role of the researcher will still be acknowledged (Gall et al., 1996).

Denzin posits that in the social sciences nothing speaks for itself, and he emphasizes that the qualitative researcher needs to make sense of what has been learned throughout the art of interpretation (Denzin, 2009a). Gathering data for this critical and interpretive project required a mixed methodology that interrogated both primary and secondary research. An exhaustive examination of the very small amount of existing literature about the history of media and persuasive communication in the Dominican Republic, plus an examination of the theoretical framework about ethics and universal ethical principles relevant to advertising and the media was conducted. This conceptual structure was complemented by participant observation, the review of documents and archival records, and interviews with advertising and marketing practitioners. These mixed methodologies enabled the researcher to interrogate historical perspectives concerning the advertising industry in the Dominican Republic and to gain access to ethical principles followed by its practitioners.

Institutional Review Board

Researchers should become ethics officers within their academic and investigative setting (Denzin, 2010). Therefore, anyone conducting research must follow a protocol that observes ethical principles and guidelines that preserve the participant's integrity and the purity of the information gathered. Creswell (2007) proposed that an essential initial step to protect the rights of the participants in a qualitative study was to get the approval from the Institutional Review Board (IRB) which oversees the observance and adherence to regulations and is concerned with the maintenance of research ethical standards and the protection of human subjects. The IRB framework requires that researchers fill out forms

concerning the subjects' informed consent, confidentiality, voluntary participation, and the risks and benefits of the research (Denzin & Giardina, 2007). Following such guidelines is an important feature of ethical considerations in any inquiry involving humans. Subsequently, a document (observing the ethical framework for consent, confidentiality and participation), along with the research proposal form (explaining the risks and benefits), were cautiously crafted and submitted for approval. This researcher had all the required documentation and the project plan reviewed by the University of Illinois College of Media human subjects review board to ensure the study would not impact the participants negatively. Permission was requested and granted to conduct the research (See Appendix A).

Also, the participants in this study were asked to sign the informed consent form that had been approved by the IRB (See Appendix B) before beginning the interview. Upon agreement, signature and date were requested, and a copy of the form was offered to each participant. The form acknowledged that the participants' rights were protected during data collection (Creswell, 2009).

Rationale for Interviews

In qualitative research, there are a variety of data collection methods available. Some of the most significant ones are participant observation, unstructured observation, structured observation, as well as group interviews and individual (structured, semi-structured) interviews (Marshall & Rossman, 2006). The interview represents one of the basic modes by which the investigator carries out an interaction with the empirical world (Denzin, 2009b). Better yet, the interview is a very special relationship, often freely entered, in which an informal interchange of thoughts by spoken words between two persons occurs (Denzin, 2009b). Out of all the possibilities available for conducting qualitative inquiry, the individual interview format was selected for the study because it can be approached as a conversation where the talk is managed around a set of questions and should not end until the interviewer has received satisfactory

answers to the research questions (Denzin, 2009b). Another reason for selecting this method to gather data is that the transcripts of the interviews plus the notes taken by the researcher permit subsequent clarification and follow-up.

In order to understand the ethical issues pertaining to the Dominican Republic advertising industry, the researcher conducted “elite interviews” with 20 highly regarded advertising and marketing practitioners. Because in the Dominican Republic many practitioners work in organizations where Integrated Marketing Communications (IMC) is followed, interviewees were chosen from both advertising and marketing. These interviews produced information about a persuasive communication phenomenon that has not been researched previously. Elite interviewing is a research methodology that evolved in disciplines such as business, sociology and political science (Dexter, 1970; Holstein & Gubrium, 1995; Odendahl & Shaw, 2001) and it is characterized by the following qualities: researchers performing extensive analysis of documents and background work before conducting interviews; developing rapport is critical to obtaining information; the interviewing protocol is based on a combination of background research and literature; allowing the interviewees more freedom to shape the direction of the interview because they are chosen for their expertise on the issues; and the selection of participants is particularly important for ensuring that the phenomenon of interest is elucidated.

The Research Context

The process of identifying and gaining access to these elite subjects calls for the development of strategies that include a mixture of ingenuity, social skills, contacts, careful negotiation, and circumstance (Odendahl & Shaw, 2001). Selection of interviewees is a particularly important part of the elite interviewing method, as the trustworthiness of the results

is based on identifying individuals with significant experience and expertise in the area studied (Holstein & Gubrium, 1995).

The list of participants for this study included individuals from the 2 most important cities in the country, Santo Domingo and Santiago, where the core of the industry is concentrated. Santo Domingo, the capital city to the nation-state, has a population of nearly 4 million inhabitants and Santiago is home to nearly 1 million residents. The 2 cities account for 98 % of the advertising agencies in the country (Campañas & Agencias, 2010).

Also, informants needed to meet a sine qua non condition: to be considered for the research, each subject had to be a practitioner with at least 5 years of professional experience.

Selection of Participants

Studying information-rich cases yields insights and in-depth understanding rather than generalizations (Gall et al., 2007). For this study one information-rich selection strategy was chosen.

A purposeful technique was used to recruit advertising and marketing executives. The selected respondents worked at a diverse range of small to large size global and local companies operating in the Dominican Republic and had at least five years of experience in their respective areas.

There are no rules concerning the number of subjects to be interviewed in qualitative inquiry; the number of informants depends on the purpose of the inquiry—information richness (Zyzanski et al., 1992; Patton, 2002). Kuzel (1992) suggests that for qualitative research, typically, 12 to 20 individuals should be interrogated to accomplish maximum variations. For this dissertation, 20 advertising and marketing practitioners from account management, creative,

media planning and production areas were interviewed until information became repetitive, and saturation was achieved; this also helped to achieve maximum variation in the responses.

Initial contact was made with prospective candidates during a symposium held in Santo Domingo in December 2010. Subsequently, in May 2011, contact was re-established and prospective participants were contacted by telephone to ensure their availability and qualification for inclusion in the study. The criterion to select the interviewees was the participant's willingness to take part in the study. Subjects needed to answer "yes" to the three questions formulated for inclusion (See Appendix C).

Follow-up letters and e-mails to top managers of 25 advertising and public relations agencies in the Dominican Republic were submitted asking for access to the agencies and employees (See Appendix D). The top managers also were asked to voluntarily participate in one-on-one interviews. Out of the 29 practitioners contacted, 25 responded and 20 of them agreed to be interviewed.

Pretest

Bernard (2000) recommends conducting pretests because they can reveal flaws in the protocol and expose tasks that can arise while conducting field research. A pretest for refinement of procedures, data content, and relevance of interview questions was conducted in June 2011. Two subjects, one female and one male (both advertising practitioners) agreed to be interviewed. Each interview was taped, transcribed and translated from Spanish to English by this researcher, who is a native Spanish speaker.

The results were examined to consider interview strategies and to identify flaws in the questions. The pilot test revealed that some of the words and terms used needed some

clarification and the order of questions required adjustment. Therefore, some of the pilot test questions were modified to make them more effective.

Another theme that emerged was the duration of the dialogue. The interaction was too lengthy and would have created a challenge for respondents with limited time. Hence, several questions were deleted.

Data Collection

After receiving the Institutional Review Board (IRB) approval to conduct the study, this researcher travelled to the Dominican Republic to gather primary data. The field research (interviews) started in July 2011 and lasted until December 2011. Conclusion verification (review of documents and archival records) was conducted between December 2011 and March 2012. It is imperative to pinpoint that the language used for the interviews was Spanish. The researcher, a Dominican born and native Spanish- speaker with near native fluency in English, was responsible for the translation of the materials used in the process (invitation letter, informed consent document, and interview questions). All documents were first drafted in English and then adapted to Dominican Spanish to avoid translation biases. Subsequently, the information gathered in the interviews was transcribed and translated to English by the investigator, to ensure the purity of the translation of Dominican idioms.

Interviews

The primary method of data collection was face-to-face, semi-structured interviews, which involved asking a series of open-ended questions and then trying to obtain additional (more in-depth) information from the interviewees (Gall et al., 1996). This method ensures rapport, which is extremely important to create an environment in which individuals would share

information about ways they perform their daily routines in the advertising world and the ethical principles they follow.

Research questions helped delineate the outline for interview queries (for a list of the questions, see Appendix E). The interviews require following a consistent line of inquiry, as reflected by the protocol, and by asking consistent conversational questions in an unbiased and nonaggressive manner (Becker, 1998; Yin, 2009).

To capture details of the interviewee's perspective, each interview was recorded (Patton, 2002; Marshall & Rossman, 2006). The researcher requested permission from each interviewee to use the audio recorder. Participants were reassured that the digital recording would be kept in a secure location and at the completion of the study, all information would be deleted. Also, it was made clear to the participants that no one besides the researcher and/or the faculty supervising the research project would have access to the data. Prior to each interview, participants were assigned a number to assure anonymity, thus their name and comments remained anonymous and confidential. No honorarium or monetary compensation was offered for participating in the study.

A consent form was used to describe the study and to explain to the participants that they could stop participating at any anytime (See Appendix B). After the individual read the consent form, the person was asked whether he or she had any questions or concerns about the research project. Also, other provisions were taken to make sure the participants understood that the study was voluntary and that they could stop participating at any time. If the subject had no further questions and agreed to participate, the respondent was asked to sign the consent form. After the document was signed and dated it was placed in a folder and later taken to a locked safe at the researcher's residence, where only the researcher had access to it. After completing

the field work, all the forms and the recordings were transported to the University of Illinois where they were secured in a locked cabinet.

Interviews were conducted under the promise of confidentiality. The location for each interview was a quiet and private setting to avoid noise issues with the recording, and to ensure that the respondent would speak without worries and freely. Most interviews took place in the interviewee's office or company's conference room. During the interviews the participants described their perceptions, thoughts, and observations about the advertising practices followed in the country. The meetings lasted between 45 and 90 minutes, depending on how much time the respondent had allocated for the interview.

Review of Documents

It has been previously noted that a triangulation of methods (Denzin, 1998a) was used for this dissertation. A second source for the combination of methodologies was documentary information, which Bernard (2000) proposes to be applicable in data collection. He suggests as possible resources information gathered from public texts, news releases and documents that are central to the research objectives to avoid being misled by the "abundance of materials available" (Bernard, 2000 pp. 105).

For this study the information used was produced by government institutions and industry associations such as AAAA, AAF, ANDA-FEVAP, BBB, CONAR, CONARED, DACO, ICC, FTC, IAPA, and LIDAP

Rationale for Document Review

Denzin (2009b) advocates for the use of triangulation, or the combination of methodologies, in the study of the same phenomena. This concept emphasizes the importance of

using more than one source when conducting research, to achieve broader and better results (Fontana & Frey, 1998). According to this view, investigators should try to draw on several sources before making conclusions (Marshall & Rossman, 2006). Researchers using triangulation are committed to “sophisticated rigor” (Denzin, 1998a) and will make their interpretive schemes as public as possible. Moreover, Denzin affirms that a triangulated approach will avoid personal biases that stem from a single methodology. In other words, triangulation allows the convergence of evidence to produce a more consistent outcome.

Marshall and Rossman (2006) propose that researchers frequently complement interviews by analyzing documents produced in the course of everyday events. Thus, in addition to the interviews conducted for this dissertation, a review of documents, such as texts and public documents related to advertising codes of ethics and standards of practice in the Americas, and reports concerning government and industry self-regulation, was conducted to supplement the interview process. These materials were examined to determine whether they supported the study’s conclusions regarding the state of regulations and practices followed by practitioners in the Dominican Republic.

Data Analysis

Qualitative research poses a challenge when it comes to the examination of the data gathered. This element of the research process involves analyzing a large amount of information, reducing the volume of the data, identifying patterns or themes, and then developing a framework to interpret and report the results.

Constant comparative analysis and participant’s involvement were used in this study. The process involved taking a piece of data (e.g., an interview segment) and comparing it with

others that are similar or different in order to identify possible relationships between data (Dey, 1993). Comparison was useful for the determination of patterns and themes as they appear in the interviews (McCracken, 2001) which help answering the research questions. Then, a couple of participants were contacted to obtain their reactions about the findings, while the researcher also reflected on the data in order to determine alternate ways of interpreting the results (Miles & Huberman, 1994).

The essence of data analysis is to make sense of an immense amount of information that needs to be reduced to identify significant patterns, and then to create a framework for reporting (Bloomberg & Volpe, 2008). For this study data analysis was conducted as an integral process, which started with the design of the research questions and concluded after the participants provided input on the general findings.

The analysis of the data process began with the verbatim transcript of the interview recordings and was followed by information reduction, which involved selecting, and abridging the data from the transcripts, as well as from the notes and comments taken during the interview process, to help recognize significant themes to the research objectives. Issues applicable to the research questions were highlighted. The reduction and interpretation of each transcript line-by-line was conducted quite five times to assure accuracy. The notes and transcripts were organized and all unique quotations per participant were coded. This procedure was very useful to identify patterns in the responses. Then, the responses were categorized and analyzed first by themes and then by research questions. After the findings surfaced, some participants were contacted to verify the results and to make comments on their veracity. When consensus was achieved, then the results were translated to English and the writing process began. The findings were presented taking into consideration the Lincoln & Gonzalez (2008) recommendation. These

authors favor the use of bilingual texts for analysis and presentation of data in the case of bilingual researchers and data collected from non-English speaking subjects. They suggest that quotations or other pieces of qualitative data be presented in the original language as well as in the language for presentation—in this case English—supporting the idea that the local or indigenous-speaking reader will have available the complete meaning of the unit and its context. Some meanings, interesting but not useful to nonlocal audiences, may carry enormous significance for local consumers of the research, and only local users can understand what the words, especially untranslatable, idiomatic terminologies, might mean (González y & Lincoln, 2006). Even when researcher/translators continue explaining how they approach the context of their participants, looking for personal memories and other strategies can help in a closer interpretation of data (Lincoln & Gonzalez, 2008).

The documentation analysis was also helpful in answering the research questions and it is imperative to note that given the use of multiple sources for analysis, this researcher took precautions to warrant the interpretive inferences. The procedure followed a similar principle as that of the interview analysis. The documents and archival records were analyzed and re-analyzed to determine emerging themes; conclusions were drawn and verified; translation was completed, and the interpretations were presented in a written format.

Trustworthiness

Scholars conducting qualitative research under an interpretive paradigm, think in terms of trustworthiness rather than the traditional criteria of internal validity, external validity, reliability, and objectivity (Denzin & Lincoln, 1994; Guba & Lincoln, 1994; Lincoln & Guba, 1985) propose that the factors to be considered in establishing the trustworthiness of findings from qualitative research are credibility (equivalent to internal validity), transferability (equivalent to

external validity), dependability (equivalent to reliability), and confirmability (equivalent to objectivity).

All the investigation components were consistently followed, including directives of the problem statement, research questions, and execution of the research design, data collection and analysis. This allowed the opportunity to answer research questions, and provided consistent explanations and interpretations.

Padgett (1998) considers prolonged engagement, triangulation, peer debriefing, member checking, negative case analysis and auditing the strategies for improving the rigor of the research. This dissertation utilized three of those approaches, with special emphasis on triangulation.

Credibility in this study was established using prolonged engagement, triangulation of method and member checking. Triangulation of method (Denzin, 2009) was the mode of choice, combining the semi-structure interviews with participant observation and documentation (review of documents and archival records). Interviews were the primary data-gathering method and the field observation was conducted during the same period the interviews took place. After the interviewing procedure and participant observation were completed, the document reviews process began. Nearly 50 documents were reviewed and coded for analysis. Denzin also posits that transferability means that the findings of one research can be applied to others and also alludes to the type of descriptions needed for making possible the experience. This investigation used “thick” descriptions, which involves giving the context of the experience, stating the intentions and meanings around the experience, and revealing the experience as a process (Denzin, 1998a).

When conducting elite and specialized interviewing, some of the methods for assuring trustworthiness include careful selection of participants, access to the industry leaders and building rapport. These were all vital components of the study design. Additionally, summaries of themes, preliminary analysis, and possible quotations from the transcripts were sent to the interviewees. This action provided them the opportunity to ensure that this researcher's interpretations matched what they had intended and said in the interviews.

Member checking (telephoning and emailing the participants in the study to check the precision of the transcribed interviews) took place as data gathering transitioned into data analysis. In addition, feedback about certain findings from practitioners that were not interviewed was also exercised. Two people were consulted to cross-check the observations and verify that the interpretations were meaningful.

As a final point, it is important to mention that each step of the primary data collection and analysis was done under the direct supervision of the Committee Chair and Chief Research Advisor who provided valuable comments regarding the analysis and methodology, which in turn reinforced the thoroughness of the study.

Summary

The purpose of this study was to examine the perceptions, perspectives and opinions of advertising and marketing leaders in the Dominican Republic in regards to the use of commercial persuasive communication and the practice of ethical principles by such professionals. This chapter has explained the methodology employed for the dissertation, including the research design, the rationale for using qualitative methodology and interviews, the selection of the participants, the data collection and its analysis, as well as the procedure for guaranteeing trustworthiness.

The primary data collection method was in-depth, open-ended interviews. Participants were purposefully selected among advertising and marketing elite practitioners in two sites in the Dominican Republic. Additionally, non-participant observation was used to complement the face-to face interviews. The analysis of interview transcripts and field notes was based on an inductive approach. Data were reduced and analyzed by means of thematic codes using the constant comparative technique and later contacting some respondents to verify the findings. Trustworthiness was assured by the triangulation of method.

The richness and diversity of data from advertising and marketing experts in the Dominican Republic provided meaningful and coherent interpretation of the state of the advertising industry and persuasive marketing communications standards of practice. The findings are presented in Chapter 4, and Chapter 5 contains the discussion of the results and the conclusions and recommendations of the study.

CHAPTER 4. FINDINGS

The purpose of this research project was twofold. First, it intended to examine the perceptions and opinions of leading advertising and marketing practitioners in regards to the context that has shaped the persuasive mediated communication industry in the Dominican Republic. Second, it interrogated the ethics principles and codes followed by the advertising organizations operating in the country.

As stated in Chapter 3, the methodology used in this dissertation was in-depth semi-structured interviews, which was selected in order to comprehend the experiences and the meanings of the experiences (Seidman, 1991) to the advertising and marketing experts interviewed. During the interviews, participants expressed their views and disclosed their perspectives concerning the questions they were asked. In analyzing their responses certain themes and characteristics emerged. They are presented here using (as closely as possible) the verbatim expressions of the interviewees. The data gathered provided distinct information in three specific areas. First, the historical context of the advertising environment was explored through the responses to questions related to the evolution of the industry. Second, the interviews interrogated awareness and knowledge regarding ethics and ethical standards of practice, including the respondents' adherence to truth, human dignity and social responsibility. Third, the investigation illuminated perceptions that practitioners have about future challenges for the advertising industry in the Dominican Republic, also taking into account the influences and implications of new communication technologies and notions of global buying and selling.

A varied interview subject pool was sought to capture a cross section of advertising and marketing practitioners. An initial list of prospective interviewees was compiled based on the researcher's familiarity with the advertising industry in the Dominican Republic, partly as a

practitioner and consultant, and partly as a faculty member of the marketing department of a major university in the country. Those names and titles were checked against staff lists from the 2008, 2009, and 2010 *Campañas & Agencias* (Campaigns & Agencies), a comprehensive guide to the Dominican advertising industry. This enabled the researcher to determine whether the broadest range of industry sectors had been taken into account. Next, suggestions of possible interview subjects was obtained from querying individuals who held leadership roles in chambers of commerce and similar organizations who would have experience with a widespread community of advertising and marketing professionals. This procedure resulted in a total of 20 individuals to be interviewed. The following table provides a profile of the interviewees:

Table 4.1. Participant's Profile and General Information

	Age	Gender	Education	Work Experience
Participant 1	39	Male	Bachelor in Business	10 years
Participant 2	64	Male	Masters in Communication	43 years
Participant 3	49	Male	Bachelor in Communication	30 years
Participant 4	36	Female	Bachelor in Business	11 years
Participant 5	65	Male	Bachelor in Advertising	40 years
Participant 6	58	Male	Advertising Technician	35 years
Participant 7	63	Male	Master in Marketing	37 years
Participant 8	59	Male	Communication Specialist	36 years
Participant 9	41	Female	Masters in Marketing	22 years
Participant 10	32	Female	Masters in Management	10 years
Participant 11	37	Male	Marketing Technician	15 years
Participant 12	35	Male	Masters in Marketing	13 years

Participant 13	58	Male	Bachelor in Business	33 years
Participant 14	42	Male	Bachelor in Marketing	19 years
Participant 15	39	Female	Bachelor in Advertising	17 years
Participant 16	37	Female	Bachelor in Marketing	15 years
Participant 17	32	Male	Bachelor in Marketing	13 years
Participant 18	36	Male	Masters in Marketing	15 years
Participant 19	33	Female	Graphic Designer	12 years
Participant 20	31	Male	Advertising Graphic Designer	11 years

Table 1 shows that the ages of the practitioners interviewed ranged from 31 to 64 years and that their average work experience was approximately 22 years. They represent diverse educational backgrounds and obtained their degrees in 4 different academic subject areas: advertising, business, communication and marketing. Only 4 of them had specifically focused on advertising in their studies.

The following are some of the most relevant findings that emerged from the analysis of the 20 interviews as well as from the review of documents and archival records:

1. The majority of participants indicated that they know very little about the history and evolution of the advertising industry in the Dominican Republic and the little they know they learned from informal narratives, conversations with colleagues, and popular legends rather than from academic or institutional texts.
2. A large number of the interviewees expressed concerns regarding the existing advertising regulatory system and the possibility of having the government involved in the process.

3. Even though many respondents reported not having formal or presumed training in ethics, they expressed a keen grasp and understanding about how to behave ethically in an organization.
4. There is a wide range of knowledge and opinions among respondents in regards to advertising regulation laws, policies and rules in the Dominican Republic. Nonetheless, the majority or the interviewees were aware of the existence of a code of ethics developed by LIDAP and consider it the self-regulation standard.

After analyzing the data, this researcher was able to identify 6 central themes that emerged from the perspectives and perceptions of the participants in the study:

- 1) The advertising industry in the Dominican Republic has a rich and influential history.
- 2) Dominican advertising practitioners are skeptical about the value of academic literature concerning the field.
- 3) Although there is some government regulation, for the most part the advertising industry in the Dominican Republic practices self-regulations.
- 4) Advertising and marketing professionals in the Dominican Republic receive little formal education and training regarding ethics and how to apply it in their field and rely more on workplace rules and practices as well as formal and informal networks.
- 5) There is a widespread adherence to universal ethical values such as truth, human dignity and social responsibility among advertising practitioners in the Dominican Republic.
- 6) The advertising industry in the Dominican Republic faces a precipitous future because of consolidation, digitalization, globalization, and a new generation of consumers who take an “anything goes” approach concerning what one may or may not write, express or post about an institution, organization, product or individual.

The data drawn from the interviews that supports each of these themes is presented in the following section. A “thick description” (Denzin, 2001; Patton, 2002) is provided to allow the reader to enter into the study and understand the context of the advertising industry in the Dominican Republic. Verbatim responses from the translated transcripts help to increase the opportunity to represent most accurately the thoughts and perceptions of the participants in the study.

Analysis of Themes

Theme 1. The advertising industry in the Dominican Republic has a rich and influential history.

Several interviewees pointed out they have very little knowledge of the history and evolution of the advertising industry in the nation-state. There is no consensus about the starting point of the industry’s development. Respondents who had begun their careers closer to the middle of the 20th century located the beginnings in the 1960’s after Trujillo’s regime was overthrown, whereas practitioners who joined the field later in the century stated that they either were not certain or placed the history alongside the first steps of their careers in advertising, tracing the birth of the trade to the 1980’s. In response to the question “What do you know about the history of Dominican Advertising?,” one participant offered the most repeated comment: “Honest to God, I am not too familiar with the topic....” From some of the participants came notions regarding the pioneering agencies and the recall of important names from the 1960’s.

According to the interviewees, the names associated with the pioneering moments of the flourishing of Dominican advertising industry in the 20th century are Damaris Defilló, Bernardo Bergés, Efraím Castillo, Venancia de Pou, René del Risco, José Augusto Thomén and Federico

Pagés. The following are quotations from several respondents expressing their knowledge about the beginning of advertising in the Dominican Republic:

“La historia la ha vivido Damaris Defilló, Bergés Peña, Efraím Castillo. Prácticamente están retirados todos....Y esa gente si sabe la historia, porque por ejemplo Bernardo Berges Peña tiene la agencia hace 51-52 años. Y en esos albores yo no estaba aquí... Lo que se lo he aprendido por leyendas populares....”.

“History was lived by Damaris Defilló, (Bernardo) Bergés Peña, and Efraím Castillo. Practically they are all retire...those people really know the history, because, for instance, Bernardo has had his agency for 51-52 years...and I was not here by then...what I know, I have learn from urban legends....”.

“Lo poco que se lo aprendí en Young & Rubicam con la señora Damaris que siempre fue la directora creativa y la presidente de la agencia...durante el tiempo de la guerra del 65.....me dijo, yo mantuve la agencia abierta sin trabajar durante un año...vendió casi todas sus posesiones....dice que todas las agencias desaparecieron... y la única agencia que comenzó de nuevo una vez terminada la ocupación fue ella. Y comenzó con Philip Morris, con Cervecería, con Brugal y eso le permitió levantarse y ser realmente la primera....le llevo a ser líder del mercado.”

“The little history I know, I learned at Young & Rubicam with lady Damaris, who always was the creative director and president of the agency....she told me...that during the 1965 war she kept the agency open, but without working for a year....she sold almost all her possessions.....she said that all other agencies disappeared...and the only agency that started all over, once the U.S. Marines left the country, was hers. She started anew with Philip Morris, Cervecería and Brugal and that allowed her to lift-up and became the first one...and later to become the market leader”.

“Vagamente sé lo que sabe todo el mundo....quienes fueron los pioneros....doña Venancia, doña Damaris, que hubo muchos artistas que incursionaron como publicistas, sin mencionarte a ningún cantautor dominicano, ni locutores que se creían publicistas....”

I vaguely know what everybody knows....who the pioneers were...doña Venancia, doña Damaris, ...that there were many artists that worked in the industry, without mentioning any Dominican singer or radio announcers who pretended to be advertising people ...”

“Hay pocas personas de los que iniciaron el negocio aquí que ya no están.....por ejemplo el señor Pages, Damaris, que es un icono no esta activa, aunque este viva, Venancia no esta activa, Berges no esta activo...su hijo es quien esta al frente de la agencia.”

“There are very few of the pioneers still around.....for example mister Pagés, Damaris, who is an iconic figure but she is not active.....although she is alive, Venancia (de Pou) is not active Bergés is not active... his son is managing the agency”.

Some respondents pointed to the 1970's as a pivotal era in Dominican advertising's coming of age as an institutional force and they reveal the fact that back in those early days advertising was not as professionalized as it is today. Also, one participant reiterated the fact that the industry was characterized by the impersonation of practitioners by people from related areas:

“Todo lo que se es del 74 para aca. Del 73 para atrás lo que tengo de referencia es de las cosas que oía en esa época, hablando con colegas, con la misma Damaris, con otros colegas, mucha gente que conocí de la competencia, que si venían desde atrás como por ejemplo la gente de Retho, como (Rene) del Risco y José Augusto Thomén. Otros más que los nombres se me pierden un poco, de ellos fui oyendo cosas y me fui nutriendo de lo que era la historia de la publicidad dominicana. Pero, entiendo que han escrito algo sobre eso o alguien esta escribiendo sobre eso.....pero realmente no se mucho. También había otra gente que se decían publicistas, pero eran vendedores de anuncios de prensa, de revistas y de radio”.

“My recollection goes back only to 1974. Before 1973 the only reference I have are the things I heard from that era, talking with colleagues, with Damaris and with other colleagues, many competing people I met, who knew more about the past, as for example the people of Retho as René del Risco and José Augusto Thomén.....and others whose names I can't remember.....I heard things from them and was nurtured about the history of Dominican advertising. But, it is my understanding that something has been written or someone is writing about it.....but I really do not know much..... Also, there were other people who said they were advertising practitioners, but were print and radio advertisements salesmen”.

Other respondents made reference to their academic background to explain their knowledge about the history and evolution of Dominican advertising. Interestingly, they were critical about what they learned at their universities:

“Tengo un bosquejo general de la historia de la publicidad dominicana, una parte la aprendí leyendo, otra en la universidad (muy poca) y otra parte la he vivido”.

“I have a general sketch of the history of the Dominican advertising, part of which I learned from reading, another part from what I was taught at the University (very little) and the rest I have lived”.

“En las universidades locales, lamentablemente, no se enfocan mucho en indagar sobre los principios en la materia, sino en su funcionamiento como tal. Una persona que pueda comunicar mucho sobre la publicidad dominicana es porque ha hecho estudios posteriores concernientes al tema”.

“Local universities, unfortunately, do not care much to inquire about the beginnings of the industry, but rather to talk about its operation. A person well versed about Dominican advertising is because he/she has conducted further studies related to the subject”.

“No creo que sepa mucho la verdad, pero podría comentar que la publicidad como tal no ha madurado mucho.....”.

“I truly don’t know much, but generally speaking I could comment that advertising as a field or industry has not matured a great deal”.

In relation to the evolution of the industry, interviewees typically look back as far as the 1970’s to pinpoint the characteristics of the communication patterns used by the agencies, mostly local at the beginning. Several respondents expressed favorable views about the evolving stages the industry has gone through up to the Internet advancements in the past decade. Moreover, their responses relate the evolution to changes in the way businesses are conducted these days around the globe. A myriad of comments emerged when the interviewees were asked to explain the industry evolution since its early days to today’s social media phenomena. Their responses provide insight about the way advertising practitioners view change, evolution, and growth in the industry:

“A pesar de no tener la imagen que uno quisiera es una industria que ha tenido un crecimiento vertiginoso en el país”.

“Even though it does not carry the image one would like it to have, the advertising industry has had an accelerated growth in the country”.

“Y la evolución ha sido muy importante, tanto que Republica Dominicana esta en el mapa de los Cannes”.

“And the evolution has been so important that the Dominican Republic has already won Cannes awards”.

“Desde los comienzos, la publicidad ha evolucionado con los tiempos y con los cambios que vive la sociedad. Hoy día, el cambio es una constante, por lo que la publicidad está siempre reinventándose para poder incorporarse en la vida de las personas”.

“From the beginning, advertising has evolved with the times and with the changes affecting society. Today, change is a constant, so advertising is reinventing itself to be incorporated in people’s life”.

“En el 72 es la etapa cuando había una publicidad popular; los publicistas no eran de carrera, eran talentos que no encontraban huecos en muchas áreas.....ehh, artistas, literatos que no llegaba a ser grandes; músicos que no llegaban a ser grandes, dibujantes que eran la mayoría pintores, etc. Y la publicidad también recibió mucha gente de clase alta, de esa que no servía para nada”.

"1972 was the time when there was a popular advertising; advertisers did not have a career, they were talented people which could not find jobs in many areas....., artists, writers that did not go far; musicians failed to succeed, cartoonists that were mostly painters, etc." "And advertising also received many people from high class, which were good for nothing."

One of the participants pointed to the country’s proximity to Cuba as influential to advertising’s evolution in the Dominican Republic, when he stated:

“Creo que ha habido dos elementos que han influido no solo en Republica Dominicana, sino en el mismo Caribe. La cercanía entre Cuba y RD, mas el parecido que tenemos, generó muchos lazos en todos los sentidos y lo que iba a inferir es que eso tiene que haber afectado mucho a la parte publicitaria, porque Cuba influyo a todo lo que es Caribe muchísimo, porque eran pioneros....gente muy expuesta a los medios y hábiles para los negocios”.

"I think that there have been two elements that have influenced not only the Dominican Republic, but rather the entire Caribbean region. The closeness between Cuba and RD, plus the similarities we share generated many ties in every way and I would infer that has

affected much the advertising part, because Cuba influenced all the Caribbean a lot, because they were pioneers.... people very exposed to the media and good for business".

The Internet was also mentioned by a number of respondents as part of the industry's evolution process in recent years. From some of the participants came messages regarding the segments engaged in social media and how the industry have faced the issue and determined the way to target this new generation of consumers. The following observations support this premise:

"Los adolescentes se han convertido en un participante primordial en las tomas de decisiones y obligan a la publicidad a moverse en el medio tecnológico en el que ellos viven diariamente. Esta generación ha crecido en el medio de impactos publicitarios, lo que hace que sea cada vez más difícil sorprenderlos".

"Adolescents have become a significant participant in the decision making process and have forced advertising to move onto the technological environment they live in daily. This generation is used to advertising impacts, which makes it harder to surprise them every time"

"Las publicitarias están dejando atrás los métodos tradicionales para poder llegar hasta donde están los jóvenes. En nuestro país cada vez más podemos ver esta transición".

"Ad agencies are leaving the traditional methods behind to try to reach young people. In our country we can observe such a transition happening more and more".

"Y de 5 años para acá, las campañas por Internet empiezan a cobrar fuerza".

"For the past 5 years, Internet campaigns have gained strength".

"Lo de la Web, información a través de la Web es para un segmento de 15-28 y muy reducido, con gran penetración e influencia porque ha ido creciendo".

"This Web thing, information through the Web, is for the segment 15-28, a relatively small one, but with great penetration and influence because it has been growing".

"La generación de 18-24 lo que está viendo es cable y tu estas llegándole más a ellos a través de las redes sociales.....y en las redes sociales tu puedes insertarles el comercial igual. Pero, acuérdate que no todas las marcas van a la nueva generación".

“The 18-24 generation is watching cable but you are reaching those far more by using social media...and you can insert your commercial in social media. But remember that not all the brands aim at the new generation as their target”.

“Con la globalización de los medios de comunicación ya el país no es un mercado cerrado para tres o cuatro canales de televisión, como en los tiempos de Trujillo... mas la penetración del cable, satélite.... En fin eso ha obligado la profesionalización de la publicidad pues tú tienes que estar a la altura y la calidad de lo que la gente ya está viendo que llega de fuera”.

"With the globalization of the media the country is no longer a market closed to three or four television channels, as it was during Trujillo's Era... plus the penetration of cable, satellite... Ultimately that has forced the professionalization of advertising because you have to perform at the quality standards of what people are already seeing from other countries".

Although the Internet and emergent media technologies are an undisputed reality for the advertising industry worldwide, according to several participants, using social media to reach out to mass audiences still has a long way to go in the Dominican Republic. The interviewees stated mixed feelings in relation to changing approaches to reach consumers in the island country using Facebook or Twitter. Their ambivalence echoed the tensions that have been experienced in the United States, Europe and other places as the arrival of digital media enables consumers to produce user-generated content. The significant issue is that such content often does not take into account standards concerning the quality of the message or principles concerning ethics and respect for the right of others to privacy or to be left alone. After all, today anyone with access to a computer or a smartphone or digital tablet can create and transmit true, false or fictive content. Examples of the uncertainty concerning the use of Web based persuasive communication are evident in the following statements:

“...ya todo es con un teléfono inteligente y eso hace que tu tengas todo en la mano, pero no es todavía todo..... Funciona con un segmento que tiene poder adquisitivo.....pero yo

no creo que aquí un presidente pueda hacer una campaña como la hizo Obama, a base de Twitter y redes sociales”.

“.....now everything is done with a smart phone and that makes that an individual has everything at hand, but it is not everything yet..... It works for a segment with high buying power.....but I don't think in our country a president could use Twitter and social media for a political campaign the way Obama did it”.

“En cuanto a los tiempos actuales creo que los medios son la parte que ha tenido mejor desarrollo. La publicidad está tomando un giro brusco y enfocándose a los públicos mediante las redes sociales para hacer llegar sus mensajes a targets más específicos; a esto me refiero como una tendencia mundial, pero creo que en RD todavía eso está en pañales”.

"As to the current times I think that media are the part that has had better development. Advertising is taking a sharp turn and is aiming at the public through social media to get their messages across to more specific targets; I mean this is a global trend, but I think that in DR still is in its infancy."

One other factor contributing to the growth and evolution of integrated marketing communication strategies has to do with the competitive environment resulting, on the one hand, from the transnational corporations that began to introduce their brands into the Dominican market since the 1980's and, on the other hand, the avalanche of global agencies which either opened a subsidiary or started a partnership operation with a local agency in the nation-state around the same time span. Participants indicated that in order to compete with global brands, local advertisers and their agencies had to embrace higher communication standards and this situation led to the need for marketing support that international agencies introduced as part of the services offered to their clients. The level of competitiveness also resulted in a drastic change in the advertising budgets.

The respondents expressed that this dynamic interplay between the local and the global resulted in the fermenting of the construct of “glocal” that already had begun to occur in more advanced nation-states where advertising and marketing played central roles in product

placement, promotion and purchase. Their responses also suggested an increasing awareness about cultural and ethical challenges that could derive in the wake of this shift from “local” to “glocal” principles in advertising. It may be instructive here to present many of the participants’ observations because of the breadth of their interactions in this arena wherein Dominican advertising practices and principles began to be replaced by those of “the other” – the global agencies and practitioners who either brought new companies into the country or acquired existing local ones:

“La competencia de las grandes marcas, a mi juicio, es lo que ha impulsado la publicidad en ciertos sectores específicos y puntuales como bebidas alcohólicas, productos para la casa y gaseosas”.

“It’s my understanding that the competition among global brands has propelled advertising specific categories such as alcohol, home products, and soft drinks”.

“Mira.....la industria ha tomado forma en la medida que se ha acentuado la competitividad.....la penetración de competencia extranjera ha obligado a que la industria local deje de hacer el medalaganismo de ‘papi te va a dar un anuncio para ayudarte’los hijos que estudiaron administración fuera o aquí, se dieron cuenta que existe una metodología diferente”.

“Look.....the industry has taken shape in the same way competitiveness has increased the penetration of foreign competitors has forced local businesses to stop the practice of ‘daddy will give you an advertisement to help you out’ the kids who studied business administration overseas found out that there is a different methodology”.

“La publicidad dominicana se ha nutrido de las empresas internacionales. Yo diría que la primera, quizás la más importante, en ese sentido fue la Colgate Palmolive porque fue la primera que comenzó hacer algún tipo de investigación de mercado..... Después de eso, te diría que la gente de E. León Jimenes, junto con Philip Morris fueron de las empresas que más impulso le dieron a la parte, si quieres llamarle científica de la comunicación”.

“Dominican advertising has learned a lot from international companies. I would say that the first one and perhaps the most important was Colgate Palmolive because it was the first to conduct market research Subsequently, I would say that the people at E.

León Jimenes, along with Philip Morris were the companies that made more advances in the, should you want to call it so, scientific component of communication”.

“Muchas empresas internacionales que antes no estaban presentes, pero que están hoy día, como por ejemplo Procter & Gamble, Frito-Lay, los productos Pepsico, Cerveza Brahma,..... Eso ha hecho que se establezcan algunas agencias internacionales o que las locales se asocien con agencias internacionales, que es lo que les da un mayor crecimiento en el mercado”.

"Many international companies that were not previously present, but are here today, e.g. Procter & Gamble, Frito-Lay, Pepsico products, Brahma beer, That has helped the establishment of some international agencies or that locals do associate with international agencies, which gives them a greater market growth."

“Al tener tantas empresas transnacionales aquí, se vuelve más importante el punto de vista del soporte de marketing de las empresas de publicidad.....de las empresas de comunicaciones de marketing, que es como debiéramos llamarnos hoy en día. De modo que esa misma competitividad es la que ha hecho que evolucionemos”.

"Having so many transnational corporations here, the point of view of the marketing support for advertising companies becomes more important for the marketing communications companies, which is how we should be called today. So that same competitiveness is what has made us evolve".

“Una de las razones principales es, por un lado, el desenvolvimiento económico, que obviamente crea una necesidad de comunicar, a todos los niveles; empresas grandes, empresas medianas o pequeñas, cada una dentro de sus posibilidades y las ha obligado a una gran parte de ellas a asesorarse profesionalmente, porque con la apertura comercial que ha sido creciente ha habido un ambiente competitivo muy grande”.

"One of the main reasons is, on the one hand, the economic development, which obviously creates a need to communicate at all levels; large, small, or medium-sized companies, each within its possibilities has been forced to a large extent to seek professional advice, because with the opening up of trade, the competitive environment has largely increased."

“Una serie de empresas nuevas tanto locales como internacionales que han llegado y demandado una serie de servicios de comunicación, pero también el ambiente competitivo general crea la necesidad de mas comunicación”.

“A set of new businesses both local and international, which had been established and demanded communication services, but also the general competitive environment creates the need for more communication”.

“Yo diría que la llegada de las internacionales ha hecho que evolucionemos, porque antes hablar aquí de un presupuesto de 10 cheles era una cosa increíble..... Cuando tu comienzas a utilizar estas herramientas como es el tracking de notoriedad, que puedes comparar la inversión que están haciendo las (agencias) internacionales con los 10 cheles que está haciendo la tuya que es local, que es nacional, ellos (los clientes) entienden porque su notoriedad no es tan alta”.

“I would say that the arrival of international companies to the country has made us evolve, because to talk about a 10 cents budget some years ago was something unbelievable.... When you start using tools such as notoriety tracking, and you can compare the investment the international agencies are making with the 10 cents that your (local) agency is investing, they (the clients) understand why their notoriety is not so high”.

The responses related to the events that have helped shape advertising discourse in the nation indicate that participants consider a wide variety of historical, social and political forces, as well as situations and institutions determining the nature of persuasive communication in the Dominican Republic. For some participants economic forces play a significant role in shaping the industry’s approach to conduct business. One participant noted *“En esencia, la publicidad siempre es hija del comercio, de la industria”* (In essence, advertising is always dependent on commerce, on the industry). Another commented, *“Las fuerzas que influyen en el desarrollo de la industria publicitaria nuestra son más bien económicas, indiscutiblemente económicas... Los mayores anunciantes están en las áreas de telecomunicaciones, tiendas y supermercados”* (The forces that influence the development of our advertising industry are economic, without a doubt.....The greatest advertising budgets come from telecommunications, retail stores, and supermarkets).

Several respondents looked at economic forces in relation to the brands, products or services advertised via different media, but also perceived them as economic variables partly responsible for the industry's development. Not surprisingly, they viewed the growth in the availability of global brands, products and services as being economically beneficial in less advanced nation-states such as the Dominican Republic. They noted that this energized consumerism and the emergence of a "consumer society" similar to that of the United States, resulted in expanded opportunities for advertising and marketing practitioners. Similarly, they observed that there was a parallel expansion fueled by the emergence of political advertising, which had been outlawed previously during the reign of the late dictator Trujillo. Their responses underscore the notion that all advertising is good advertising while, at the same time, expressing the presumption and expectation that all advertising should be responsible advertising.

The following declarations support this theme:

"La fuerza económica que empuja la publicidad viene de empresas del sector privado como número uno y sigue siendo influenciada en segundo lugar por fuerzas políticas quienes mueven este mundo a través de sus campañas políticas en las elecciones presidenciales y congresionales del país".

"The economic power that pushes advertising forward comes in the first place, from businesses in the private sector and is also influenced by political forces that move this world, through political campaigns during presidential and congress members elections in the country".

"Brugal era una fuerza económica, el tabaco, era una fuerza económica, la cerveza (había sido una cosa de que de alguna forma había sido intervenida por Trujillo, pero era de unos gringos) eran fuerzas económicas fuertes en ese momento; esos factores unidos a esa fuerza creativa que Damaris tenía, lograron desarrollar una publicidad con un carácter diferente".

“Brugal was an economic power, tobacco was an economic power, beer (had been somehow intervened by Trujillo, but it was owned by gringos) was an economic power at that moment; those factors together with the creative clout Damaris had helped develop advertising with a different character”.

“Como fuerzas socio-económicas han habido grandes marcas que desde sus inicios hasta el día de hoy, han sido los principales inversionistas de publicaciones en medios y que han influido sobre otras marcas a llevar el mismo ritmo.... marcas como Cerveza Presidente y Codetel, con presupuestos publicitarios por encima de los 100 millones de pesos al año”.

"As socio-economic forces there have been big brands which from their launch until today, have been major media buyers and have influenced other brands to follow... brands such as Presidente beer and Codetel, with advertising budgets over 100 million pesos a year."

“En lo económico...no veo como la publicidad ha tenido reconocimiento en lo que son las grandes variables dominicanas. En el Banco Central nunca se ha visto la publicidad como una inversión; se ve como un gasto y por eso no se le da la suficiente importancia, a pesar de los 400-500 millones de dólares que mueve al año”.

“I do not see advertising being recognized as an important variable in the Dominican economy. Central Bank authorities have never seen advertising as an investment; they consider it an expense and do not give it enough importance, despite the 400-500 million dollars it circulates a year."

Nonetheless, some participants were critical while mentioning political forces as a prominent factor for the industry's growth. Particularly, they were concerned about the monthly dollar amount invested by the Government, with messages reinforcing their political propaganda rather than investing that money in education programs, and by political parties during election periods, which were taken place every two years. These are several of the comments made by the interviewees that support this idea:

“La inversión en publicidad política es grandísima.....aunque mi gran sueño es que los gobiernos dejen de invertir demostrando lo que hicieron.....”

“Investment in political advertising is huge..... although my great dream is that governments quit buying media space to demonstrate what they did.....”

“La Republica Dominicana es uno de los mercados con mayor influencia de la política....y de la propaganda política.....eso yo creo que influye.....por un lado afecta el tamaño del mercado. Es decir, nosotros tenemos un mercado publicitario muy grande comparado con muchos otros mercados de la región y de Latinoamérica en términos de cifras absolutas. Hablamos de un mercado de US\$ 500 millones y ese es un tamaño de mercado que se parece al de Colombia.....más grande que el de Guatemala....que son mercados que en tamaño, son mucho más grandes que la RD”.

"The Dominican Republic is one of the markets with greater political influence.... and political propaganda.... Which, on the one hand, affects the size of the market. I mean., we have a very large advertising market size compared to many others in the region and in Latin America, in terms of absolute figures. We are talking about a market of US \$500 million and that is a market size that resembles that of Colombia..... bigger than that of Guatemala.... markets which in size, are much larger than the D.R."

“Cada vez más los partidos han basado sus estrategias de campaña en el que más presencia tenga a la vista, invirtiéndose cientos de millones en publicidad exterior y tv en los periodos de campaña, así como también la Junta Central Electoral posee grandes presupuestos para promover el voto..... lo que ha llevado a muchas agencias a licitar por estos proyectos.. Esto ha generado mucho negocio y cada vez más agencias internacionales están involucradas en estos procesos”.

"More and more political parties have based their campaign strategies in buying more media outlets, investing hundreds of millions in outdoor advertising and TV during election periods. Also, the Central Electoral Board has a large budget to promote the vote.... which has led to many agencies to tender for these projects..... This has created many business opportunities and increasingly more international agencies are involved in these processes."

A large number of respondents also suggested that several factors related to cultural forces were critical for the evolution of Dominican advertising. In that respect they noted that foreign patterns, predominantly from the United States, have influenced consumer culture in the island nation-state, For example, one participant commented, *“Hoy día nuestra publicidad tiene una influencia muy fuerte del modelo de E.U.”* (Today our advertising has strong influences

from the U.S. model). Another respondent pointed to the Diaspora, which has resulted in millions of Dominicans migrating to the U.S., as a cultural factor affecting market structure, “*Con el tema de la globalización y en el caso de Republica Dominicana, con nuestra ‘americanización’, con el caso de los Dominican-York, eso tiene que afectar al mercado*”. (In relation to globalization and in the Dominican Republic case with our ‘Americanization’, with the Dominican-York’s situation, that has to affect the market).

Moreover, according to one of the interviewees, this influential movement that arrived with cable TV in the 1980’s was detrimental to the education of Dominican people and to *Dominicanidad*. In general, respondents felt that foreign influence, primarily from the United States, has affected the country’s culture to the point that Dominicans have come to deny their racial background and have turned their backs to their African roots. Also, participants perceived that advertising has transformed identity and commercials produced in the nation-state are triggering Anglo-Saxon, Eurocentric aspirations from the target audiences they are aimed at. The following comments substantiate this topic:

“Yo pienso que la publicidad dominicana tiene mucha influencia de los Estados Unidos”.

"I think that Dominican advertising has much influence from the United States."

“En cuanto a lo cultural, creo que el mayor aporte al crecimiento de la industria dominicana de publicidad, se debe a la influencia del sistema norteamericano que apoya la cultura del consumidor.....Definitivamente el modelo de consumo norteamericano es el que ha sido adoptado por la sociedad dominicana”.

"With regards to cultural aspects, I think that the greater contribution to the growth of Dominican advertising industry is due to the influence of the American system that promotes consumer culture.....Definitely the American consumption model is the one been adopted by Dominican society."

“Cada día los comerciales aquí...van en decrecimiento y entonces, los pocos que hacemos aquí parecen de afuera.....”

"Every day advertisements are decreasing and the few we are doing here appear to be made overseas....."

“Hemos vivido de espaldas a lo autóctono, negando el negro que todos tenemos detrás de la oreja... y de verdad que damos vergüenza en ese sentido.....negamos la raza....y negamos realmente lo que somos y la manera como nos comportamos.....y entonces los anuncios son más bien para el mercado.....los hacemos aquí para el mercado de afuera”.

"We have turned our backs to the native, denying the black we all have behind our ears.....and we truly should be ashamed..... we deny our race.... and deny who we really are and the way we behave..... and then ads are rather to the market.... we make them here for the foreign market".

“La publicidad....tenía muy buen humor y lo mantuvo por muchísimos años.... tuvo un buen nivel porque tuvo mucho arraigo en los valores de identidad cultural de este país y creo que fue gracias a Freddy Ginebra”.

"Advertising had ... very good sense of humor and maintained it for many years.... It was of high level because it reflected the cultural identity values of this country and I think that it was achieved thanks to Freddy Ginebra".

“La publicidad no ha aportado en nada a la educación del pueblo dominicano y la cultura dominicana cada día menos se ve reflejada en la publicidad dominicana.....”

"Advertising has not contributed anything to the education of the Dominican people and every day the Dominican culture is reflected less in Dominican advertising"

Theme 2. Dominican advertising practitioners are skeptical about the value of academic literature concerning the field.

A large majority of the respondents consider their work as more practically than theoretically oriented. However, without exception, participants emphasized that their academic

foundation played an important role in their daily advertising activities. An example of the dual conflict in today's value of education is reflected in the words of this participant:

“Soy más práctico que teórico, aunque siempre he sido amante de la educación. Desde niño ahorra dinero para comprar libros..... para poder aprender un poco más. Una de las cosas que siempre he creído es en la educación y una de las cosas que siempre quise fue querer aprender y saber más. Ahora es todo lo contrario.....resulta que los que saben mas y estudian mas son los ejecutivos.....Los creativos son gente muy talentosa, pero con muy poca base cultural”.

“I have a more practical than theoretical orientation, although I have always been for education. During my childhood I saved to buy books.....to learn a bit more. One thing I have always believed in is education and one of the things I always wanted was to learn more and know more. Nowadays it is the opposite.....the (account) executives are the ones studying the hardest.....Creative people are very talented, but with little cultural base”.

Some interviewees argued that academic works are only valuable to the universities to justify a program. Others claimed that they were not aware of the existence of academic studies that the industry have benefited from and one participant even confessed that he does not read much. When asked the question “Do you think research and studies by the academy are valuable to the Dominican advertising industry?” the respondents appeared to lack a clear and unambiguous familiarity with what scholars and educators are theorizing and publishing concerning the field. After all, advertising and marketing are not “professions” similar to accounting, law or medicine where a specified body of academic content must be mastered before one may enter those fields.

Rather, anyone who wants to may just open an advertising business --from the more formal agency shop that may be inclined to express “standards” and principles that would include ethical conduct, to the significantly more informal entrepreneur who simply starts

running poorly produced radio or television advertisements or, more typically, quick-fast-in-a-hurry shout outs and posts online.

The following responses from participants point to the tentativeness of their apparent preference to give the academy the benefit of the doubt, even as they express uncertainty about the breadth and depth of teaching, research and theory to advertising practice:

“Yo creo que todo lo que pueda ser estudio hecho a fondo y con conciencia, tiene que aportar”.

"I believe that any in-depth and conscientious study, should contribute".

“Creo que la industria está tratando de ajustarse a los cambios que se viven hoy día en el mundo publicitario, pero lamentablemente no a la velocidad que se requiere hoy día. Los jóvenes van aun más rápido que las universidades y han tenido que conformarse con nutrirse de experiencias externas”.

"I think the industry is trying to adjust to the changes happening in the advertising world, but unfortunately not at the speed that is required today. Young people are moving faster than universities and have been acquiring experiences outside higher education."

“De las escuelas de aquí han salido muy buenos publicistas.....los grandes creativos han pasado por las universidades de aquí, pero se están desvinculando mucho del marketing, cuando la publicidad hoy día es Comunicación Integrada de Mercadeo....entonces tienes que enfocarte más en áreas de marketing, de lo digital y no tanto en el dibujo”.

"Schools have graduated very good advertisers..... our great creatives have studied at local universities, but they are steering away from marketing, when advertising today is Integrated Marketing Communication Therefore more emphasis should be made on areas such as marketing, digital media and not so much in drawing".

“Lo que si es que tenemos que hacer es una revisión muy profunda en las universidades, del profesorado.....y lo digo de forma responsable....Nosotros le damos soporte en todo lo que podamos a las universidades acá, pero las universidades tienen un problema.....no tienen suficiente presupuesto para pagar buenos profesores y entramos en un círculo vicioso. Tenemos profesores que como no tienen trabajo en una agencia de publicidad terminan de profesores....entonces eso no es un profesor para enseñarle a un muchacho lo que esta actualizado.....”.

"Well, we must conduct a thorough review of our higher education institutions, of our faculty members.... and I say this in a responsible way We support local institutions in any way we can, but the universities have a problem...they do not have enough budget to pay for good professors and we enter a vicious circle. There are faculty members that could not find a job at an ad agency and end up teaching.... such instructors are not qualified to teach today's youngsters who are very up-to-date.... "

"En la parte artística existe una buena escuela en el país para desarrollar talentos en la que si encontraremos académicos bien capacitados y sobre todo "updated". Pero creo que tenemos muchos académicos desfasados, gente que tuvo mucho éxito en las 70s y 80s pero que actualmente lo único que hacen es impartir clases y no trabajan de lleno en el publicidad".

"On the artistic side, there is a good school in the country to develop talents which has well trained and above all 'updated' academics. But I believe that we have many outdated scholars, people who were very successful in the 1970s and 1980s, people who now just teach but do not work in advertising".

The majority of the respondents were aware of the existence of Dominican advertising text books and they were familiar with the authors of those texts, because they are industry people, rather than academics. The practitioners interviewed acknowledged the works of the 3 most active authors in the field: Freddy Ortíz, Efraím Castillo and José Cabrera. However, some confessed they were not interested in reading about the history and development of the industry in the nation-state, because they are not avid readers, or because the books lack the necessary thoroughness to be considered scientific work. One other observation by the participants was that the books that have been written so far do not reflect the complete history of the industry. One interviewee specifically claimed that the writers have not included all the protagonists in their books due to professional jealousy:

"He leído algunas cosas que han salido en algunas revistas y algo que salió en un libro que leí una vez, pero no creo que describen completamente la historia..... En la industria hay un elevadísimo nivel de mezquindad. Nadie le quiere reconocer a otro sus méritos dentro de la industria. Entonces, siento sin referirme a ningún libro en particular que cuando tú ves cosas y oyes cosas, se empequeñece la labor de algunos y a veces se quiere agrandar la labor de otros....y creo que eso no está bien".

"I have read some things that were published in some magazines and something that came out in a book I read once, but I do not think that they completely describe the history..... In the industry there is a very high level of meanness. Nobody wants to recognize other people's merit within the industry. Thus, without referring to any book in particular, I feel that when you see things and hear things, diminishing the work of some colleagues, and sometimes trying to amplify the work of others..... I think that is not right."

The following answers from the advertising practitioners interviewed help substantiate their perceptions and realities regarding the books written on Dominican advertising history and its authors, as well as the value and usefulness of such texts to the industry leaders:

"Tengo que confesar que yo leo poco. Es malo en un publicista, pero es la verdad.... Muchas veces escriben quienes no han estado en el sector, pero en este caso si.....Freddy es el que más ha escrito... Efraím.....pero ha habido pocos. Yo leo poco, pero ha habido poco....."

"I must confess I don't read much. It's bad for an advertising person, but it is the truth... Often times the people who write are those who are not in the industry, but in this case is different...Freddy is the one who has written the most... Efraím.... but there have been few books. I don't read much, but there is not much written.... "

"El libro de Freddy Ortiz es el que me viene al top-of-mind"

"Freddy Ortiz's book is the one that comes to the top-of-mind."

"Si escuche que existían libros de Freddy Ortiz, de Efraím Castillo, de José Cabrera, pero no.....nunca me interese realmente tanto"

"I heard there were books from Freddy Ortiz, Efraím Castillo, Jose Cabrera, but... I was never interested in reading them".

"El único libro que anda ahí....la historia esa de la publicidad dominicana.....no lo he leído"

"The only book that's out there.... that with the history of Dominican advertising... I have not read it".

".....sé que hay algunos textos pero no los conozco bien porque no se han hecho con rigurosidad histórica..... Sé que Freddy Ortiz hizo algo.....estaba haciendo algo también Miñín Soto, pero realmente no conozco.....hay material para escribir libros,

pero no se ha hecho un trabajo profundo de investigación al respecto y con el rigor que se requiere para escribir un libro”.

".....I know there are some texts but I don't know them well because they were not written with historical rigor... I know that Freddy Ortiz wrote something... Miñín Soto was also doing something, but I really don't know... There is material to write books, but there has not been a thorough research work in this regard, with the rigor required to write a book".

“Creo que Efraím comenzó a ser más minucioso para escribir un libro sobre el tema pero llevo al punto en que como que se canso.....”

"I think that Efraím began to write a more comprehensive book on the subject but he got tired...."

It is interesting to note that to the question “Do you think the books on Dominican advertising history have any use to the industry practitioners?” respondents came up with a widespread variety of viewpoints about the value and usefulness of such texts to the industry leaders, including harsh criticism from one respondent, who openly voiced his discontent with the history chronology that has been narrated so far. The following statements illuminate the perspective from both sides:

“Creo que son útiles, porque te ponen en contexto lo que es el país, lo que ha sido la publicidad en el país, quienes fueron los pioneros, como se ha desarrollado..... Leer y conocer la historia te ayuda a entender un poco como ha sido el crecimiento de los anunciantes también”.

"I believe they are useful, because you put in context what country, what has been advertising in the country, who were the pioneers, as has been developed..." To read and know the history helps you understand a little as to what has also been the growth of the advertisers".

“No.....eso no sirve.....la cronología histórica no le sirve a la industria. Solo le sirve a las universidades y a los profesores para justificar un pensum.....mas nada”.

"No.... that is useless... the historical chronology has no use in the industry. It only helps universities and teachers to justify a study plan... but nothing else".

Theme 3. Although there is some government regulation, for the most part the advertising industry in the Dominican Republic practices self-regulation

In general participants expressed very similar perspectives in their responses to the queries related to the government role in regulating the industry. They acknowledged the existence of several laws and decrees containing articles related to the regulation of advertising practices. Different state departments are responsible for enforcing the law. However, interviewees were skeptical about the effectiveness of the government authorities as regulators. Also, some respondents expressed their concerns regarding the inconsistencies in enforcing the law. For example, one participant commented:

“Mira, yo creo que la única vez que yo he oído que el gobierno se ha metido, se metió en una campaña de una institución financiera, que según ellos (el gobierno) no pueden utilizar los pesos dominicanos en su publicidad. Sin embargo, después de eso yo he visto otras campañas utilizando los pesos dominicanos.....si es por el gobierno dominicano, aquí no hay ningún tipo de regulación efectiva”.

"Look, I think that the only time that I have heard that the government got involved it had to do with a campaign of a financial institution, which according to them (the government) cannot use the Dominican pesos in their advertising. However, ever since I've seen some other campaigns using Dominican pesos If we rely in the Dominican government, we will not have any kind of effective regulation".

Other respondents pointed at the need for a specific institution within the central government to enforce the different laws containing chapters regulating advertising in the country, because at the moment there is not a particular Act regulating the industry. Moreover, the concern is that the existing legislation is too widespread and the functions of several institutions overlap, thus creating difficulty for deciding the enforcement agency. As one participant expressed it: *“Las leyes están dispersas y yo creo que falta un organismo para velar por la difusión de mensajes.”* ("Laws are scattered and I believe we need a government branch to

be vigilant about the spreading of messages"). Also, the government branches responsible for enforcing the law are not familiar with the advertising industry, thus creating some potential problems while interpreting and applying the law. The following excerpts support this issue:

"Hay una legislación que es muy general, muy leve.....dentro del artículo no se cuanto dice que la publicidad no podrá decir esto, que no podrá hacer aquello....es decir, hay artículos aislados para regular la publicidad...."

"There is legislation that is very general, very mild.... within certain act there is this article tha states that advertising cannot say this, cannot do that.... So to say, there are isolated articles to regulate advertising....."

"En algunos casos la publicidad es censurada por el criterio de algunas instituciones gubernamentales como son Espectáculos Públicos, Proconsumidor y Salud Pública, pero no son instituciones que estén ligadas a los organismos de publicidad del país".

"In some cases advertising is banned by the criterion of governmental institutions such as Department of Public Spectacles, Proconsumidor and the Department of Public Health, but these institutions are not linked to advertising agencies in the country ".

"El gobierno debería de poner las reglas de juego, porque tu no lo puedes dejar a la libre conciencia del anunciante, porque el anunciante no va a querer poner algo de connotación negativa en su anuncio....."

"The government should implement the rules, because you cannot leave it to the free will of the advertiser, because the advertiser will not want to put some negative connotation in his advertisement....."

Some respondents felt that government should play a more active role and become the regulatory agent of the Dominican Republic advertising industry. However, there were far more voices discarding such an approach and openly dismissing government officials as administrators and bureaucrats who may lack the knowledge to make informed judgments concerning advertising and marketing practices. Participants also expressed their dismay regarding the controlling institutions and legal environment surrounding persuasive communication practices. Even though they demonstrated awareness about regulatory efforts made by the authorities, they were reluctant about the supervising role of the bureaucrats. The interviewees stated that their

embracing of self-regulation came as a result of fearing unfitted/unqualified legislators to dictate the rules. Furthermore, a large majority of the respondents spoke about a law proposal they submitted to Congress a few years ago, which is still pending approval.

Government role as regulator

Several respondents stated that Government involvement is needed to ensure that advertisers and advertising agencies respect moral values and produce advertisements that are consonant with decency and socially accepted principles. Also, a few of the interviewees commented on the need for regulating all commercial communications. Others were more critical in their approaches and rejected governmental involvement using political agendas of the regulators and personal interests and involvement of the legislators, among other arguments, as the basis for their rejections. In the words of one respondent: *“La regulación es peligrosa. Atenta contra la libertad de expresión. Puede usarse para favorecer intereses privados desde el sector gubernamental”*. ("Regulation is dangerous. It is against freedom of expression. It can be used to favor private interests from within the government"). What follows are observations from the interviews reflecting the interplay between the pros and cons regarding the government involvement to regulate advertising in the Dominican Republic:

“El gobierno es la institución responsable de velar por los intereses de una nación, por lo que debe crear leyes que guíen las acciones de cada empresa al momento de hacer publicidad, ya que ésta no debe convertirse en una vía para atentar contra la moral, las buenas costumbres o la calidad de vida de las personas”.

"The government is responsible for ensuring the interests of a nation, so it must create laws to guide the actions of each company at the time of creating advertising, so that advertisements do not undermine morals, good customs or the quality of people's lives."

“No tanto como regular la publicidad o que tenga que someter a aprobación x campaña publicitaria, sino definir reglamentos de comunicación según el sector comercial”.

"Not so much as to regulating advertising or to submitting the approval of x advertising campaign, but rather defining regulations about communication in the commercial sector".

"La publicidad no debe ser regulada por el gobierno y menos cuando los intereses cambian de color y de conveniencia cada cuatro años. La publicidad debe ser regulada por un órgano independiente (no de publicistas o agencias publicitarias) con normas aprobadas por todos los sectores que proteja y cuide el cumplimiento de las mismas y sancione duramente la falacia, el engaño y la manipulación verbal y visual de un servicio o producto".

"Advertising must not be regulated by the government and much less when the interests change color and convenience every four years. Advertising must be regulated by an independent institution (not practitioners or advertising agencies) with rules adopted by all sectors in order to protect and look after the compliance and harshly punish the fallacy, deception and the verbal and visual manipulation of a service or product ".

"No creo que el gobierno debe regular la publicidad, al menos que la regulación sea objetiva e imparcial, cosa que dudo mucho. Además de que los gobiernos cambian y hacen lo que les da la gana a conveniencia propia".

"I do not think the government should regulate advertising unless that regulation is objective and impartial, which I doubt very much. Also, governments change and do what they feel is best for their own convenience".

"Creo que los gobiernos están para otros temas. Además de que son cambiantes cada cierto tiempo y las políticas dictadas por unos pueden cambiar totalmente con un cambio de funcionarios con ideas contrarias en todas partes del mundo. Lo que si puede hacer el gobierno es apoyar instituciones serias que puedan regular la publicidad".

"I think governments are elected to deal with other topics. Additionally, they change from time to time and the policies dictated by a ruling party can change completely with a change of staff. What the government can do is provide support to serious institutions that can regulate advertising".

"La publicidad no debe ser regulada. Una vez se logra sistematizar un balance ecuánime de fuerzas gobierno y el sector privado, todo coge su nivel".

"Advertising must not be regulated. Once a balance of the forces of government and the private sector is achieved everything works fine."

Laws Dealing with Advertising and Government Enforcement

Whereas in the United States the Federal Trade Commission is the governmental institution that provides guidance and enforces advertising regulation, a similar institution is practically nonexistent in the Dominican Republic, according to the responses obtained from the interviews. A large number of participants in the study revealed that the Public Spectacles and Broadcasting Commission, a regulatory body for the audiovisual media and public performances, is the Government branch responsible for regulating advertising practices in the Dominican Republic. However, most of the practitioners interviewed expressed their skepticism concerning its functionality. For example, when asked about the institution regulating advertising executions, one participant noted: “.....*Nunca funcionó Espectáculos Públicos y eso era lo que nos regulaba*” (“.....Public Spectacles never functioned and that was the institution regulating us”). Another one expressed frustration while answering the same question and referred to it as futile: “...*la Comisión de Espectáculos Públicos no sirve.....el mismo presidente ha dicho que no sirve, pero la mantiene.....*” (“...the Public Spectacles Commission is useless..... the President himself has said that it is useless, but it is still operating.....”). Other participants emphasized the same perception regarding the ineffectiveness of the Commission as a regulatory institution. The following responses support the theme:

“Durante mucho tiempo hubo la Dirección de Espectáculos Públicos y Radiofonía y era muy limitado lo que podía ser su alcance y se manejaba de forma muy particular”.

"For a long time we had the Public Spectacles and Radio Department and was very limited in scope and was handled in a very particular way."

“Instituciones como la Comisión General de Espectáculos Públicos que hacen regulaciones muchas veces de acuerdo a intereses o valores personales”.

"Institutions such as the General Commission of Public Spectacles many times make regulations according to personal interests".

".....Está la Comisión de Espectáculos Públicos y Radiofonía.... lo que no se es si servirá para algo....."

"... There is the Public Spectacles and Radio Commission... but I am not sure if it is of any use....."

It has been mentioned that there are several government agencies gravitating over to the advertising industry in the Dominican Republic. However, informants did not demonstrated sufficient knowledge about the existing laws regulating persuasive communication and the enforcing procedures by the established order. In fact, even when they acknowledged the existence of some laws, respondents could not clarify the breadth and depth of the legislation, nor were they able to make connections to advertising creation. They were only able to identify two laws affecting the Dominican advertising scenario. Following are a few illustrative quotations regarding the interviewee's consciousness about the laws and their scope.

"Si tu agarras que regulación tenemos ahí esta la Ley 42-01..... esta clara con lo de venta a menores de bebidas y cigarrillos..... ahora, no estoy muy seguro si incide en lo que tiene que ver con publicidad"

"If your look at regulation there is Law 42-01.....it is clear about selling drinks and cigarettes to minors..... but I am not sure if it rules anything that has to do with advertising".

"Esa es la única que está.....indica que se le ponga la advertencia a las etiquetas y anuncios de bebidas alcohólicas y cigarrillos, pero a los cigarros no le incluyen la advertencia"

"This is the only one ... a mandate about the warning to labels and advertisements of alcoholic beverages and cigarettes, but the cigars do not include the warning".

“Aquí están ONAPI y la ONDA, aunque realmente no sé que es lo que hacen..... lo que quiero decir es que son las llamadas a actuar.....pero ellos se basan en nada.....para publicidad no son funcionales.....En ONAPI es que tu registras los slogans.....Y también esta la ley 65-00, sobre propiedad intelectual y toca un poco lo que es la creatividad, la regula parcialmente.... mas bien el derecho de autor, el derecho creativo....pero ¿quién la hace cumplir aquí?”

"Here we have ONAPI and the ONDA, although I really don't know what they do what I mean is that they are the ones to take action..... but they have little foundations for advertising they are not functional.....ONAPI is where you register the slogans.....Also there is the Law 65-00 on intellectual property and touches upon creativity, regulating it partially.... rather the copyright, the creative right but who enforces it here?"

Self-regulatory system

A vast majority of the advertising and marketing professionals that participated in this study were very enthusiastic and optimistic about the way the advertising industry operates without much government involvement. Their perception is that the trade can police itself and act committed to the moral canons existing in the nation-state. Several of the informants reflected on the value of self-regulation. Participants suggested it was more effective than having the State operate as the regulator, due to the favoritisms or ignorance on behalf of the bureaucrats. An example of how the government could play an incorrect role in regulating advertising was evident in this statement by one of the respondents: *“Se luchó mucho para hacer una auto-regulación, porque en países como estos se tiene mucho miedo a la regulación del Estado, porque resulta que quien agarraba el micrófono al candidato en la campaña, si el candidato gana ese señor es el director defensor de la publicidad en el país.....entonces tenemos miedo que una persona sin conocimiento pueda regularnos.....a veces surge un senador, un diputado o alguien que quiere abolir los bikinis, gente sin ninguna pertenencia en publicidad quieren dominar áreas en publicidad”* (“We fought hard for self-regulation, because

in countries such as ours state regulation is feared, because the person who used to hand the microphone to the candidate in the campaign, becomes the director of advertising counsel in the country if the candidate wins then we fear that a person without knowledge can regulate us..... sometimes a Senator, a deputy or someone who wants to abolish the bikinis, people without any idea about advertising want to be the experts in advertising areas").

Several interviewees emphasized the need for self-regulation as a way of safeguarding the interests of the industry and advertisers and even achieve a culture of social responsibility. They noted that LIDAP has created a code of ethics to provide the standards for advertising practice in the Dominican Republic without the government intervention. However this approach was rebutted by other practitioners under the allegation that self-regulation is unethical. An example of the interplay between self and State regulations is evident in the following statement from one of the respondents: *“En varios países la autorregulación puede ser efectiva, y básicamente, en aquellos con un nivel de educación y organización sobresaliente, como por ejemplo Japón. Auto-regularse dependerá mucho de la capacidad de reconocer los errores y donde podemos mejorar. No todos tenemos esta capacidad. Por lo tanto, a nivel general, creo que no debemos auto-regularnos; debemos tener a alguien que trace las pautas”* ("In several countries self-regulation can be effective, and basically, those with an outstanding level of education and organization such as Japan. Self-regulating will depend on the ability to recognize mistakes and how to improve. Not everyone has this ability. Therefore, in general, I think we should not rely on self-regulation; we must have someone to regulate us").

Some informants suggested that although agencies have fought hard to establish a self-regulatory system it is necessary to broaden the spectrum and include other players in the field because the industry should coexist with other institutions. In sum, there were voices that

strongly support self-regulation, whereas there were others who contend for consensus from the different actors involved in the business. The following responses provide evidence of these aspects:

“La industria puede vigilarse a sí misma. De esta forma, el consumidor será el juez y decidirá si consume o no el producto”.

"The industry can monitor itself. This way, the consumer will be the judge and will decide whether they consume the product."

“Creo que debe existir un código de autorregulación publicitaria, más bien regido por el Sentido Común”.

"I think that there should be a code of advertising self-regulation, governed by common sense".

“Estamos fomentando en la LIDAP que haya una institución no gubernamental, que la compongan clientes, agencias, medios y un representante del gobierno, para que haya auto-regulación”.

"At LIDAP we are encouraging the creation of a non-governmental institution, consisting of customers, agencies, media and a representative of the government, so that we are self-regulated."

“LIDAP ha querido hacer auto-regulación y se han puesto delante, haciendo el código de auto-regulación publicitaria que no ha servido, pues hasta los mismos que han firmado son los primeros violadores y no quiero citar casos porque involucra amigos”.

"LIDAP is for self-regulation and has taken the first steps, creating the self-regulation advertising code which has failed given that even those who signed it are the first ones violating it and I don't want to cite any case because it involves friends."

“La autorregulación no es ética en sí misma. Es imposible confiar en un organismo que se auto-regule a sí mismo”.

"Self-regulation is unethical. It is impossible to trust an entity that is self-regulated."

“Entiendo que esto no es favorable porque no podemos convertirnos en juez y parte. En todo proceso es importante la diversidad de criterios para lograr un equilibrio, cosa que

no estaría garantizada pues la industria velará siempre por sus propios intereses y puede perderse el sentido de la ética”.

"It is my understanding that it is not favorable because we cannot turn us into judge and jury. In any process is important diversity of criteria to achieve a balance, something that would not be guaranteed because the industry will always ensure its own interests and you may lose the sense of ethics".

“Nada ni nadie es capaz de vigilarse a sí mismo. Por eso existen las leyes, regulaciones, y además las consecuencias para quien las infrinja”.

"Nothing and nobody is able to self-monitor. For that there are laws, regulations, and also the consequences for those who break them".

“Pienso que todavía en nuestro país no estamos a ese nivel. Primero debe haber una motivación o exigencia de las autoridades, luego una etapa de seguimiento y multas, hasta que sea una cultura de responsabilidad social”.

"I think that we are not at that level yet in our country. First there must be a motivation or demand coming from the authorities, then a phase of follow-up and fines, until a culture of social responsibility is reached".

“Lo que sucede en este país es algo que es muy particular...en términos generales la publicidad dominicana es muy poco irreverente....es una publicidad muy conservadora, porque las empresas son conservadoras y las agencias son conservadoras. Entonces, es difícil que dentro de ese ambiente se puedan romper regulaciones y afectar intereses o hacer daño moral a la sociedad. Se están haciendo ciertas cosas quizás con cierta irreverencia, pero más bien en las redes sociales y es muy poco. Aquí los anunciantes muy difícilmente te aprueban una propuesta irreverente y que pueda de alguna forma tener doble sentido.”

"What is happening in this country is something that is very peculiar... Dominican advertising is not irreverent... It is very conservative advertising, because companies are conservative and agencies are conservative. Then, it is difficult within that environment not to comply with regulations and affect interests or do moral harm to society. Certain things have been done, perhaps with some irreverence, but rather on social networks. Local advertisers hardly approve you a sassy proposal that may have double meaning in some way".

The National Advertising Council

Several of the participants reflected on the creation of a regulatory body consisting of advertisers, agencies, and media. Some even expressed the possibility of including a government representative in what most of the interviewees referred to as the National Advertising Council, created in the image and likeness of similar institutions in other countries in the region. As noted by one of the respondents:

“Debe de existir un organismo regulador o de vigilancia, pero que este sea funcional, para que se ocupe, junto a otros profesionales pertenecientes al sector, debida y apropiadamente comisionados, no tan solo de regular o vigilar la publicidad sino los contenidos que se difunden por los medios electrónicos de comunicación. A la vez, ese organismo debe tener una dependencia que se encargue de velar por la veracidad de lo que se propone en los comerciales publicitarios y establecer sanciones para quienes incumplan con las normas, que aunque son particulares de cada país, son de aplicación generalizada universalmente. La ética es ética en todas las latitudes”.

"There must be a regulatory or monitoring body, but functional, so that along with other professionals in the field, properly appointed, it not only regulates or monitors advertising but also the contents broadcast by the electronic means of communication. At the same time, the institution must have a unit to deal with ensuring the veracity of what is proposed in the advertising business and establish penalties for failing to meet the rules, which individually pertaining to each country, are of universal application. Ethics is ethics anywhere in the world."

But, not everyone interviewed favored the council. An example of disbelief in the self-regulating system followed by the advertising industry, and stating its discontent with the communications ethics in the country, is reflected in the words of one informant: *“De no existir lineamiento o un ente imparcial que regule la publicidad, entonces no existirán límites y en consecuencia mayor oportunidad de faltar a la ética.....entonces, yo no creo en auto-regulación. Creo en organismos que vigilen, supervisen, filtren, porque la publicidad es un instrumento peligroso, igual que la misma comunicación.....pero si la comunicación misma no tiene regulación aquí.....que se puede esperar.....”* ("If there is no guideline or an impartial

entity to regulate advertising, then there won't be limits and consequently greater opportunity to disregard ethics.....therefore, I don't believe in self-regulation. I believe in agencies that monitor, supervise, and filter, because advertising is a dangerous instrument just like communication itself.....but if communication is not regulated....what can we expect....").

Although the League of Advertising Agencies --LIDAP-- only accounts for 25 % of the agencies in the nation, the institution is engaged in the implementation of the council, which will benefit the whole industry. Respondents considered the body as an impartial mechanism to regulate advertising and persuasive mass mediated communication in the Dominican Republic. They project that such an entity could be affiliated to sister organizations throughout the region and would help implement the same advertising controls used worldwide. The following statements help better understand the participants' perception of the National Advertising Council and its benefits as a self-regulatory body:

“Considero más conveniente que pudiera ser regulada por una entidad que se cree solo para monitorear y controlar la publicidad, y que esta entidad tenga relación directa con otras entidades con la misma función en otros países”.

"I consider it more convenient that advertising could be regulated by an entity created just to monitor and control it, and that such an entity has a direct relation with other entities with the same function in other countries".

“El consejo al que queremos llegar es fruto de un modelo que existe en otros países del área....yo lo viví en Centro América y funciona muy bien, porque en esa mesa están los anunciantes, los medios y las agencias publicitarias.....Aquí nos hemos reunido con ADAN (Asociación Dominicana de Anunciantes) y ADORA (Asociación Dominicana de Radiodifusoras) y a ellos son los que queremos invitar porque no existe una asociación de medios en el país. En otros países si existe y el consejo funciona de maravilla, porque no hay necesidad de una ley. Si tú estás haciendo algo indebido, y tu eres un anunciante.....y estamos en una mesa donde se discute eso, todo el mundo ve sus intereses.....y los mismos anunciantes reconocen que hiciste mal atacando a esa otra marca, porque no tenias fundamentos, los medios están de acuerdo y está el presidente de la asociación de medios ahí, y la asociación de agencias también dice que eso está mal, simplemente tu comercial se va del aire. Además, que el anunciante no se puede

molestar con ningún medio en particular porque fue la asociación y el consejo quienes tomaron la decisión”.

"The Council we aspire to is the result of a model that exists in other countries in the area.... I experienced it in Central America and it works fine, because in that forum are advertisers, media and advertising agencies..... Here we have met with ADAN (Dominican Association of Advertisers) and ADORA (Dominican Association of Radio Broadcasters) and those are the people we want to invite because there is not a Media Association in the country. In other countries it does exist and the Council works wonders, because there is no need for a law. If you're doing something improper, and you are an advertiser..... and we are in a meeting where the issue is discussed, everyone sees their interests.....and other advertisers recognize that you did wrong attacking that other brand without substantiated foundations, media are in agreement and so is the President of the Media Association, and the Association of agencies also said that it is wrong, simply your commercial will be taken off the air. In addition, the advertiser cannot take action against any medium because it was the Association and the Council who made the decision".

“Existen tres elementos que tienen que ver con el buen comportamiento de la industria. En la LIDAP tenemos un reglamento de ética. Luego hemos hecho un acuerdo de buenas prácticas en el negocio y lo firmamos las agencias pertenecientes a la liga.....recuérdate que nosotros solo representamos una parte del sector (25%) y lo que estamos empujando, desde la perspectiva de la ley, es la aprobación de un Consejo Nacional de Publicidad, que sería un consejo de auto-regulación publicitaria.....”

"There are three elements that have to do with the good standards of practice in the industry. At LIDAP we have a code of ethic. Then we have made a good business practice agreement signed by the agencies members of the league..... remember that we only represent a fraction of the sector (25%) and that we are pushing, from the perspective of the law, the adoption of a National Council on advertising, which would be a council of advertising self-regulation....."

LIDAP Code of Ethics

Respondents expressed cohesive criteria regarding the ethical standards in the field and mostly everyone referred to the code of ethics set forth by the private sector institution that brings together 22 of the more than 100 companies in the advertising sector in the DR. Some

practitioners even perceived the code as the result, on one hand, of deficiencies in the official sector to enforce the laws that regulate advertising and, on the other, as an effort to have a document similar to other self-regulating instruments in the Americas. Nonetheless, one of the participants felt that the code was created to protect the agency owners' interests:

“La LIDAP que es la Liga Dominicana de Agencias Publicitarias y definen una serie de estatutos y códigos de ética que giran en torno a los beneficios de los dueños de las agencias, pero no es una institución gubernamental”.

"LIDAP is the Dominican League of Advertising Agencies and they define a series of statutes and codes of ethics that revolve around the benefits of the owners of the agencies, but it is not a government institution."

Even participants who were not members were aware of the work done by the League and commented on the depth of the code:

“En cuanto a lo que ha sido la ética en la publicidad te puedo decir que básicamente los quienes han incursionado en eso es la LIDAP... ..tiene sus reglamentos y sus normas y sus código de ética. Y te puedo decir que es muy por la ramita. No llega a profundidad. Es como el código de ética general aplicado a publicidad”.

"With regard to ethics in advertising I can tell that basically LIDAP has dealt with it..... They have their regulations, their rules and their code of ethics. And I can say that it is very superficial. It lacks depth. It's like the general ethics code applied to advertising".

Some practitioners emphasized that the entity that brings together Dominican advertisers consulted with colleagues in the region so that the resulting document would be efficient and applicable to the island nation-state:

“En la LIDAP se está estructurando algo que se hizo en Centroamérica hace muchos años.....es el código de ética publicitaria. ¿Por qué? Porque nos dimos cuenta que antes que nos impusieran reglas gente que no saben del tema publicitario nosotros mismos tenemos que saber y sabemos cuando estamos haciendo las cosas mal.....entonces hay un problema de ética y dijimos nos conviene auto-regularnos”.

"At LIDAP we are structuring something that was done in Central America many years ago..... the code of advertising ethics. Why? Because we realized that before people who do not know advertising would impose the rules we should know and we know when we are doing things wrong... there is an ethics problem and we decided self- regulation was more convenient " .

“Sé que se trajeron gente de Centroamérica que viniera a asesorar a LIDAP en la determinación del código de ética. A mi me llamaron para decirme que se iba a hacer el código de ética, porque no había algo tan bien hecho como lo que se hacía en Centroamérica. Ese código ya se está ampliando hacia la publicidad de los medios alternativos. Por cierto todavía no han logrado hacer mucho en esa área”.

"I know that they brought people from Central America to advise LIDAP how to establish the code of ethics. They called me to tell me they were working on the code of ethics, because we needed something similar and as well done as that in Central America. That code is already expanding towards alternative media advertising. By the way, they still have not done much in that area".

One respondent indicated there isn't any code in the Dominican similar to that of the Better Business Bureau to regulate advertising practices: *“No hay código de regulación publicitaria....no lo conozco”* ("There is no code for advertising regulation I don't know it"). Another participant referred to a code of ethics as the regulatory instrument: *“El código de regulación no existe. Es más bien un código de ética”* (“The code of regulation does not exist. Rather it is a code of ethics”).

The LIDAP Code of ethics was considered to be adequate by the interviewees. Even though some of them were not totally convinced about its *modus operandi* or its validity for regulation, at least they felt it was somewhat useful to supplement the absence of a code of advertising regulation as it exists in other countries in Europe and North America, and the lack of respect for the obsolete laws dealing with advertising issues in the Dominican Republic. The following excerpts from the interviews support this theme:

“Nosotros tenemos un código de publicidad.....las agencias tienen un código de ética publicitaria”.

"We have an advertising code..... agencies have a code of advertising ethics".

“LIDAP define los códigos de ética para la publicidad en RD, pero no sabría decir como aplican sus reglamentos”.

“LIDAP define the codes of ethics for advertising in DR, but I could not tell how they apply their rules.

“Existían algunas leyes, pero como nadie las cumplía, pero el punto está por qué no se cumplen.....y eso no debería ser. Por eso lo que se pensó es hacer efectivo el código de ética..... eso es la auto-regulación”.

"There were some laws, but nobody complied with them, they were useless..... and that should not be. Therefore it was thought to make effective the code of ethics..... that is self-regulation".

“Como mecanismo de regulación está el Código de Etica de la LIDAP, donde todos.....digo la mayoría, estuvimos de acuerdo para auto-regularnos. Eso es como una ley de condominios para crear una mayor convivencia”.

"As a regulating mechanism there is LIDAP code of ethics, where everyone..... I mean the majority agreed to self-regulation. That is like a law of condominium to create a greater coexistence".

American Association of Adversiting Agencies Standards of Practice

Several interviewees touched upon the standards of practices of the 4 A's (American Association of Advertising Agencies) juxtaposing them with the League of Dominican Advertising Agencies (LIDAP) code of ethics and compared each one, suggesting that the domestic self-regulatory mechanism is less respected than the one from the United States. The following observations support this notion:

“El de la AAAA se respeta. El de aquí es pantalla.....vestirse de oveja para tapar el lobo.....”

"That of the AAAA is observed. Ours is a disguise.....it's the wolf in sheep's' clothing....."

“Las empresas internacionales que tienen sus agencias locales, se cuidan mucho. Generalmente cualquier material que se produce aquí lo ven con su casa matriz..... para asegurarse de que cumple, no aquí, sino con regulaciones que existen en otros países”.

"International companies that have locally affiliated agencies are very cautious. Generally any material that is produced here is sent to the headquarters for approval.....to make sure that it meets, not just the local ones, but regulations that exist in other countries".

“No se si el código de la AAAA está establecido en nuestro país, pero a mi juicio una parte de la ética es universal independientemente del sector en el que se esté trabajando. Temas como la confidencialidad de un documento entra en los principios básicos de la ética. No creo que en nuestro país este tema este muy bien aplicado, primero porque hay muchos proveedores de servicios informales y segundo porque en muchos sectores de nuestro país las cosas se mueven a manera de relaciones”.

"I don't know if the 4A's code is established in our country, but in my opinion one part of ethics is universal regardless of the sector in which you are operating. Issues such as the confidentiality of a document are basic principles of ethics. I do not believe that in our country this issue is very well respected, first because there are many informal service providers and second because in many areas of our country business is based on relationships".

Law of Advertising

When asked about the existence of similar regulatory instruments as to those of the Better Business Bureau in the United States, one respondent expressed *“No tenemos un Código para la Publicidad como el de la BBB.....eso es lo que queremos en la ley”* (“We do not have a code for advertising as that of the BBB.....that is what we want in the Law”). Other participants noted that many efforts have been made to unify all issues pertaining to advertising under one single law, as of that which exists in Spain. One practitioner stated *“En la publicidad Dominicana.....hay una ley acá que esta en Salud Publica.....hay una ley que esta en lo de Telecomunicaciones.....otra ley que esta en tal cosa.....entonces todo se unificó, para que si*

quieres saber cuál es la ley que regula la publicidad te remites a una sola". ("In Dominican advertising there is one law under the jurisdiction of Public Health..... There is another law within Telecommunications domain..... another law that is in this other thing..... all that was unified, so if you want to know which is the law on advertising you only need to look in one place").

Some respondents indicated that they favor the new law, because it was consciously and cautiously created, but have no idea if it ever would be approved:

"En nuestro país todavía no existe una Ley sobre publicidad. La propuesta está en el senado y no ha sido aprobada".

"In our country we still don't have an advertising law. The proposal is in the Senate and has not been approved".

"La ley tiene como un año dando vueltas, pero ya fue depurada y está en manos de la presidencia, para enviarla al Congreso".

"The law has been spinning almost one year, but it has been already refined and is in the hands of the President, to be sent to Congress."

"Todo lo que tiene que ver con la ética en publicidad va incluido en la propuesta de ley que aun no se ha aprobado. La ética publicitaria en nuestro país está muy ligada a la ética que practique el cliente".

"All that has to do with ethics in advertising is included in the Law proposal which has not yet been approved. The advertising ethics in our country is closely tied to the ethics of the client."

Other respondents even expressed their involvement with the project that has proved to be frustrating due to the lack of interest in its approval by the legislators, even though the Bill, consisting of 3 laws to regulate communication, media and advertising, was introduced to the Congress by a Deputy who believed the Act would benefit the nation and the consumers.

In separate interviews, respondents provided extremely similar comments regarding the process to create and submit the project to the legislature and the consequent delay in its adoption:

“También otro punto es la ley de publicidad que ha convenido mucho. Estamos deseosos de que ya pase la prueba de fuego del Congreso. Leonel (el presidente) le pidió a Molina Morillo (director de periódico) que conformara un equipo donde estuvieran representados todos los medios...para tres leyes: una del libre acceso a la información, otra de publicidad y en la parte de publicidad lo componen esos cuatro actores.... la ley paso por todo, cliente, agencia, medios, para que cada quien opinara y esta consensuada...”

"Another issue is the law on advertising which is very convenient. We look forward to its passing of the litmus test in Congress. Leonel (the President) asked Molina Morillo (director of newspaper) to put together a team where all media were represented...to prepare three laws: one for freedom of information, another on advertising and the advertising law consists of these four actors...., the law was reviewed by everyone: client, agency, media, so that each one would express its views and reach consensus..."

“Mira... aquí hace años que se está estudiando un proyecto de ley sobre regulación de la comunicación y otro sobre regulación de la publicidad.....eso tiene como 15 años.....el último trabajo lo manejaron, yo recuerdo Molina Morillo y el hijo de Freddy Prestol Castillo, el abogado. Un trabajo depurado, terminado, donde se consultaron legislaciones de México, Argentina, Brasil, de todas partes. Se analizo por todos lados y ve a ver donde esta eso.....en que gaveta en el Congreso”.

"Look... for many years we have been working on a draft for a law on the regulation of communication and another on the regulation of advertising..... it goes back 15 years... I remember the latest attempt was handled by Molina Morillo and the son of Freddy Prestol Castillo, the lawyer. A complete and refined work, where were consulted legislation from Mexico, Argentina, Brazil, and many other countries. We analyzed every angle and go see where that is now.....in which drawer of Congress is it?"

“Con Zaidita Lovaton diseñamos un trabajo que se presento a través de la diputada Minú Tavares y deben haberlo desaparecido también. Hay un juego de intereses tan grande que los medios de comunicación se sienten afectados directamente y de una vez reaccionan haciendo entender que de lo que se trata es manipular la ley con fines de ponerle bozales a los medios”.

"With Zaidita Lovaton we designed a project that was presented through the Deputy Minú Tavares to Congress and they must have purposely misplaced it. There is a power

struggle so great that the media felt directly affected and reacted immediately making believe that the law is trying to manipulate media to diminish its power".

“No sé si sabes que introdujimos una ley de publicidad que tiene un par de años que se entregó y todavía está bailando en el congreso.....Un trabajo muy arduo, sustentado por Zaida Lugo Lovatón, quien es una abogada que conoce bastante bien de nuestro tema. Ella tiene un libro que es justamente un compendio de todas las leyes y reglamentos que tienen que están relacionados con lo que nosotros hacemos en publicidad. Precisamente buscamos a Zaida, porque la ley trato de no ser redundante.....es decir lo que no está considerado en los otros reglamentos o leyes, nosotros lo pusimos en la ley.....”

"I do not know if you are aware that we introduced a law on advertising a couple of years ago and still has not been approved by Congress.....Very hard work, prepared by Zaida Lovatón Lugo, who is a lawyer who knows our subject quite well. She has a book that is just a compendium of all laws and regulations related to everything we do in advertising. We worked with Zaida, to try to avoid redundancy in the law.....I mean everything that has not been considered in other regulations or laws, we included in the Law of advertising"

“Hoy existe una ley de publicidad que esta ya preparada, en manos de la presidencia de la Republica, en la cual trabajaron tanto los medios como la liga de agencias y es muy completa en cuanto a que cubre todo lo que tiene que ver con la comunicación y establecer ciertas limitaciones”.

"Today there is a law of advertising that is already prepared, in the hands of the President, in which both the media and the League of agencies worked and is very comprehensive because it covers everything that has to do with communication and establish certain limitations."

Additionally, a couple of practitioners suggested that the international agencies operating in the Dominican Republic were worried about possible corruption among lawmakers who have indefinitely delayed making this Act a reality. Also, they suggested this law might never be approved because it speaks of government transparency, which conflicts with the interests of political parties and elected legislators:

“Lo que si te puedo decir que la ley general de publicidad no existe. La hemos presentado hace varios años al congreso, pero esta congelada.....parecería que no les interesa, pues por más intentos que hacemos no hay manera de oficializarla. ¿Como puede ser que una industria que maneja publicidad por miles de millones de pesos no tenga una ley general de publicidad aprobada? Yo te puedo decir porque.....aunque no

se si me interesa que quede grabado..... La ley como lo que trata es de transparentar y al gobierno no le interesa transparentar sus campañas ni su publicidad, porque nosotros proponemos, entre otras cosas, que cualquier campaña del gobierno se ponga a licitación transparente y no sea ni un negocio, ni un mal gasto para hacer.....y al gobierno no le interesa, pues como tu sabrás son miles de millones que se mal gastan en publicidad y que hay unas comisiones, que con eso se compran medios y periodistas....”

"What I can tell you is that there is no general law of advertising. We submitted it to Congress several years ago, but it iced up..... It would seem that it is not interesting to the lawmakers, because there is no way to formalize it regardless of the many attempts we have made. How can it be that an industry that handles advertising for billions of pesos does not have a general law on advertising approved? I can tell you why...although I am not sure whether I want you to record it.... The Law is trying to make things transparent and the government is not interested in making their campaigns or advertising transparent, because we are proposing, among other things, that any government campaign becomes a transparent tendering and not mere commerce, or a waste of resources..... and the government is not interested, because as you know they spend billions on advertising that generate some commissions used to buy media, and journalists...."

“Aquí hay monopolios.....que son poderes grandes, con los que no se puede relajar. Y todo eso sigue como chivo sin ley..... Dime tu, a quien con poder económico le interesa que haya una ley, una regulación de la publicidad. Al contrario, a los poderes les interesa que eso siga igual., como chivo sin ley. Un legislador que está acostumbrado a que esos canales le regalen cuñas o que las estaciones de radio se las pongan a mitad de precio, se va a poner en contra de ellos que son los que lo apoyan para ser re-elegido...y yo sé que las agencias internacionales están preocupadas por eso”.

"There are monopolies here.....powerful companies; you cannot pull their legs. And everything remains uncontrolled..... You tell me which economic power is interested in the law, in advertising regulation. On the contrary, they want everything to remain the same; that is lawless. A legislator, who is used to radio stations giving him free or half-price ads, is not going to go against them, who support him to be re-elected.....and I know that international agencies are worried about that".

Children and Advertising Regulation

While several practitioners interviewed were confident about the effectiveness of LIDAP code of ethics guidelines concerning children, some others revealed apprehension regarding the regulatory system provisions regarding persuasive messages targeted at kids and teens. When

interviewees were asked their opinion about regulation of advertising aimed at children the answers went in many different directions. Responses varied from ignorance in one end to tighter regulation on the other end. One participant considered that everything is in order and there are no difficulties in that respect:

“Si hay regulación de la publicidad dirigida a los niños.....hay artículos que protegen los niños en el Código de LIDAP. Yo creo que nosotros no tenemos ningún problema, con el uso de niños”.

"There is regulation of advertising aimed at kids..... The code of LIDAP has articles dealing with children protection. I believe that we do not have any problem with the use of children".

Another respondent confirmed the existence of self-regulation and noted that she is unaware if there is any regulation on the Government side: *“En el código de ética se incluye regulación sobre publicidad dirigida a niños, pero hasta donde sé, de parte del estado no hay ninguna regulación”* ("Regulation of advertising aimed at children is included in the code of ethics, but as far as I know, on the part of the State there is no regulation"). On the other extreme, one participant commented: *“Sobre la regulación de la publicidad dirigida a los niños.....nada.....nada”* ("Regarding the regulation of advertising aimed at kids..... nothing nothing").

Generally speaking, it is interesting to note that, for the most part, practitioners have too many different views in terms of the regulatory environment regarding children and advertising. Their observations are too widespread. The following quotations corroborate this idea:

“De la regulación sobre publicidad dirigida a los niños no se. En honor a la verdad, si hay algún tipo de regulación, la desconozco. Por qué? Porque no es posible que a marcas que hayan intoxicado niños les permitan continuar anunciándose en programas de televisión que son dirigidos a niños y a las madres”.

"About children's advertising regulation I don't know. Honestly, if there is some kind of regulation, I am not aware of it. Why? Because it is not possible that brands that have

poisoned children are still allowed to broadcast television ads in shows aimed at children and their mothers.

“No sabría que decir...No existe mucha publicidad orientada a los niños, pero nunca he visto el caso en la que haya tenido que intervenir alguna institución en defensa de la niñez”.

"I would not know what to say... There is not much advertising aimed at children, but I have never seen the case in which any institution has had to intervene in defense of childhood."

“CONANI tiene que ver con lo del no uso del biberón, por asunto de la lactancia materna. Y en asuntos de Salud Pública, aquellas agencias que trabajan con medicinas sabrán cuales son las leyes que hay ahí”.

"CONANI has to do with the non-use of the bottle because of the breastfeeding issue. And on matters of Public Health, those agencies who work with medicines will know the laws that are ruling them".

“La publicidad dirigida a niños, está vinculado directamente con CONANI porque tiene que ver con lo de la lactancia materna”.

"Advertising directed to children, is under the supervision of CONANI because it has to do with breastfeeding".

“Debería haber regulaciones más fuertes....En muchas ocasiones los clientes y las publicitarias se pasan y no hay nadie que llame la atención.....ningún organismo formal. La publicidad de los niños tiene que estar muy regulada y muy severamente manejada porque puede hacer mucho daño..... En los mismos códigos de publicidad la regulación para los niños es bastante fuerte....el de aquí es bastante bien para los niños.....pero en lo gubernamental no hay un estamento...Tu sabes que son muy permisibles”.

"There should be stronger regulations.... Frequently clients and the advertising agencies commit excesses and no one says anything.... no government agency. Children's advertising has to be strictly regulated and severely handled because you can do much harm.... In the codes of advertising, regulation for children is quite strong.... ours is pretty good for the children..... but within the Government there is nothing... You know that they are very permissive".

“Este renglón está regulado por el Tribunal de Niños y Niñas Adolescentes y este sí funciona. En este sentido si vemos que hay un ente regulador en la publicidad”.

"This issue is regulated by the children and adolescents' Court and this is one that works. In this sense we see there is a regulating entity in advertising."

Tobacco and alcohol advertising regulation

Another issue the respondents commented about was the regulation of tobacco and alcohol advertising. Some participants were not sure whether it was government ruled or if manufacturing companies have come to an agreement to voluntarily self-regulate their persuasive communication actions related to broadcasting their ads on TV, using billboards, buying space in print media, or consuming the products in the ads:

“Con el alcohol si existe cierta regulación en cuanto a los horarios y también con el tema del contenido de los programas de televisión que no sean de niños.....pero no sé quien se ocupa de hacerla cumplir, ni cuáles son las sanciones...”

"With the alcohol there is some regulation in regards to schedules and linked to the theme of the content of television programs that are not aimed at children..... but I do not know who deals with its enforcement, nor what the sanctions are ..."

“En cuanto a la hora del día para los comerciales sé que desde hace unos años ya tiene que ser por la noche nada más y desde hace algunos años no se permite fumar directamente o tomar de una botella, pero vuelvo y te digo que no conozco si hay una regulación del estado”.

"As of the time of the day to broadcast commercials, I know that for a few years now, it must be at night time only. And for some years smoking or drinking from a bottle has been forbidden, but I insist I do not know if there is a regulation from the State".

One practitioner specifically pointed out that whether self-regulated or government enforced, it is hard to find a commercial for these products in the Dominican media. Companies have shifted their communication efforts and are using other elements of integrated brand promotion:

“Hay una alta regulación de esas empresas de hacer publicidad a altas horas de la noche. De hecho, las cigarrilleras han sacado prácticamente todos sus comerciales de la televisión. Yo diría que el 98% no tiene comerciales en TV. Más bien se han concentrado en patrocinar eventos y concursos. Hay un movimiento hacia eso y creo que esta pasando en el mundo entero.de hecho en las cajetillas lo dicen....dañino para la salud.... y en los comerciales de periódico o revista abajo también tienen la coletilla de la Ley 42-01. Hay un movimiento fuerte en términos de restringir la comunicación de cigarrillos y de bebidas alcohólicas”.

"There is a strict regulation of these companies to advertise at the wee hours of the night. In fact, cigarette manufacturers have taken off the air virtually all their television commercials. I would say 98% don't have TV ads. Rather they focus on sponsoring events and contests. There is a movement towards that and I think that it is happening worldwide. in fact in cigarette packages you can read.... harmful to health..... and newspaper or magazine ads also have the law 42-01 tagline below. There is a strong movement in terms of restricting the communication of cigarettes and alcoholic beverages."

Other practitioners perceived that the regulatory environment for these types of products is dictated by the standards set by international brands and the regulations they observe worldwide and they have decided to self-regulate rather than let the government do so. The following quotations complement this notion:

“La regulación que se aplica en este país es debido a la regulación internacional. No es una regulación creada por estamentos oficiales del país.... es establecida por las mismas empresas de cigarrillo y alcohol del país, regidas por la influencia internacional”.

"The regulation which applies in this country is due to international regulations. It isn't a regulation created by official bodies of the country..... it is established by the cigarette and alcohol companies in the country, guided by the international influence".

“..... hay mucho de auto-regulación. Tú sabes que también las marcas internacionales han sido reguladas a nivel internacional.....ahí esta Marlboro, que ya está retirado de tantas cosas.....”

"... There is a lot of self-regulation. But also the international brands have been regulated internationally A case in point is Marlboro, which is no longer present in so many things....."

“Pero también hay otra cosa, la colocación de publicidad de bebidas alcohólicas..... las empresas han decidido motus proprio no colocar publicidad a determinadas horas en que están los niños, pero no porque se lo prohíbe nadie, porque no hay ley ni regulación”.

"But there is something else, the placement of advertising of alcoholic beverages.... companies have decided on their own not to place advertising at times when there are children in front of the TV, but not because anyone prohibits it, because there is no law or regulation".

“No conozco mucho el tema del alcohol, pero si el del cigarrillo, porque he tenido más acercamiento. Los cigarrilleros realmente se cuidan mucho y hay una auto-regulación muy estricta de parte de ellos. Lo más relevante de lo que ellos han logrado hacer es.....antes de que me vayan a regular, yo me regulo y me restrinjo”.

"I do not know much about the subject of alcohol, but I know the cigarette's case, because I have been closer. Cigarette manufacturers are very careful and have imposed themselves a strict self-regulation. The most relevant aspect they have done is this... before the government tries to control me, I will self-regulate and limit myself".

Digital advertising regulation

In recent years the Internet has served as an alternative, relatively inexpensive medium for small, mid-size and large companies to reach out to the newer generations of consumers. The Dominican Republic is not an exception to this global trend. In fact, one interviewee voiced his concern regarding the changes in media patterns in the country:

“En los últimos estudios que se han hecho, los muchachos de menos de 25 años no ven televisión, no ven periódicos, no leen revistas.....se nutren del Internet....claro los que lo tienen. Pero, te sorprenderá saber que el 50% de los hogares ya tienen acceso directo a Internet, o a través de los cibercafés, o en las oficinas. Internet tiene una altísima penetración.....hay alrededor de 4 millones de personas que tienen acceso a Internet, según los números de INDOTEL”.

"Recent studies show that the population under 25 years old don't watch TV, do not read newspapers, do not read magazines.....they get their info from the Internet.... those who have access to it, of course. But you will be surprised to know that 50% of households now have direct access to the Internet, or via cyber cafes, or at work. The

Internet penetration is very highAround 4 million people have access to the Internet, according to INDOTEL".

In that respect, respondents were asked about the state of regulation of digital advertising and the consensus was that this aspect has not yet been considered by the government and that the industry has not watched it closely, because of its relatively little engagement with it, despite the growth that Internet has experienced in the country. What follows are some of the responses to the question of whether there is any State or industry regulation aimed at digital advertising in the Dominican Republic:

"No creo".

"I don't think so".

"No, no está siendo controlada".

"No, it is not being controlled".

"Yo asumo que no está regulada".

"I assume it is not regulated".

"Pero no controlan lo tradicional....."

"But they do not control the traditional....."

"No.....absolutamente ninguna. Ahí se dice de todo.....lo que a ti te dé la gana".

"No.....there is absolutely none. There you can say anything whatever you want".

"No la hay todavía..... eso es un aspecto que debo preguntar en LIDAP si dentro de la ley de publicidad no nos saltamos ese punto".

"There isn't any yet..... that is an aspect that I must ask in LIDAP, if we did not skip that point in the Law of advertising".

"La publicidad vía los portales ha avanzado bastante y se está utilizando, pero cual regulación.....aquí no hay regulación para nada....."

"Advertising via the portals has advanced quite a lot and it's being used, but it is not regulated..... here there is no regulation for anything..."

“No hay ninguna.....con Internet no.....todavía este no es el gran medio dominicano, a pesar de que suena mucho, pero no está.....su penetración debe estar por el 20%.....porque ahora es que está empezando. Todavía no es tan efectivo para campañas. Claro, las redes sociales funcionan mucho, pero como resultado publicitario no es tanto como la gente esperaba.....aumentara y funcionara mejor, pero no he visto ninguna regulación aquí”.

"There is none... not for the Internet. Not that I know.... this is not the great Dominican medium yet, despite the fact that people talk a lot about it..... its penetration should be around 20%.....because it is just starting. It is not as effective for campaigns. There is a lot happening with social media, but advertising results are not so much what people expected..... It will grow and would work better, but I have not seen any regulation".

Theme 4. Advertising and marketing professionals in the Dominican Republic receive formal education and training regarding ethics and rely more on workplace rules and practices as well as formal and informal networks.

It was mentioned at the beginning of this chapter that participants in this study have different educational backgrounds and thus present the potential for a diverse exposure to ethics and ethical standards of practice. Throughout the interviews this researcher was able to do a subtle query concerning how much education and training in moral values the participants formally or informally received. The responses fluctuated from never had any training to not enough for the position held.

Regardless of the time in the business or the position held in the industry, practitioners had coincident notions about ethics and were able to express it in terms of concepts such as honesty, respect, integrity, discretion, responsibility, transparency and principles. And one participant even preferred a more poetical terminology to define it:

“La ética es como el agua; se adapta a cualquier envase. No tiene una definición estándar, sino que se adapta al momento y a los intereses tanto económicos, sociales, religiosos como políticos”.

"Ethics is like water; it adapts to any container. It does not have a standard definition, but rather adapts to a moment and to economic, social, religious and political interests".

The following table presents a list of the many different terms used by the participants to designate ethics:

Table 4.2. Words and expressions participants used to define the notion of ethics in an organization

<i>Auto-crítica</i>	(Self-Critique)	<i>Identificación</i>	(Identification)
<i>Claridad</i>	(Clarity)	<i>Integridad</i>	(Integrity)
<i>Confiabilidad</i>	(Reliability)	<i>Justicia</i>	(Justice)
<i>Confidencialidad</i>	(Confidentiality)	<i>Lealtad</i>	(Loyalty)
<i>Compromiso</i>	(Commitment)	<i>Organización</i>	(Organization)
<i>Conocimiento</i>	(Knowledge)	<i>Principios</i>	(Principles)
<i>Consideración</i>	(Consideration)	<i>Prudencia</i>	(Prudence)
<i>Credibilidad</i>	(Credibility)	<i>Pulcritud</i>	(Neatness)
<i>Cultura empresarial</i>	(Corporate culture)	<i>Rectitud</i>	(Integrity)
<i>Cumplir la ley</i>	(Respect the law)	<i>Respeto</i>	(Respect)
<i>Cumplir deberes</i>	(Perform duties)	<i>Responsabilidad</i>	(Responsibility)
<i>Disciplina</i>	(Discipline)	<i>Seguridad</i>	(Security)
<i>Discreción</i>	(Discretion)	<i>Seriedad</i>	(Seriousness)
<i>Franqueza</i>	(Openness)	<i>Transparencia</i>	(Transparency)
<i>Hacer lo correcto</i>	(Doing the right thing)	<i>Valentía</i>	(Courage)
<i>Honestidad</i>	(Honesty)	<i>Veracidad</i>	(Truthfulness)

During the interactions with the practitioners their knowledge of ethics became part of the interviews. Participants expressed their sentiments regarding the training they had been exposed to in their professional careers, and when asked whether they had taken any subject related to ethical and moral standards as part of their program of studies, several respondents coincided in having received formal instruction in ethics in the course of their years in higher education:

“Existe en el programa de la carrera una materia sobre la ética que va forjando las bases y complementando una formación basada en valores”.

"The career program includes a course on ethics which is forging the foundations and complementing a values-based training".

“Sobre preparación en ética profesional, solo recuerdo una materia que cursé en mis estudios de licenciatura, la cual se llamaba precisamente ‘Ética Profesional’. Recuerdo haber visto conceptos básicos, y consejos sobre que hacer o no hacer al laborar en la empresa.....”

"About morals and professional conduct, I only remember a subject that I took as an undergraduate, which was called 'Professional ethics'. I remember studying basic ethics concepts and tips on what to do or not do to while working for a company....."

“Se imparte la materia de ética profesional desde un punto de vista general, no específico según la carrera, ya que asisten grupos de todas las carreras”.

"Professional ethics is taught from a general perspective, not from a specific point of view related to the career, because is a course for all the professions".

One of the informants said she even took two courses in ethics, but reflected on the need of other morality issues to be successful in the corporate world:

“Ética en los negocios y ética profesional, fueron asignaturas a las que me vi expuesta. Aunque esto no es suficiente para tener una práctica profesional ética, ya que los valores humanos, familiares son determinantes para una implementación exitosa”.

"Ethics in business and professional ethics were subjects I was exposed to. However, that is not enough to have an ethical professional practice, because human and family values are the crucial ones for a successful implementation."

Another respondent felt that higher education institutions should implement a chapter dealing with ethics in every class. He noted, "*En cada asignatura que tomamos en la universidad, debiera incluirse un capítulo obligatoria sobre la ética y su aplicación relacionada con esta misma asignatura*" ("In every course we take at the University, a mandatory chapter on ethics and the practical application related to the subject should be included"). In addition, a different participant said that his interest in doing things right was the motivation for improving his ethical knowledge, while another participant was thankful to his workplace for the ethical and socially responsible behavior he exhibits. These two excerpts help substantiate their impressions:

"La busqué yo de manera individual participando por mi propia cuenta en talleres y seminarios sobre ética profesional".

"I looked for it individually at my own expense participating in workshops and seminars about professional ethics".

"Laboro para una empresa con altos niveles de ética y responsabilidad social. Es parte de la cultura empresarial transmitir esos valores a sus empleados y relacionados directos, por lo que no estoy exento a los alcances de la capacitación sobre ética".

"I work for a company with high standards of ethics and social responsibility. It is part of the corporate culture to convey these values to their employees and business partners, which is why I am not exempt to the scope of the training on ethics".

Ethics in business

Two aspects of professional ethics emerged from the interviews: ethics in business and ethics in advertising. Participants touched upon these topics while answering questions about the industry of persuasive communications in the island nation-state. Regarding business practices and the ethics of business owners, participants had dissimilar opinions. There were some who

believed that ethics have become an important aspect of the business environment in the past 5-10 years:

“La ética tiene mayor atención ahora que hace muchos años y la seguirá teniendo, conforme se sigan abriendo las fronteras comerciales, de manera que se esté hablando de una ética global”.

"Ethics has greater attention now than many years ago and will continue to have it, as far as commercial borders continue to be opened, to a point where we will be talking of global ethics."

“La competencia ha provocado que un gran número empresas se olviden de la aplicación de políticas éticas en su proceder cotidiano, aunque estas ofrezcan, con contadas excepciones, capacitación a su personal en ese sentido”.

"Competition has led a large numbers companies to forget the implementation of ethical policies in their everyday behavior, although, with few exceptions, they train their staff in this regard".

“El considerar lo que es ético o no, depende en parte de los tiempos que vivimos y nuestras costumbres. Hay empresas que solo tratan de ir reconociendo los cambios en su mercado o entorno, y se van ajustando al mismo.....”

"To determine what is ethical or not, depends in part on the times we live in and our traditions. Some companies only try to recognize changes in their market or environment, and adjust to them.....”

However, there were some practitioners who had a much different perspective and openly expressed their criticism to the way irresponsible and unethical behavior has permeated business.

One participant voiced: *“Son pocas las empresas que tienen la ética en consideración. Porque existe la competencia desleal, robo de ideas, copias de productos”* ("Very few companies take ethics into consideration. There is unfair competition, theft of ideas, copies of products"). Other respondents perceived that ethical behavior is a thing from the past and that government actions had led companies to behave unethically, but also expressed that in the end, each company/institution is responsible for its actions. The following comments help support the theme:

“Entiendo que no hay mayor atención a la ética que antes y se mantiene apegada a normas legales mas que al valor que deben modelarlas”.

"I understand that there is no greater attention to ethics than before and it is still attached to legal norms rather than to the value that should be modeling them".

“Creo que eso dependerá de la empresa u organización. Empresas muy organizadas, e incluso reconocidas a nivel internacional por su desempeño y responsabilidad en todos los sentidos, mantienen una relación de respeto, consideración, principios, etc., con todo su entorno., no creo que hoy en día haya más o menos atención hacia la ética. Más bien creo que el número total de empresas y productos ha crecido. Además, creo que la ética tiene algo de relación con la moda y la cultura”.

"I think that will depend on the company or organization. Highly organized, and even firms renowned internationally for their performance and accountability in all the senses, maintain a relationship of respect, consideration, principles, etc., with their surroundings..... I don't think there is more or less attention to ethics today. I rather think that the total number of companies and products has grown. Besides, I think that ethics has some relationship with fashion and culture.

“Hoy día se ha perdido el sentido de la ética y en la mayoría de los casos se actúa por el beneficio, dejando a un lado este valor”.

"Today ethical behavior is lost and in the majority of cases people act for their own benefit, leaving aside the ethical value."

“La ética no es un asunto nada más de los gobiernos. Las empresas privadas están plagadas de problemas éticos, lo que les resta valor moral para enfrentar a los gobiernos”.

"Ethics is not just a matter for government. Private companies are peppered with ethical problems, which subtracts them moral courage to confront governments."

Ethics in advertising

While reflecting on ethical behavior, respondents included the terms persuasion and deception as part of their discourse to analyze how advertisers use persuasive communication campaigns to reach out to consumers. Comments such as *“El objetivo neto de la publicidad es persuadir a la compra”* ("The net goal of advertising is to persuade consumers to purchase"),

“Uno de los objetivos de la publicidad es precisamente persuadir a la compra” ("One of the

objectives of advertising is precisely to persuade to buy") were recurrent during the interviews. And several participants recognized that the fact that ads try to sell products does not preclude the message to be ethical: "*El hecho que la intención sea vender, no quiere decir que la publicidad carece de un componente ético*" ("The fact that the intention is to sell, doesn't mean that advertising doesn't have an ethical component"). Also, respondents perceived that persuasion is a valid method to achieve advertisers goal to sell their products, but that some companies have taken it to extremes, disregarding ethical behavior:

"La esencia de la publicidad es persuadir y comunicar. La forma de llevar el mensaje a los potenciales clientes y los métodos o herramientas utilizados tienen como finalidad cumplir con el objetivo comercial".

"The essence of advertising is to persuade and communicate. The way the message is delivered to potential targets and the methods or tools used are intended to comply with the commercial objective".

"Hay industrias que no hacen comunicación responsable, por ende sin ética, pero así hay otras que si se manejan bajo sus principios de ética".

"There are industries that do not produce responsible communication, therefore without observing ethics, but there are others that operate under ethical principles."

Deception in advertising was perceived to be a problem for the industry, but practitioners observed that consumers and the products are also part of the equation. An advertisement can mislead the target audience to purchase a tangible good. Once the customer uses the product, he or she decides whether to re-purchase it. And sometimes, the deception is not created by the ads, but rather by the product.

More and more consumers are talking about brands and companies know that there is a need for more truthful messages, because otherwise consumers would penalize the company by turning their backs on its brands. Hence, companies cannot lie to try to sell, or promote fake

attributes. Respondents stated that advertisers should not distort reality with their ads and cannot lie about the product attributes.

One more aspect the participants reflected upon was the controlling environment in the industry. Interviewees claimed that the lack of government regulation allows companies to neglect ethics. The following comments substantiate the theme:

“Existen campañas engañosas que atraen a la gente y cuando realizan la compra se le presentan restricciones o variaciones que no fueron aclaradas oportunamente. Sin embargo, está en cada individuo la decisión de elegir inteligentemente lo que le conviene o no”.

"There are misleading campaigns that attract people and when they made the purchase they face restrictions or changes that were not clarified in a timely manner. However, it is each individual's decision to intelligently choose what is convenient or not".

“El problema radica más bien en el diseño de la publicidad o en el producto en si. Uno es responsable de lo que consume; el problema estaría en que haya una distorsión entre lo que te venden en el mensaje, y en lo que realmente te aporta el producto. Muchas veces el problema no es la publicidad, sino el producto. Porque si el producto no agrega valor al cliente, entonces la publicidad se puede percibir como engañosa, y lleva el producto hacia el fracaso”.

"The problem lies rather in the design of advertising or on the product itself. A person is responsible for what he/she consumes; the problem resides in the distortion between what you sell in the message, and what the product really does. Often the problem is not advertising, but the product. Because if the product does not add value to the client, then the advertising can be seen as misleading, and can make the product fail."

“Lo que no puedo es mentir, para vender algo que no tiene los atributos que promociono. La publicidad no debe ser engañosa, y eso el pueblo mismo se encarga de descubrirlo y luego castigarlo como consumidores de bienes y servicios”.

"I cannot lie to sell something that does not have the attributes that I promote. Advertising must not be misleading, because consumers will discover it and then punish the company responsible for such goods and services."

“Entiendo que debe haber control en cuanto a publicidad engañosa, pero las personas deben tener derecho a elegir lo que quieran hacer con su dinero”.

"I understand that there should be control with regard to misleading advertising, but people should have the right to choose what they want to do with their money."

“Es difícil encontrar una empresa que no falte a la ética pues no existe una institución que supervise la publicidad engañosa o fraudulenta”.

"It is difficult not to find a company that lacks ethics since there isn't an institution to monitor fraudulent or misleading advertising".

Theme 5. There is a widespread adherence to universal ethical values such as truth, human dignity and corporate social responsibility among advertising practitioners in the Dominican Republic.

The participants of this study had comparable opinions regarding the observance of universal ethics principles in their professional practice. Respondents indicated that the standards of practice for advertising and mass persuasive communication in the country were guided by truth-telling, respect for the human being and for the environment. Practitioners also implied that these features were encompassed in the Code of Ethics set forth by LIDAP almost 2 decades ago, and had also been included in the Advertising Act that still awaits approval by Congress. Albeit such perceptions, there were some interviewees who had dissimilar impressions concerning the way these universal values were approached by the different agencies and advertisers.

In order to fully appreciate the extent, scope and intensity of the informant's perceptions about the universals, it makes sense to organize their opinions regarding each concept.

Following are their comments on truth, human dignity and corporate social responsibility.

Truth

When interrogated about truth in advertising executions in the Dominican Republic, participants articulated their opinions from different angles, expressing perspectives based on manufacturers' actions and consumer reactions, race, representations, and models used in advertisements.

Respondents voiced their impressions in relation to truth-telling and honesty in the industry but also expressed mixed feelings about how truth can sometimes be expanded by the language utilized in the ads, which in turn could create misleading claims, thus calling for regulation to limit what can be said and how:

“Tu sabes que la publicidad con la verdad es como el chicle.....te permite estirarte un poco.....Se permite cierta flexibilidad.... los publicistas mas allá de ese manejo de la flexibilidad de decir somos el número uno, o somos más que esto, más allá de la flexibilidad lógica de las palabras no”.

"You know that the truth in advertising is like chewing gum..... it lets you stretch a little..... Certain flexibility is allowed advertisers don't go beyond the flexibility of saying we are the number one, or we are better than that, we don't go beyond the flexibility of the words".

“Yo diría que en términos generales hay apego a la verdad. Aquí la gente trata de no engañar a nadie”.

"In general terms, I would say that advertisers are inclined to tell the truth. People here don't try to mislead anyone".

“De que existe verdad, existe....hablarte de porcentajes es un poquito difícil.....pero no es 100%....obviamente que no.....”

"There is truth in advertising.... To talk about percentages is a bit hard....but it is not 100%.... obviously not....."

“Se dice la verdad, lo que no se dice completa o que tan complicado puede ser el proceso para llegar a esa verdad”.

"Truth is told, but is not told completely or how complicated could the process be to reach that truth".

"Hay verdad en algunos casos, pero no es un estándar. Si existiera una ley de regulación publicitaria, no es verdad que a mí me van a decir en un anuncio que tomándote una Malta Morena no necesitas nada mas....."

"There is truth in some cases, but it is not a standard. If there was a law regulating advertising, it is not true anyone will say in an ad that drinking a *Malta Morena* you don't need anything else....."

"Siento que depende de la empresa y del publicista, porque antes en una época en la que estuve más activo, se enfatizaba mucho en la estrategia, pero en decir la verdad. Y hoy en día veo que se dicen cosas en la publicidad que tú dices eso es mentira.....aquí por ejemplo se está utilizando en la publicidad de los productos de belleza.....todos te están ofreciendo como el Shangri-la de la juventud y eso es mentira..... te están manipulando una realidad, porque incluso te usan el concepto natural para hacerte creer que eso es bueno".

"I feel it depends on the company and the advertising practitioner, because some time ago when I was more active, the strategy was emphasized, but also telling the truth. And today I see things that are said in the ads that you say that is lie..... for example it is being used here in the advertising for beauty products..... all brands are offering customers the Shangri-La of the youth and that is a lie..... they are manipulating reality, because they even use the term natural to make you believe that the product is good"

One respondent even looked back as far as to the Dictatorship Era in the nation while trying to explain the ambiguity in telling the truth by Dominican citizens, and also to justify the puffery and misleading messages in the ads:

".....descubrí que el tema de la verdad viene desde la época de Trujillo.... una dictadura de 30 años es una influencia muy grande.....Tu no sabías a quien le estabas diciendo que no si alguien te pedía hacer o decir algo....podía ser un militar del régimen que luego te mandaría a buscar para desaparecerte...por eso los dominicanos aprendieron a decirle que si a todo y a todo el mundo.....yo no te voy a decir la verdad no porque sea malo, sino porque es mejor no decir la verdad.Entonces, eso se refleja directamente en nuestro negocio...se refleja en la ética. No es que quiera decirte una mentira.....es que no te puedo decir la verdad".

"... I discovered that the issue of truth comes from Trujillo's era... a dictatorship that lasted 30 years can be very influential.....You did not know to whom you were saying no if someone asked you to do or say something.... It could have been a military officer working for the regime that would later send troops to look for you and turn you into a missing person...for that reason Dominicans learned how to say yes to everything and to everyone... I will not tell you the truth not because it is bad, but because it is safer not to do so. Then, this is reflected directly in our business..... in our ethics. It is not that I want to tell you a lie.....it is that I cannot tell you the truth".

Consumers, Manufacturers, Retailers

The respondents explained that advertisers have been more cautious when trying to stretch the truth in their ads because, on the one hand, consumers are more alert and less tolerant to the old tricks used by manufacturers and retailers, and on the other hand due to Proconsumidor, one government institution that is very actively defending consumers. In that respect, one participant expressed: *"El consumidor es cada vez más exigente.....y las demandas han hecho que se mejore"* ("The consumer is becoming more demanding..... and the lawsuits have forced the industry to improve").

The digital media and social networks have empowered shoppers. According to the interviewees, now consumers are more vigilant and react faster when advertisers mislead them. Also, they have found an ally in the government that is constantly checking and which has already taken measures to ensure consumer rights. The following excerpts from the interviews substantiate this theme:

"Ya a una tienda no le conviene engañar a su cliente, a su consumidor. Como el consumidor exige, protesta y todo eso, las empresas saben que bajo ese esquema no van a progresar..... Había tiendas grandes que utilizaban trucos, pero yo entiendo que ya no lo están haciendo. Se dará algún caso, pero entiendo que no es la generalidad....."

"There is no use for a store to deceive its client, its consumer. As consumer demands, protest and all that, companies know that using such practice they will not grow.

.....There were large retailers which used some tricks, but I think that they are no longer using them. There might be some isolated cases but I understand that it is not a general practice..... "

“En cuanto al uso de testimoniales no es como en USA, donde si tu usas un modelo en el testimonio, la persona debe usar el producto por ley.....eso en Republica Dominicana no se cumple. Se puede estar diciendo mentiras con esto, pero ya cada vez se está cumpliendo más, porque ya las demandas caben”.

"With regard to the use of testimonials it is not like in USA, where if you use a model in the testimony, the person should use the product by law..... that in the Dominican Republic is not enforced. You may be telling lies, but things are changing rapidly, because of the lawsuits."

“Y todo anunciante serio tiene mucho cuidado en las cosas que dice y como las dice, porque el consumidor cada vez esta mas alerta, mas influenciado por lo que pasa en el mundo gracias al Internet”.

"Every serious advertiser is very careful about the things he or she says and how things are said, because the consumer is more alert, more influenced by what happens in the world thanks to Internet".

“Proconsumidor está muy activo. Ahí está la señora Altagracia Paulino, una persona que quiere hacer muchas cosas..... a quien al principio pensamos que iba a ser enemiga nuestra, pero ha resultado una persona que si estamos haciendo la cosa bien está de nuestro lado.....ella está defendiendo mucho al consumidor en lo que se refiere a que se diga la verdad..... ella trajo a gente de la FTC e hicimos un seminario un seminario juntos, porque ese el foco de la protección, el tema de decir la verdad.....”

"Proconsumidor is very active. The director, Altagracia Paulino, is a person who wants to do many things..... who at the beginning we thought that was going to be our enemy, but has proved to be a person that if we are doing things correctly she is on our side..... She is advocating for consumers when it comes to truth telling..... she brought the FTC people and we worked together at a seminar, because of the focus of the protection, the issue of telling the truth....."

“.....Existe Proconsumidor, una institución gubernamental que como lo dice su nombre, se encarga de velar por los derechos del consumidor y son bien estrictos. He visto casos en los que compañías han publicado precios de ofertas erróneos y se han visto en problemas, teniendo que vender artículos a precios ‘irreales’ por decirlo así o vender artículos en oferta fuera de la fecha establecida.....”

“.....There is Proconsumidor, a government institution that as its name implies, is responsible for ensuring the rights of the consumer and they are very strict. I have seen cases in which companies have published erroneous sale prices and they have been in trouble, having to sell the goods at ‘unrealistic’ prices or to sell items beyond the deadline set for the promotion..... ”

Another practitioner blamed the manufacturer and the government if half-truths or untruths are told in the advertising messages created by Dominican agencies:

“De haber excesos eso viene del fabricante, porque tú sabes que si alguien viene y me dice que mi producto tiene tal o cual propiedades yo no tengo que hacer ni cómo hacer los experimentos para comprobar que eso sea cierto.....yo creo lo que me dice a mí el anunciante.....Y si, hay muchos empresarios que adulteran.....porque este es un país que es muy permisivo”.

"If there are excesses they are on the manufacturer side, because you know that if someone comes and tells me that this product has such properties and I don't have the means to conduct experiments to verify that is true..... I must believe the manufacturer And yes, there are many manufacturers who forge products and or records.....because this is a very permissive country ".

Race and representation

The axis of race and representation were evident in participants’ responses with reference to the extent of truth-telling in ads produced by local and global agencies in the island nation-state. According to one practitioner, *“No hay una representación digna de la raza dominicana”* ("There is not a true representation of the Dominican race").

In terms of race, quite a few respondents recognized there is racism in Dominican advertising and founded their conceptions in historical dictums that have been embedded in the culture for centuries. Also, one practitioner admitted that there has been a negative attitude towards the “other” in the country, and not just in advertising executions, but also in social activities:

“...el racismo ha existido desde siempre en la publicidad dominicana.....porque aquí siempre se excluyo a los prietos de las discotecas..... En mis experiencias el racismo ha sido para todo aquel que no sea blanco. Sea prieto, indio, amarillo o lo que sea.....igual que los gringos”.

"... racism has always existed in Dominican advertising ... because here the *prietos* (*blacks*) were always excluded to from the discotheques... In my experiences racism has been for everything that is not white. *Prieto*, Indian, yellow or whatever.....same as it is for the *gringos*".

Some participants openly admitted the existence of racial discrimination in advertising and pointed at diverse reasons to justify their insights. Others were quite astute in identifying other ways to portray the fact and tried to discredit the scholars who have outstretched the issue. Some even exhibited uneasiness with the word “racism” and called it something else:

“Yo entiendo que el señor Trujillo era racista....y tras 30 años en el poder ese es el resultado”.

"I feel that Mr. Trujillo was racist.... and after 30 years in power that is the result."

“Hay racismo y si no es racismo es exclusividad de quitar o de poner modelos en los comerciales...Algunas instituciones que utilizan el verdadero color dominicano en sus anuncios tienen problemas de vender”.

"There is racism and if it is not racism it is the exclusivity to use or to remove models from commercials...Some institutions that use the true Dominican color in their ads have problems selling".

“Cuando fuimos acusados de racismo fue una época en que se le ocurrió a un sector de esos que les gusta aparecer en la prensa....Se le ocurrió decir que en los anuncios no se ponían negritos y que nosotros éramos todos más negros que blancos”.

"When we were accused of racism it was by a sector of academics who like to have media presence....They came up to say that we do not put *negritos* (blacks) in the ads and that we were all more black than white in the country".

“Yo diría que no hay racismo....me doy a entender.....debe de ser un asunto aspiracional....”

"I would say that there is no racism.... Let me explain myself...it must be aspirational...."

Correspondingly, the advertising and marketing practitioners also discussed issues of representation in their responses with reference to truth in persuasive communication in the country. Three relevant topics surfaced regarding truthfulness in representing the Dominican population: the aspirational, white models in the ads, and the portrayal of blacks. Participants approached these themes from the perspective of the advertising agencies and their clients.

Aspirational/Imaginary

Relative to the aspirational, respondents expressed the preferred use of a foreign, light colored skin person as the Dominican archetype selected for ads, in contrast with the mulatto or black, which are the predominant ethno-racial discourses in the country (San Miguel, 2005). In what seems a justification for such practice, one participant commented: *“Pero que pasa.....una cosa es lo que somos y otra es la aspiración”* ("But what happens.....one thing is what we are and another is our aspiration"). A similar perspective was offered by another respondent: *“Pregúntate ¿por qué los negros se extienden el pelo o por qué quieren ser blancos?”* ("Ask yourself why blacks straighten their hair or why they want to be white?").

One of the elite practitioners interviewed for this study provided a socio-economic, cultural and marketing explanation regarding the negation of the black behind the ears (Candelario, 2007) alluding to the imaginary color coding that Dominicans identify with:

“Eso es la parte de la imaginación de las personas. Este es un país que tiene su pirámide, como todos los países, clase alta, clase media, clase baja, clase media-baja, etc. Hasta ahora, aunque ha ido cambiando, esa estructura siempre ha sido del blanco al menos blanco..... Entonces, el imaginario esta en la cima.....ellos primero quieren ser de esa manera.....y segundo saben que de esa manera se vende más porque la gente tiene ese imaginario.....Pero estamos claros que aunque haya blanco siempre está el negro detrás de la oreja.....y fíjate que este asunto no es tanto por la raza.....es una cosa sociológica, por la cultura..... Eso tiene que ver con historia, con cultura. Y el

imaginario en publicidad todavía sigue siendo muy blanco.....porque es que la gente quiere lo de arriba, lamentablemente.....el imaginario de los de abajo es blanco y por eso las campañas que se han hecho hacia abajo fracasan.....por ejemplo en el caso de Brahma, tienen modelos de color, que son Brasileños y eso aquí no funciona. Pero, en publicidad, cada vez mas aparece gente de color.....aparecen más..... El imaginario dominicano está cambiando porque cambian las clases sociales. Ya la clase media y alta están muy llenas de mulatos.....”

"That's the part of the imagination of the people. This is a country that has its pyramid, like all countries do, high class, middle class, lower class, lower-middle-class, etc. So far, although it has changed, the structure has always gone from white to the less white..... Then, the imaginary is at the top..... first, they want to be that way.....second, they know that in such way they will sell more because people have this imaginary.....But we are clear that although there is white, there is always black behind the ear..... and note that this is not so much a race issue it's a sociological thing, a cultural issue..... This has to do with history, culture. And the imaginary in advertising is still very white.....because people want what's on top, unfortunately.....the imaginary for the ones at the bottom is white and that is why top-down campaigns fail for example in the case of Brahma, they used color models, that are Brazilians, but that doesn't work here. However, in advertising, increasingly more and more you see people of color.....The Dominican imaginary is changing because the social classes are changing. There are plenty of mulattos in the middle and upper class"

A few other respondents also admitted the misconstructions of the population's color and why Dominicans aspire to "look and feel" lighter. Moreover, one of the informants even stressed the discrimination against the Haitian neighbors. The following remarks support the aspirational issue and how it is perceived by the respondents:

“El color afecta muchísimo en la percepción del dominicano.....y el reconocer una persona su color real es difícil.....la gente no se refleja.....y quiere sentirse mas blanca.....por eso el tema del alisado del cabello”.

"The color affects a lot in the perception of the Dominican.....and for a person to recognize its real color is hard.....people do not reflect..... and always want to feel whiter..... therefore the issue of straightened hair".

“Hay un prototipo de dominicano aspiracional que no necesariamente es blanco, rubio, sino el criollo español refinado, que no es el dominicano típico de la calle.....El fenotipo no es anglo-sajón..... ni euro céntrico.... es el tipo de telenovela....”

"There is a prototype of aspirational Dominican which is not necessarily white or blond, but the refined Spanish Creole, which is not the typical Dominican of the streets.....The phenotype is not Anglo or Eurocentric..... is the *telenovela* type...."

“Poner un blanco en un comercial es mas aspiracional que poner un negro.....No le quiero echar la culpa a los clientes, pero realmente los clientes lo piden.....no te sorprendas...lo piden de una manera..... No lo dicen con termino racista, pero te dicen debiéramos ser mas aspiracional....”

"Using a white person in a commercial is more aspirational than using a black..... I don't want to blame the clients, but they really ask for it..... don't be surprised...they have their way for asking..... They don't use racist terms, but rather they say we should be more aspirational...."

“Eso tiene mucho de influencia sobre lo que los dominicanos quieren ser, no de lo que son.....el aspiracional. Y eso tu lo notas de publicistas que son mulatos que buscan gente blanca para muchos comerciales. Y tu te cuestionas, como este tipo esta escogiendo a este tipo o esta tipa, cuando sus características raciales son distintas..... Eso es una influencia que viene de atrás, eso es parte de nuestra formación, lo que uno oía en la escuela, sobre todo esta discriminación que existe contra los haitianos. Todo el mundo la niega, pero es verdad”.

"That has a lot of influence from what Dominicans want to be, not what they are.....the aspirational. And you can experience that with mulatto advertisers who seek white people for many commercials. And you wonder, why is this person choosing these talents, when their racial characteristics are different..... That is an influence that comes from the past, which is part of our training, what one heard in school, especially the discrimination that exists against Haitians. Everybody denies it, but is truth".

White models in the ads

As was commented on previously, the clients get involved in the castings for commercials and given they are the ones who approve the selection of models that will appear in the ads, they can be held responsible for distorting the truth in relation to the Dominican

phenotype and for portraying a fictitious model of beauty. Participants also recognized there has been disapproval for misrepresenting the population. One practitioner commented:

“Ha habido críticas en términos de quien tu escoges como talento para tal y tal comercial....y muchas veces existen patrones internacionales.... en muchas marcas internacionales que obligan a utilizar, por ejemplo, personas blancas.....sin que sea un país de gente blanca. Este es un país en que la población blanca quizás llegue a un 10%, blanco, blanco.....quizás un 15%..... Ese número no es representativo de la mayoría de los dominicanos, que es un país mulato principalmente....”

"There has been criticism in terms of whom you choose as talent for such and such a commercial... and many times there are international standards.....many international brands that force you to use, for example, white peopleeven though the majority of the people in the country are not white. This is a country where the white population perhaps reaches a 10% purely whitemaybe 15%.....That number is not representative of the majority of the Dominicans; this is basically a mulatto country"

Another respondent admitted that using Anglo archetypes is problematic because the truth is been distorted with unrealistic representations of the Dominican population:

“Comenzamos a utilizar modelos-talentos que no tienen nada que ver con la mayoría del género dominicano. Aquí utilizamos gente europea, con rasgos europeos..... El uso de blancos no ocurre el 100% de las veces, pero ocurre mayoritariamente y eso es una falta a la verdad, y trae problemas porque estás presentando un aspiracional que no es real”.

"We started using models-talents that have nothing to do with the majority of the Dominican population. Here we use people with European features The use of white does not happen 100% of the times, but occurs frequently and that's a failure to tell the truth, and it creates problems because we are portraying an aspiration that is not real."

And a large majority of the participants emphasized that the Eurocentric appeal and the repetitive use of white people in advertisements is the result a combination of factors such as the aspirational, beauty stereotypes and advertisers' preferences. The following quotations support this notion:

“El uso de modelos blancos en los anuncios los sugiere tanto la agencia como el cliente. Y el cliente negro muchas veces me ha dicho quítame ese, que ese no vende, refiriéndose a un moreno....”

"The use of white models in advertisements is suggested by both the agency and the client. And the black client many times has told me to remove that one, that doesn't sell, referring to a black person...."

“Y en la publicidad siempre usamos blancos, porque es el modelo de belleza que todo el mundo busca.....”

"And in advertising we always use white, because it is the model of beauty that everyone is looking for....."

“Esto varía de acuerdo al anunciante, pero yo entiendo que hay un poquito de racismo por situaciones específicas que he vivido. Generalmente en la publicidad dominicana no hay un ‘morenito’ como talento principal de un arte o un spot de TV. Más bien utilizarían a un ‘indiecito’ o lo que llamamos ‘blanco’ aquí como talento principal”.

"This varies according to the advertiser, but I understand that there is a bit of racism because of specific situations that I have experienced. Generally speaking in Dominican advertising there is not a 'morenito' as the main talent in a print ad or a TV spot. More likely, the main talent would be an 'indiecito' (lighter skin person), which we consider to be 'white' ".

Blacks appearing in ads

The pervasive use of light skin people in ads prompted the portrayal of a racial mix in Dominican advertising. When questioned about the presence of blacks in commercials, the responses ranged from “none” to “it is improving”. One participant made racial discrimination and failure to present a truthful reality evident when he said: *“Todavía quedan instituciones que no ponen un negro en sus anuncios...o sea son muy racistas.....”* ("There are still institutions that do not use a black in their advertisements...which implies they are very racist....."). Another participant noted that the reason for avoiding a more realistic representation in the ads is grounded in the consumers' aspiration. She claimed that if a black person were used in a commercial, it would be rejected by the target audience, even when they share the same race:

“Aunque tú seas negro, tu no te identificas con un negro que te pongan en un comercial de televisión. Te identificas con una muchacha bonita con el pelo lacio.....El negro no se identifica con sus semejantes.....es un asunto aspiracional”.

"Even if you are black, you do not you identify yourself with a black in a television commercial. You identify yourself with a pretty girl with straight hair Black does not identify with its akin..... it is an aspirational issue".

To add to this misfortune was the fact that in order to approve mass mediated persuasive communication campaigns advertisers request their account executives and/or creative departments to avoid the use of blacks in the foreground of the ads for their brands. Agencies seem to have accepted such a mandate and have interpreted it as not using people of color of Dominican origin. Nonetheless, the outlook is changing gradually and the overseas stereotypes are not used so frequently. The following are observations from practitioners to illuminate this perspective:

“Y yo me acuerdo que en la publicidad que yo hacía de Presidente (Cerveza), yo le decía a Damaris, quiero poner negras en el comercial y me dijo que si, pero mando a buscar las modelos en Venezuela, Puerto Rico y Brasil.....mujeres negras preciosas”.

"And I remember when working on an ad for President (beer), I told Damaris, I want to have black women in the commercial and she said Yes, but hired the models from Venezuela, Puerto Rico and Brazil..... beautiful black women".

“Cuando una campaña tiene varias versiones, el cliente te dice.....ponme dos ‘negritos’ dominicanos en un plano decorativo..... en el fondopero jamás el protagonista”.

"When a campaign has several versions, the client will tell you.....include two Dominican 'negritos' in a decorative role..... in the background.....but never in the leading role".

“Siendo este un pueblo de grandes mezclas raciales todavía esto no se refleja en la publicidad, aunque esto ha tenido un ligero cambio, pues hoy día podemos ver en los comerciales más cantidad de razas negra y mestiza”.

"This being a nation of great racial mixtures, still this is not reflected in advertising, although there has been a slight change, because today we can see more black and mestizo races in the commercials ".

“Tengo que usar modelos blancos en los anuncios.....porque si no, no me lo autoriza el cliente y cuando tu pones el fenotipo dominicano, tu lo estas poniendo estratégicamente”.

"I have to use white models in ads... because if I don't, the client does not approve it and when you use talent with the Dominican phenotype, you do it strategically".

“Mucha de la publicidad dominicana está compuesta por estereotipos extranjeros que no reflejan la realidad del dominicano y hacen en cierta manera que la publicidad sea fría porque no hay una identidad definida”.

"Much of Dominican advertising consists of foreign stereotypes that do not reflect the reality of the Dominican people, which in a certain way makes advertising cold because there is no defined identity".

Human Dignity

Several respondents commented that even though in the past advertisers did not have a high opinion about consumers, and disrespected them openly, most recently that scenario have started to change. However, practitioners expressed that there are companies that still do not comply with the Vatican pronouncement concerning human dignity in developing countries and some verbal and visual abuses are evident in advertisements targeted at Dominican buyers. One participant exemplified this notion when commented *“Aquí hay empresas que ciertamente se exceden.....por ejemplo con utilizar en un comercial un yate como regalo, aludiendo a que se puede comprar fácilmente..... pero realmente, ¿cuántos pueden comprarlo?..... A menos que estemos hablando de un ‘narco-aspiracional’....”* ("There are companies that certainly cross the line..... for example to use a yacht as a gift in a commercial, suggesting it can be bought easily...but how many people can really buy it?.... Unless we are talking about ' narco-aspirational '....").

The observations conveyed by the interviewees in relation to human dignity in advertising and persuasive mass mediated communication in the Dominican Republic came from

3 foci: representation of women in ads, male dominated society and the promotion of controversial products.

Women as objects

Participants had different opinions regarding the way women, in general, are depicted in advertisements and how this portrayal is tied to their human dignity. The responses concerning women in advertising and sales promotions and about the way they are represented in ads exposed discrepancies among the practitioners in relation to objectifying the female body. One participant expressed in this way: *“Las mujeres como objetos en publicidad es casi un clásico y viene desde los orígenes de la publicidad. La mujer como símbolo sexual de atracción visual para el hombre es un asunto que no se acaba y que sigue creciendo.....eso no se acaba”* ("Women as objects in advertising are almost a classic and that goes back to advertising origins. A woman as sex symbol of visual attraction for the man is a never ending matter which continues to grow... that does not end"). Furthermore, another respondent stated that women were also used to attract the attention of other women:

“La mujer es un ser bello, como una flor. ¿Por qué no la puedo utilizar para llamar la atención de un comprador hombre? Pero también a las mujeres se usan para llamar la atención de ellas mismas. Tiendas que venden productos de belleza, trajes de baños o ropa interior como Victoria Secret usa bellas mujeres para motivar la compra de sus producto”.

"The woman, like a flower, is a beautiful being. Why can't I use her to draw the attention of a male buyer? But also women are used to draw attention of other women. Stores that sell beauty products, bathing suits or underwear, like Victoria Secret, use beautiful women to stimulate the purchase of their products".

Several interviewees voiced their perceptions concerning exploitation of the feminine body to try to sell different brands and even implied that there are certain product categories

which bank on the female presence, wearing as little clothes as possible. In the eye of the respondents, such perspective is typical in Dominican advertising, and has become a common practice which already is part of the popular culture. And that has been extrapolated to the streets through the use of provocative pants to simply draw the attention on their bodies without the guilt of exploitation.

The use of well fit, nice looking women wearing skimpy suits for beer or alcoholic beverages commercials has brought about criticism from feminist and human right groups, but advertisers still rely on the practice to promote their brands. And observations from the practitioners were divided as to whether these actions can be considered commodification of women for advertising purposes. The following excerpts from the interviews support the theme:

“No creo que haya alguna manera de evitar el uso excesivo de mujeres en publicidad. Se hace y punto. Siempre y cuando no salgan desnudas, no es inmoral.....se han utilizado a las mujeres como objetos. Y esto es cada vez una práctica mas utilizada, principalmente en la promoción de ventas”.

"I do not think that there is a way to avoid the excessive use of women in advertising. It is done regularly. As long as they are not portrayed naked, it should not be a moral problem.... Women have been used as objects..... And this is becoming a common practice, mainly in sales promotion."

“No es que las mujeres están explotadas.....eso sucede en la calle también. Tu sabes esos pantalones que se ponen las mujeres para llamar la atención.....eso es parte de la cultura. Y eso no quiere decir que lo que tú puedas mejorar no lo hagas, pero no es prohibiendo..... No es regular, no es prohibir....es incentivar a hacer las cosas bien....”.

“It is not that women are exploited..... that happens on the street also. You know those pants that women put on to call attention.....that is part of the culture. And that doesn't mean that you don't improve what you can, but it is not prohibiting..... It is not regulating, it's not banning.... is encouraging to do things well... ”.

“...la critica es que por qué utilizan tantas mujeres en trajes de baño en los comerciales. Los mismos grupos feministas aquí critican muchísimo eso, sobre todo los

mas radicales y viven constantemente en contra de eso..... Como publicista te digo hay productos que se asocian con eso.....Pero, hay empresas que están tratando de no hacerlo o hacerlo cada vez menos.....eliminar eso por completo va a tomar mucho tiempo..... Pero, no hay irrespeto del sexo femenino. Las mujeres que están ahí no fueron obligadas con una ametralladora. Hay un release y un pago.....ellas están ahí porque les da la gana. Si las mujeres aceptan ese tipo de trabajo es porque les gusta, o porque ganan dinero, o porque sencillamente les da cierto renombre..... se está utilizando talento de todas partes y mas hoy día que tu recibes un álbum de modelos de Rusia, por ejemplo. Se ganan US\$ 1,000 o US\$ 600 mas el pasaje..... para ellas venir al trópico es una maravilla.....es mas hasta se quedan por aquí”.

"..... The criticism is about the reason for using so many women in swimwear in the commercials. The local feminist groups criticize that a lot, especially the more radical ones and are constantly doing so.... As an advertising professional I can tell you there are products that are associated with that.....But, there are companies that are trying not to do it or to do it less.... To fully eliminate such practice is going to take a long time..... But there is no disrespect to females. Women used as talents were not forced to do so at gunpoint. There is a release and a payment..... they take the job because they want to. If women accept this kind of work, it is because they like it, or because they earn money, or because it simply gives them certain reputation..... we are using talent from everywhere and now you can even choose from an album of Russian models, for example. They earn \$1,000 or 600 plus the airfare.....for them to come to the Tropic is marvelous..... they even stay in the country".

“Han habido casos de publicidad muy ‘sugestiva’ o en todo caso muy denigrante que han creado cierta controversia o critica, pero por lo general la publicidad dominicana es muy reservada. En el caso de género hablaría por los anuncios en los que aparecen mujeres en trajes de baño. Pero creo que si usted es modelo y la contratan para salir en traje de baño usted debe saber que va a salir medio desnudo en televisión, aunque por lo general no se ven casos de publicidad morbosa o algo por el estilo”.

"There have been cases of very 'suggestive' advertising or in any case very demeaning that has created some controversy or criticism, but Dominican advertising is usually very reserved. In the case of gender I would talk about the ads that featured women in bathing suits. But I think that if you are a model and you are hired to wear a swimwear, you should know that you are going to be half naked on TV, although usually there aren't cases of morbid advertising or something like that".

“En la actualidad con la madurez de las empresas y el escrutinio público el tema discriminatorio tanto de mujeres como de razas ha tenido un enfoque diferente. Hay, mucho más cuidado y respeto para estos temas. Con el poder de las redes sociales, el

mismo público puede incidir en cualquier tema que mal represente los temas de explotación humana”.

"Today with the maturity of companies and public scrutiny, discriminatory issues about women or race has had a different approach. There is much more respect for these aspects. With the power of social networks, the public can have impact on any topic that misrepresents human exploitation".

“Yo percibo que las compañías grandes están siendo cuidadosas con este tema pero eso deja una gran cantidad de clientes ‘pequeños’ o de bajo presupuestos que abusan de una modelo exuberante, que es muy bien aceptada por los hombres de la clase baja”.

"I feel that large companies are being careful with this issue, but that leaves a large number of 'smaller' clients or those with low budgets to abuse a lush model, which is very well accepted by men of the lower classes".

“Es cuestión de convencimiento. Y el convencimiento lo trae la educación. La publicidad para gente inteligente, no necesita de imágenes femeninas provocativas. Ese público objetivo comprende el mensaje, y posiblemente rechace este tipo de publicidad”.

"It is a question of conviction. And conviction comes with education. Advertising for smart people, does not need provocative female images. That target audience understands the message and possibly rejects such kind of advertising."

“Creo que el problema no es que sea mujer, hombre, niño, niña un homosexual o lesbiana, si es negro o asiático, un envejeciente o un animal de cualquier tipo. Para mí el problema es un asunto de traspasar los linderos de la dignidad humana, de lo que es correcto para todos, no importando raza, color, preferencia sexual, religión o denominación política”.

"I think that the problem is not related to a woman, man, child, girl, a homosexual or lesbian, whether black or Asian, an elderly or an animal of any type. For me the problem is a matter of crossing the boundaries of human dignity, of what is right for all, regardless of race, color, sexual preference, religion or political affiliation".

"I don't think there is any way to avoid the excessive use of women in advertising. It is done, period. As long as they are not nude, is not immoral... women have been used as objects. And this is an increasing practice, mainly in sales promotion".

“La discriminación de la mujer se hace notar en todos los ámbitos y dimensiones de nuestra sociedad. En el ámbito de los medios de comunicación, la discriminación también se hace patente sobre todo en la publicidad.....podemos hablar de un tipo de

publicidad que muestra a la mujer en un plano de inferioridad y existe desigualdad respecto al hombre en distintos ámbitos sociales. Es publicidad sexista”.

"The discrimination of women is evident at all levels and dimensions of our society. In media, discrimination is also evident especially in advertising..... we can talk about a type of advertising that shows women as inferior and there is inequality with regard to men in different social areas. It is sexist advertising".

Male Domination

Another sub-theme that emerged when respondents were expressing their thoughts concerning aspects related to human dignity in advertising and the portrayal of women as models was “*machismo*”. According to the interviewees, advertisers are aware that male domination has been imbedded in the culture for decades and they simply “go with the flow” and continue to utilize any instrument they can get their hands on to promote their products and services. The *macho* tradition is retro-fed with sex-appeals, displaying flesh and carnal desires in almost any TV commercial, print ad, or billboard for alcohol related brands. A similar scenario is happening with the advertising for erectile dysfunction products, where the male is presented as a hero and the female in a subservient, pleasing role. These comments from the participants help illuminate the theme:

“La publicidad recurre a todo lo que sea un instrumento que le permita llamar la atención.....así como utiliza animados 3D para llamar la atención de los niños, utiliza la mujer para seguir llamando la atención de los hombres, por la tradición machista que hay arraigada aquí.....”

"Advertising employs whatever tool available to call attention.... the same way it uses 3D animation to draw the attention of children, it uses women to continue drawing the attention of men, banking on the macho tradition that is rooted here....."

“No podemos olvidarnos que nosotros tenemos una sociedad machista....muy machista, a niveles peligrosos, como de que a una mujer se le golpea y se le mata.....La comunicación, lamentablemente, no es quien salva las cosas...la publicidad no debe ser quien cambie los valores... creo que el tema más polémico es el de género en el sentido de que somos machistas y nos encantan las curvas femeninas....si vas a vender cerveza,

que es un producto básicamente para hombres, posiblemente ese sea el camino más rápido y fácil de atraer a ese target”.

"We cannot forget that we are a *machista* society very macho type, to such dangerous levels as to that of a woman being hit and killed.... Communication, unfortunately, is not going to help things....advertising must not be the one which changes values..... I think the most controversial issue is that of gender in the sense that we are *machistas* and we love the feminine curves If you are going to sell beer, which is basically a product for men, that is possibly the fastest and easiest way to attract that target".

“Hay muchos comerciales en la categoría de bebidas alcohólicas donde se realza la parte sensual de la mujer.....y mientras menos ropa tenga, mejor. Eso es parte de lo que se ha venido utilizando apelando al machismo dominicano..... de una forma u otra, tú te tomas ese producto y te estás levantando una hembra como esa. O, toda mujer que toma esa cerveza es tan buena como esa que está en ese comercial”.

"There are many commercials in the category of alcoholic beverages which enhance the sensual appeal of the woman.....and the less clothing, the better. That is part of what has been used to appeal to Dominican *machismo*..... one way or another, you drink that product and you're seducing a female like that. Or any woman who drinks that beer is as sexy as that in the commercial."

Corporate Social Responsibility

In relation to the observance of corporate socially responsible behavior by advertisers in the island nation-state, the interviewees articulated their perception from a diverse set of standpoints, which included understanding the concept of social justice, demonstrating respect for the surrounding communities, commitment with the environment, as well as the bandwagon effect, in terms of incorporating CSR as part of the advertising and marketing communications strategies.

One participant was critical of the way companies have tried to mask their harming of the environment behind stereotypical activities such as recycling, community event sponsorships and other altruistic activities, which are portrayed as social responsible accomplishments, but in reality these actions are very far away from encompassing social justice objectives:

“las fabricas que atentan contra el medio ambiente fueron las primeras que comenzaron a usar las estrategias de responsabilidad social, pero no como estrategias de negocios, sino como regulaciones de negocios.....yo cumplo con las reglas, yo cumplo con la ley.....habían regulaciones sobre el impacto ambiental, del humo, del agua, del no se qué.....Y el entorno que esa gente tenía era un campo, tenía aire puro, la fabrica ahora está echando humo..... entonces lo que entendieron fue que la fabrica tenía que poner filtros y se fueron a lo legal.....y empezaron a decir nosotros ponemos filtros, reciclamos, etc.....eso no es responsabilidad social. Pero eso es lo que la mayoría hace.....que sucede cuando le explicamos que la responsabilidad social tampoco es el altruismo.....yo ayudo a tantas escuelas, tantas iglesias, aquí todos los pastores pueden venir y le damos para que se sostengan, le regalamos su carrito para que no anden a pie.....eso no es responsabilidad social.....que le damos pupitres a todas las escuelas de por aquí.... todas siguen siendo medidas de altruismo. Entonces, ¿cuando es una estrategia de responsabilidad social? Cuando la fabricaen la medida que impacta... minimiza ese impacto y lo entiende y lo hace saber o incluye a sus empleados en actividades relacionadas con el entorno, entonces la empresa puede entender que esta minimizando los riesgos....es una responsabilidad hacerlo así. ¿Qué sucede con las empresas hoy en día? Ya comienzan a entender que toda la gente que vive alrededor debe cuidarse también, pues el agua se la podemos estar contaminando y si vamos a poner plantas de tratamiento, vamos a darle agua tratada, electricidad y esa gente no nos van a ver como algo que se implanto en ese lugar”.

"... .the factories affecting the environment were the first ones that began to use the strategies of social responsibility, not as business strategies, but rather as business regulations..... I comply with the rules, I obey the law..... there were regulations on the environmental impact of smoke, water, and who knows what else.....And the environment that these people had was a field, with clean air, but the factory now is smoking... then owners understood the factory had to put filters to comply with the legal requirements... and they began to say we put filters, we recycle, etc..... that is not social responsibility. But that is what the majority of companies do..... What happens when we explain that social responsibility is not altruism... we helped so many schools, so many churches, all the pastors can come and we will give them a car so that they don't have to walk.... That is not social responsibility... that we give desks to all schools around here.... all those remain acts of altruism. So, when can we speak of a strategy of social responsibility? When the factory..... to the extent that it impacts... minimizes that impact and understands it and talks about it or includes employees in activities related to environmental protection, then the company can understand that is minimizing risks.....is their responsibility to do so. What happens with companies today? They began to understand that people who live within the company's perimeter should take care of themselves too, because we might be contaminating the water they drink and if

we are going to install treatment plants, we will give them purified water, electricity and that people will not see us as something that was planted in their space".

Other interviewees voiced their impressions in relation to the misconception of the term and how it has been embraced and promoted by advertisers. According to the participants of this study, corporate social responsibility has not been fully comprehended by manufacturing plants, retail outlets or the service industry in the nation, and most likely advertisers who have adopted the concept considered "go green" or "green marketing" as CSR. Also, some of those companies who have incorporated social responsibility as part of their advertising strategies have done so because that is a popular global trend that has recently landed in the Dominican Republic:

".....cuando te dicen RSC, no todo el mundo entiende lo que es...lo que entienden es que esa publicidad es..... algo que.....está de moda, que todo el mundo está haciendo y vamos hacerlo, porque nos da 'caché'".

"..... when they say CSR, not everyone understands what it is...they understand that such advertising is something ... fashionable, that everyone is doing and will do the same, because it will give us 'cachet'".

"La responsabilidad social ha tenido un boom enorme pero me parece que es todo una pantalla. A veces las compañías gastan más en el montaje de un evento verde que lo realmente se está haciendo socialmente".

"Social responsibility has had a huge boom but I think that it is a show off instrument. Sometimes companies devote a larger part of their budgets putting together a green event than in the social responsible action itself ".

"Ojalá los anunciantes dedicaran una parte importante de su presupuesto para responsabilidad social. La mayoría de las empresas piensa que responsabilidad social es ser 'green'....y ahora hay otras cosas más importantes en el país donde vivimos que ser 'green'. Pero, no es hacer una campaña.....es hacer inversiones a nivel de educación....de tener moral y cívica, que alguna vez hubo en las escuelas, que uno no lo entendía cuando pequeño, pero ahora se da cuenta para que es...ahí es donde está la responsabilidad social".

"I hope advertisers would assign an important part of their budgets to social responsibility. Most companies think that social responsibility is to be 'green'.... and now there are more important things in the country than being 'green'. But it is not to do a campaign...It is to invest in education.... to have the moral and civic education we, once had in schools when we were little and did not understand, but now we realize its value...There is where social responsibility is".

“En cuanto a la responsabilidad social, hay algunos anunciantes que se enfocan mucho en esos valores, los promueven y basan la mayoría de sus anuncios bajo esos parámetros. Hay otros que pretenden utilizar la responsabilidad social para darle valor a sus marcas y desvirtúan lo que en algún momento fue el objetivo de la comunicación, y también hay otros que lo hacen simplemente por moda”.

"In terms of social responsibility, there are some advertisers that focus a lot on these values, they promote them and create most of their advertisements under those parameters. There are others who intend to use the social responsibility to give value to their brands and distort the purpose of the communication, and there are also others who simply do it to be trendy".

However, some practitioners observed that corporate social responsibility has gradually been on the rise and has become part of the agenda of large companies, which are committed to giving back to society by investing in the community, education, the environment and family oriented values. As one participant expressed it: *“Este si es un tema que ha cambiado mucho en el país. La responsabilidad social en muchas empresas ha tomado mucha importancia. Puede ser por moda, pero muchas empresas dominicanas están dando mucha prioridad al tema y están trabajando enfocados hacia la responsabilidad social, ya sea enfocada a recursos ambientales como sociales”* ("This is a topic that has changed a lot in the country. Social responsibility in many companies has taken on much importance. Perhaps it is a fad, but many Dominican companies are giving high priority to the subject and are focused on working toward social responsibility, focused on environmental or social issues ").

Informants in the study also commented on the effect of globalization regarding the adoption of social responsible policies by companies and the slow rate of implementation of

responsible actions/communications by advertisers. Whereas transnational companies require their subsidiaries in the country to observe their policies for global brands, some practitioners interviewed expressed their disagreement with the lack of focus shown by local companies that have decided to adopt CSR strategies and include them as part of their persuasive communication messages. The following observations help better comprehend these impressions:

“Las empresas que tienen un compromiso con la RSC verdaderamente son como un 10%, y la mayoría son empresas grandes, que tienen gerentes que han sido influidos por la globalización, que fueron formadas en otras empresas de esos niveles. En publicidad, la mayoría de las agencias, las que han entendido la responsabilidad social es publicidad pro-bono, porque te permite generar una reducción de impuestos....y los clientes solo cacarean lo bueno que hemos hecho.....que tenemos el museo, pero no el concepto de responsabilidad social.....si no desarrollamos estrategias que permitan que utilicemos la camiseta, no lo estamos haciendo bien”.

"Companies that have a commitment to CSR truly are like 10%, and most likely they are large companies that have managers that have been influenced by globalization. In advertising, most of the agencies, have understood that social responsibility is pro-bono advertising, because allows them to generate a reduction in taxes and their clients only promote the good things they have done.... That we have the Museum, but not the concept of social responsibility..... If we don't develop strategies to be able to wear the t-shirt, we are not doing it right".

“Yo entiendo que hay marcas que le están haciendo caso. Ahora bien, con la mayoría de los anunciantes pasa lo siguiente: ayudan socialmente y no lo explotan comercialmente esa parte. Y también disgregan... no se van hacia un fin...hacia un tema en particular”.

"I understand that there are brands that are paying attention to it. Now, with the majority of advertisers the following happens: they are helping socially but not taking advantage of it commercially. And also they dilute... there is no meaning...there is no topic in particular".

“.....otra cosa es la interpretación de la responsabilidad social que es un capítulo que tienen.... que ya lo han adoptado muchísimas empresas....por ejemplo tú ves el BHD que tiene una campaña que pretende elevar los valores de unidad familiar, de confianza... muy bonito.... La mayoría de empresas internacionales exigen un capítulo de responsabilidad social.....”

"... another thing is the interpretation of social responsibility which is a chapter that has.... has already been adopted by many businesses.... e.g. you see the BHD Bank which has a campaign that aims to raise the values of family unity, confidence... very nice....The majority of international companies require a chapter on social responsibility...."

Respect for the environment

One subject that surfaced among the respondents, when expressing their perspectives on responsible actions that advertisers have included as part of their corporate image and institutional ads, was that of the commitment to, and respect for the environment. Companies have been criticized for inciting consumers to use products or services which depend on materials that harm the environment, such as plastic bottles and plastic bags. Therefore, manufacturers and retailers have engaged in promoting their commitment to a clean and sustainable environment, which in turn is applauded by consumers who ask for more responsible actions by corporations. Customers are more inclined to favor brands when companies participate in actions for preserving nature. Consequently, using advertising and public relations campaigns to communicate their actions have proved to be positive for companies which potentially could harm the environment:

“Este tema sobre el respeto y la protección hacia el medio ambiente se ha ido convirtiendo en un tema de gran importancia a nivel mundial. Empresas que sus desechos generan un gran impacto al medio ambiente tienen un mayor compromiso con el mismo. Lo primero es identificar la manera en la cual pudieran modificar sus productos directamente para que sean más ligeros en sus efectos al medio ambiente. Si se pueden hacer los cambios, promocionarlo y utilizarlo como herramienta de venta. De no ser posible, crear un presupuesto destinado a actividades que aporten positivamente a la conservación del medio ambiente. Por ejemplo, si usted es una empresa de gaseosas que se empaquen en botellas plásticas, puede hacer una campaña para educar sobre el reciclaje de las mismas, apoyado también de actividades como saneamiento de ríos y playas. Promocionar este tipo de eventos produce efectos positivos hacia la imagen de la empresa, y un alto reconocimiento como entidad responsable ante la preservación de la naturaleza”.

"This subject of respect for and protection of the environment has become a topic of great importance worldwide. Companies whose wastes generate a great impact on the environment are more committed to it. The first thing is to identify the way in which they could modify their products directly to make them lighter in its effects on the environment. If changes can be made, promote it and use it as a sales tool. If it is not possible, set a budget aimed at activities that positively contribute to the conservation of the environment. For example, if you are a company of soft drinks that are packed in plastic bottles, you can run a campaign to educate about recycling them, and also support activities such as sanitation of rivers and beaches. Promoting this type of events has positive effects on the company's image, and a high recognition for it as a responsible entity in the preservation of the nature".

One participant celebrated the actions that some institutions have been doing to educate and create awareness for natural resources and noted, "*Pienso que existe desde hace algún tiempo, una corriente de mensajes publicitarios que protegen o favorecen al medio ambiente. Paralelamente, el consumidor empieza a tener conciencia sobre el particular, y reacciona favorablemente a estos mensajes, dando apoyo o consumiendo éstos productos. Vamos por buen camino*" ("I think that for some time there has been a trend of advertising messages to protect or favor the environment. In parallel, the consumer begins to be aware of the subject and reacts favorably to these messages, supporting or consuming these products. We are going in the right direction.>"). Another was more skeptical about actions taken in favor of the environment: "*La mejor manera de demostrarlo es haciendo. No diciendo que hacen*". ("The best way to show it is by doing. Not saying that they do").

Recycling and the use of recycled materials were also set forth by participants when voicing their perceptions. Practitioners also favored marketing, public relations and advertising campaigns that preach respect for the environment as part of the social responsibility agenda of private sector corporations. Those actions would contribute to educating the population and

supplement the little government involvement in regards to environmental protection policies.

The following comments support this theme:

“Considero que una manera ética es decir el daño que hace al medio ambiente e informar y motivar a reciclar estos materiales correctamente. Habrá productos que serán dañinos para el medio ambiente siempre. Sin embargo es la conciencia del usuario la que determina el nivel de daño que esto pueda ocasionar”.

"I believe that an ethical way to proceed is to explain the damage to the environment and inform and motivate to recycle these materials correctly. There are products that will always be harmful to the environment. However, it is the consciousness of the user that determines the level of damage that can be done".

“Predicar con el ejemplo y hacer propuestas que no atenten contra el medio ambiente. La lógica indica que si un fabricante envasa o presenta un producto en un material que daña el medio ambiente, entonces esa es su propuesta para el público y por ende su publicidad estará basada en lo mismo. La propuesta sería utilizar materiales reciclables y que no afecten el medioambiente en las presentaciones de sus productos. A partir de esto se pueden crear campañas sostenibles que demuestran el compromiso de la empresa con la causa”.

"To preach with examples and create proposals which don't hurt the environment. Logic suggests that if a manufacturer packages or presents a product in a material that harms the environment, then that is your proposal to the public and thus your advertising will be based on the same. The proposal would be to use recyclable materials that do not affect the environment in the packaging of their products. Therefore, we can create sustainable campaigns that demonstrate the commitment of the company to the cause".

“Lo primero es que se precisa de una campaña institucional de carácter permanente dentro del abanico marca-país, que indique a la población en sentido general, el compromiso generalizado de defensa al medio ambiente. La falta de educación de nuestra población y de políticas gubernamentales nacionales o locales, dirigidas en ese sentido, son elementos a considerar, más aún cuando dentro de las ejecutorias populistas oficiales, medio ambiente no es una prioridad. De nada o muy poco servirían los esfuerzos que de manera individual puedan iniciar las empresas, en ese sentido”.

"The first thing needed is a permanent institutional campaign in the range of nation-branding, showing to the general population the widespread commitment to the environment. The lack of education of our people and of government policies in this respect, national or local, are elements to be considered, more so given the fact that within the official populist executions, the environment is not a priority. The efforts that individual businesses can initiate in that regard would have very little or no impact".

“De parte de las empresas, el compromiso medioambiental debe ser real y demostrable e ir siempre más allá, abarcar el post consumo y la disposición final de los desechos que se producen en cada una de estas”.

"On the business's side, the environmental commitment must be real and demonstrable; they should always go one step further, covering for the post consumption and the waste disposal at each company".

“Toda acción medioambiental tiene un alto costo, pero la mayor parte también tiene un retorno altamente rentable. Las empresas buscando sostenibilidad, pueden desarrollar muchas iniciativas de gestión ambiental con rápidos retornos de inversión y con esos resultados pueden fácilmente desarrollar campañas sobre el aporte al medioambiente, no tratando de formar la idea de que no hacen daño, si no presentar el mínimo impacto ambiental ante la población”.

"All environmental action has a high cost, but for the most part it also has a highly profitable return. Companies looking for sustainability can develop many initiatives for environmental management with fast return on investments and with these results can easily develop campaigns about the contribution to the environment, not trying to portray the idea of do no harm, but rather showing the minimum environmental impact to the population".

Respondents were also able to identify a business segment with excellent ethical standards when carrying out persuasive communication messages or campaigns. The majority of participants pointed to the financial sector as the most ethical in terms of advertising and marketing executions. Some interviewees were more specific and signaled the *Banco Hipotecario Dominicano-BHD-* (Dominican Mortgage Bank) institutional campaign *valores* (values) as an excellent example of responsible advertising. Also, respondents mentioned the soft drinks industry and *Baltimore Dominicana* (Baldom) as other examples of good advertising practices. Following are some of the responses regarding ethically responsible persuasive communication executions by an industry or business sector:

“El sector financiero sobresale por ser el mas ético en la comunicación, pues no hacen publicidad agresiva contra la competencia; mas bien tratan de identificarse con el público y destacar sus necesidades”.

"The financial sector stands out for being the most ethical in its communication, because its institutions don't conduct aggressive advertising against their competition; they rather try to identify themselves with the public and highlight their needs".

"Los bancos son dados a no ofrecer lo que no pueden cumplir, y como son instituciones que la imagen importa, se cuidan de no cometer faltas".

"Banks are not prone to offer what they cannot deliver, and given they are institutions in which image matters, they try not to commit offences".

"A nivel financiero el avance ha sido rápido y notorio tanto por las constantes quejas de consumidores como por las facilidades de comunicación de los organismos, los cuales cada día exponen con mayor frecuencia sus beneficios. Luego de la crisis del 2009 en el sistema bancario en EE.UU. muchas cosas cambiaron globalmente para proponer y mantener procedimientos éticos mas "sólidos" o menos vulnerables a intereses particulares u organizacionales..."

"At the financial level progress has been fast and remarkable due to constant complaints from consumers and the ease of communication of the institutions, which every day presents more frequently their benefits. After the 2009 crisis in the banking system in the United States, many things changed globally to propose and maintain more 'solid' ethical procedures or those less vulnerable to individual or organizational interests..."

"En nuestro país vemos a diario como la ética no representa un norte a seguir, y la corrupción es vista en todos los niveles y sectores. Sin embargo en los últimos años en el sector financiero, entiendo que en términos de publicidad y comunicación está actualmente emitiendo mensajes positivos. Tal es el caso del Banco BHD quien ha creado una campaña de valores con mensajes muy positivos para la sociedad".

"In our country we see daily how ethics does not represent a guideline to follow, and corruption is seen in all levels and sectors. However in recent years I have noticed the financial sector, in terms of advertising and communication, is currently issuing positive messages. Such is the case of the BHD Bank who has created a campaign of values with very positive messages for society".

"Banco BHD, con su campaña de valores morales, para soportar lo que ellos entienden es su mejor atributo: el trato que dan al dinero de los clientes".

"BHD Bank, with its campaign about moral values, highlights what they understand is their best attribute: the way they manage the money from their customers".

"En el sector bancario podría identificar un ejemplo que a mi entender ha sido exitoso porque ha logrado la identificación de muchos consumidores con su mensaje. El Banco

BHD, ha desarrollado en los últimos 3 ó 4 años, una estrategia de marketing con campañas publicitarias bien diseñadas y exitosas en nuestro país. El mensaje que transmiten es sobre valores y principios que debemos fomentar, y que ellos como entidad bancaria se identifican con estos valores”.

"In the banking sector I could identify an example that I believe has been successful because it has achieved the identification of many consumers with its message. BHD Bank has developed in the last 3 or 4 years, a marketing strategy that includes well designed and successful advertising campaigns in our country. The message conveyed is about values and principles that we must promote, and exemplifies how the bank is committed to these values."

“Baltimore Dominicana, S.A., con sus principio de ceñirse muy estrictamente a sus valores, se ha mantenido poco más de 46 años en el mercado de consumo masivo. Mientras sus mensajes de comunicación persuasiva son cuidadosamente planificados, en tiempo, inversión y resultados, simultáneamente el ama de casa recibe una información verídica de lo que va a obtener a cambio de hacer equipo con la institución, a través del consumo de sus productos”.

"Baltimore Dominicana, S.A., with its principle to adhere very strictly to its core values, has remained over 46 years in the market of mass consumption. While their persuasive communication messages are carefully planned, in time, investment and results, simultaneously the housewife receives reliable information which about what she will obtain in exchange for teaming up with the institution, through the consumption of their products".

“Forzados o por voluntad propia, el sector de los refrescos (bebidas carbonatadas) han estado haciendo una publicidad que considero ética. Estas empresas están siendo observadas muy de cerca por diferentes sectores: salud, educación, uso del agua, disposición de desechos, etc...”

"Forced or by choice, the sector of soft drinks (carbonated beverages) has been creating advertisements which I consider ethical. These companies are being closely watched by different sectors: health, education, water use, disposal of waste, etc..."

“Regularmente, aunque no todas, las grandes empresas cuidan su proceder en todas las áreas y eso incluye sus mensajes publicitarios”.

"Large corporations, although not all of them, regularly care about their actions in all areas, which include their advertising messages".

Theme 6. The advertising industry in the Dominican Republic faces a precipitous future because of consolidation, digitalization, globalization, and a new generation of consumers.

Participants in the study were asked to forecast the future of the trade and foresee eventual burdens agencies and advertisers would be faced with. According to the interviewees, there are 7 major challenges to the persuasive communication industry in the Dominican Republic in the near future: consolidation, technology, globalization, media saturation, media brokers, clients and better industry regulation.

Some participants were concerned with consolidation of the trade and how the large agencies, with their transnational economic support, have diversified in such a way that now they have invested in every possible area of integrated brand promotion, from subsidiaries in PR and below-the-line (BTL) enterprises, to media buying. As a matter of fact, the most powerful media brokers in the country are owned by the largest advertising agencies. One respondent made reference to the phenomenon in terms of cannibalization of the businesses through the establishment of large consortia:

“La triste realidad es que todos los pequeños negocios están desapareciendo...Ya se han formado consorcios grandes que están comiéndose los chiquitos y por qué los chiquitos están pasando tanto trabajo?.....Los grandes se están comiendo los chiquitos para aumentar su cartera de clientes.....estoy hablando del negocio (de la publicidad).... Hay agencias grandes como siempre las hubo, pero ahora son mas grandes.....Todas las grandes tienen afiliaciones internacionales, algunas son 50 y 50...otras tienen simplemente la afiliación y pagan un royalty...los dos grandes grupos son Pages-BBDO, Y&R-Damaris y cuando hablamos de BBDO tiene ya muchas empresas.....no solamente tiene otra agencia, sino que tiene dos centrales de medios, tiene una de mercadeo directo, tiene una de promoción, tiene una de relaciones publicas, y también tiene una compañía, asociada con los de Young and Rubicam. Esas compañías grandes necesitan de agencias medianas para engordar sus afiliadas medianas.....El mercado va hacia ahí.....a consolidación de agencias.....”.

"The sad reality is that all small agencies are disappearing... Large consortia have formed that are eating up the small agencies and one wonders why it is so hard for the little guys? ... Big fish is eating the little fish to increase its client's portfolioI am talking about business (advertising) There are large agencies like there always have been, but now they are larger..... All the large agencies have international affiliations, some are 50-

50...others are simply affiliated and pay a royalty...The two largest groups are Pages-BBDO, and Y & R-Damaris. BBDO already has many businesses..... not only has another agency, but it has two media brokers, it has a direct marketing company a company to handle sales promotions, a public relations agency, and also has a company associated with Young and Rubicam. These large companies need medium-sized agencies to fatten their affiliated medium-size firms..... The market is heading in that direction.... to agency consolidation..... ".

Other comments were made by respondents concerning the changes that are taking place in the Dominican Republic advertising industry to the detriment of small and medium-sized firms. Not only are the large companies absorbing the most succulent part of the marketing and advertising pie, but there is also a two-way movement under which, on the one hand, "agencies" handled by a single person with a fundamental knowledge in digital technology or the social media world, are in demand, because of their cost structure and have found their space in the market. On the other hand, there are several mid-size agencies that changed their course to focus on other areas of promotion and persuasive communication to establish a differentiation level in order to survive the new wave in the business:

"...los chiquitos están desapareciendo porque lo mas que terminan haciendo es cosita grafica por aquí, cosita grafica por allá. Ahora todo el mundo habla de Photoshop, ahora todo el mundo cree que se las sabe todas.....aunque creo que queda un nicho para las pequeñas y basadas en la honestidad"

"...small agencies are disappearing because they just end up doing little things here and there.... graphics tiny graphics. Now everyone is talking about Photoshop, now everyone considers him or herself a know it all... but I think that there is a niche for small agencies who do honest work".

".....muchas están subsistiendo porque se dedicaron al área de promoción, o se han metido a otro tipo de negocios colaterales, hacer letreros, yo no sé qué otras cosas....."

".....many small agencies are surviving because they started working promotions, or they engaged in other types of collateral businesses, making signs, billboards, posters or who knows what other things....."

Two other significant concerns are technology and globalization. One practitioner noted that the advertisers and agencies need to speed up in order to catch up with the consumers.

Technological changes are happening so rapidly that the generational gaps would have to be narrowed to effectively target customers. Additionally, companies would need to reconsider the use of traditional media, which points at the digital divide as a challenge to the industry:

“Primero los cambios generacionales que están habiendo en el mercado, que son muy fuertes. Antes, las generaciones eran 25 años. Ahora son de escasamente 3-4 años. Es decir, el hermanito de 9 años no se entiende con el de 6, porque el de 6 está manejando mejor un aparato que el de 9..... Entonces, uno de los grandes retos lo tendremos con la evolución de la tecnología. Y para mí hay también un reto muy fuerte que es la evolución empresarial. Los publicistas siempre estamos tratando de ponernos adelante.....y en muchas ocasiones el cliente se está quedando atrás.....y digo el cliente en general, pues hay clientes grandes como Cervecería, que van muy adelante, pero la mayoría de los clientes se están quedando muy atrás”.

"First, the generational changes happening in the market are very strong. Generations used to last 25 years. Now they are barely 3 - 4 years apart. I mean, the 9 year old brother does not get along with the 6 year old, because the younger one is better at handling a device than the older one..... Then, one of the bigger challenges is happening with the evolution of technology. And I can add there is a very strong challenge as well with the business evolution. We, the advertisers are always trying to catch up with the changes..... and many times the client is running behind..... And I mean the client in general, because there are big clients such as *Cervecería Nacional Dominicana*, who is up-to-date, but most of the customers are lagging far behind".

Also, the opening of markets is changing the way of doing business in the country. The globalization trend has affected persuasive communication practices in the Dominican Republic. Advertising and marketing experts now have to target a well-informed consumer, with Internet access, exposed to social media such as YouTube which allows her or him to experience the latest trends in fashion, food, film, automobiles and advertising. The same is true for advertisers who have transformed their professional performances and now are well-traveled executives, who attend trade shows and other marketing events in different continents, and have become more demanding in terms of creative executions for their brands. Besides, globalization has

created a particular niche for small agencies who act transparently. The following quotes from the interviews help document this topic:

“El primer reto es la globalización.....porque hay todavía tantos rasgos locales.... pero lo que se pide internacionalmente es que todo sea entendible aquí como en cualquier otro país y no necesariamente es así..... El cliente ya no es como antes cuando era el ejecutivo de la agencia que venía de un viaje por Japón y traía unos anuncios loquísimos y le decía al creativo prepárame eso para el nivel local. Ahora es el cliente que estuvo en Hong Kong y dice eso vamos hacerlo nosotros aquí”.

"The first challenge is globalization..... because we still have so many local features..... but the international request is that everything is understandable here as it is in any other country and it is not necessarily so..... The client is different from the time when the agency's executive that came from a trip to Japan and brought about crazy ads and said to the creative, get that ready for the local level. Now it is the client that says I saw this in Hong Kong and we will make it here".

“La globalización está obligando a la transparencia y los pequeños saben cosas que no saben los negocios grandes.....Cuando tu le enseñas al cliente las cosas como son, con honestidad.....invirtiendo solo lo que necesitas.....eso funciona”.

"Globalization is forcing the transparency and small businesses know things that large corporations don't..... When you show your client things the way they are, honestly investing only what is needed.....that works".

Digitalization is another challenge to the industry according to the participants in this study. More specifically, the concerns are whether the industry would embrace the digital environment as quickly as the consumers and the cost-effectiveness issue. One practitioner articulated *“Hay futuro en los medios digitales si se trabajan con honestidad. Las agencias de publicidad no se han interesado tanto en ellos porque no dejan mucho, mucho dinero”* ("There is future in digital media if they are approached with honesty. Advertising agencies not are too interested in them because they are not extremely profitable.")

Likewise, some respondents realized that social media pose a challenge to the industry, in terms of developing, in a timely manner, the necessary structure to adapt to a new breed of consumers. The following comments support this notion:

“Otro reto es como integrarse a las redes sociales, como desarrollar áreas, como desarrollar ‘community managers’ para las redes sociales y como ofrecer ese servicio aquí en el país antes de que ese servicio también se pueda ofrecer de manera internacional”.

"Another challenge is how to integrate social networks, how to develop areas, how to develop 'community managers' for social media and how to provide that service here in this country before the service can also be offered internationally."

“Las agencias necesitan la adecuación de su plataforma a los estándares digitales al ritmo vertiginoso con que se mueve el mercado hoy día”.

"Agencies need to adapt their platform to digital standards to the rapid pace within which the market moves today ".

“Necesitamos crear nuevos medios, publicidad más directa al target, nuevos atractivos para el consumidor”.

"We need to create new media, advertising more directly to the target, new attractions for the consumer".

Media saturation and media brokers were also mentioned as present and future challenges inflicting harm to advertising agencies in the Dominican Republic. Gradually, more clients are negotiating ad rates directly with television, radio, or newspaper executives and they then purchase their space or time via media brokers. Also the proliferation of media alternatives is making placement decisions tougher. The following comments support this theme:

“Hay demasiados medios para poder manejar los presupuestos. Cada vez tienes que ser mas ‘targeting’ y eso no es tan fácil, porque aunque haya mediciones, el negocio del ‘placing’ de la publicidad se ha dividido en tres grandes empresas que son los brokers de medio y esa gente pone lo que le de la gana”.

"There are too many media to efficiently manage budgets. Increasingly agencies have become more 'targeting' and that is not so easy, because although there are ways to

measure effectiveness, the 'placing' of advertising is shared by three big companies that are media brokers and they place your ad wherever they want".

"El problema esta en como tu puedes ser objetivo en una compra si el poder que le has dado a un bróker le esta dando permitiendo manipular la colocación para sacarle mayor rentabilidad.....estamos echando pa'trá. Eso es un reto serio que tiene la publicidad dominicana.....muchos clientes grandes están diciendo: agencia yo te compro la producción....y te voy a dar un 5% de la colocación que yo haga, pero yo voy a comprar. Y han montado su departamento de compra de medios directamente.....y aunque compren a través de los brokers están comprando bajo su criterio. Y eso le está haciendo daño a las agencias".

"The problem resides in how you can be objective in a purchase if the power that you have given to a broker allows him placement manipulation to get more profitability.....we are moving b'ward (backwards). This is a serious challenge for Dominican advertising.... many big clients are saying: agency I will pay for the production.... and I'll give 5% of the placement that I contract, but I'm going to perform the buying. Those clients are creating media buying department to negotiate directly with the media.....and although they buy through brokers they are using their own criteria. And that is hurting agencies".

"Las empresas anunciantes tienen el empresario joven que estudio en universidades grandes, que está bien conectado, que usa los medios de comunicación actuales, que también anda perdido, porque quiere hacer las cosas mejor hechas y dice eso lo puedo hacer mejor yo in-house; tengo quien me haga todo y ya no quieren invertir en publicidad y se van directamente con los brokers de medio y quieren contratar directo la publicidad".

"Advertisers have the young business entrepreneur who studied at a big university, who is well connected, using today's media, who is also lost, because he or she wants to do things better and says I can do things better in-house; I have those who can do everything and do not want to invest in advertising and go directly with media brokers to make advertising contracts without intermediaries."

Another significant apprehension the interviewees expressed when responding the question regarding challenges to the advertising industry was related to the clients. Respondents commented about how boutique agencies could entice customers with new ideas for brand and a more attractive cost structure, thus posing a threat to the handling of the advertising account for mid-size and large agencies. Generational change and the transition of command to younger

professionals were also voiced as a situation that is constantly creating conflict in agencies, because the majority of these new leaders are not entrepreneurial. A third aspect concerning clients had to do with the handling of global accounts due to the flexibility that brings about the new technologies and digital media alternatives.

“Yo entiendo que mantener los clientes satisfechos cada vez va a ser más difícil pues el estándar siempre es más alto. La competencia a nivel de precio siempre va a ser enorme. Van a surgir estudios de diseño o boutiques creativas que van a ofrecer lo que ofrecen grandes publicitarias a una fracción del costo y estas pequeñas oficinas probablemente ofrezcan ideas nuevas y refrescantes a una marca”.

"I understand that keeping clients satisfied will become harder -- the standard is always higher. Price competition will always be huge. Design studios or creative boutiques will emerge offering what large advertising agencies offer, but at a fraction of the cost and these small offices probably will offer new and refreshing ideas for a brand".

“....desde hace 5 o 10 años ha habido el relevo generacional de las grandes empresas.....y todo queda en manos de los hijos. Debería haber un cambio mayor y no lo hay. Yo esperaba que con la generación nueva hubiera más cambios y no los hay. No sé qué está pasando que en la empresa alta le cuesta mucho el cambio.....la mayoría de empresas son grandes negociantes, pero poco empresarios y eso afecta muchísimo.....el negociante no entiende la publicidad. Solo entiende de hacer negocios.....compro, vendo, me gano tanto.....pero eso no es ser empresario. No tiene la visión de empresas. Eso puede afectar mucho pues si el dueño no avanza, la publicidad no puede avanzar, porque es el que aprueba las campañas y ejecuciones”.

".... for the past 5 to 10 years the generational transition has been happening at large businesses and management has been transferred to the children. Change should have been larger, but it has not occurred. I hoped that with the new generation more changes had occurred but, it was not the case. I do not know what is going on that in the big companies change is hard.....the majority of companies are great traders, but little entrepreneurs and that affects a lot..... the merchant does not understand advertising. He or she only knows how to do business... buy, sell, earn so much.... but that isn't been a business person. It lacks business vision. That can affect much because if the owner does not move forward, advertising cannot be successful, because the business person is the one who approves campaigns and executions".

“Un reto es como mantener sus clientes internacionales, dado que las colocaciones están viniendo muchas veces desde otro país, sobre todo en el caso del tele cable, o en el

caso de la prensa...tienen una agencia en Miami, que es de una red internacional y manda el arte al periódico vía Internet. Tu como agencia local no te beneficias en nada de eso. Otra cosa es con el cable.....tu tienes canales que si tu tienes una marca internacional, tu la colocas allá... y sale ahí, para Venezuela, para Republica Dominicana, etc....Todo eso manejado desde fuera, no desde aquí. Ese es un gran reto que mucha gente no lo esta viendo”.

"A challenge is how to maintain international clients, given that media buying is often coming from another country, especially in the case of cable, or in the case of print... They (clients) have an agency in Miami, which is part of an international network and sends the art to the newspaper via the Internet. The local agency, does not benefit from that. Another thing is with cable... there are channels that if you are buying for an international brand, you need to do negotiations from there... and your ad will be broadcast there, for Venezuela, for Dominican Republic, etc..... And all that is managed overseas, not here. "This is a great challenge that many people are not aware of".

Several interviewees considered the indeterminate state of the regulatory system as a remarkable challenge to the industry's future. Although they were mindful of the self-regulation efforts done so far, they emphasized the need of an entity with the consensus of all forces involved in the trade. These responses reflect the concerns regarding the interplay between the private sector and the government to advance the necessary regulation to guarantee ethical standards of practice which are in line with the times we are living in. As noted by one practitioner, *“La industria necesita regularse...y organizarse.....diría que debe ser una propuesta hecha por la industria y que tenga la fuerza del gobierno”* ("The industry needs regulation... and organization..... I would say it should be a proposal made by the industry with government involvement." Moreover, one participant stated *“Hemos avanzado en la tecnología, en la calidad de la comunicación... ..ahora en la comercialización y en la regulación estamos primitivos”* ("We have made progress in technology, in the quality of communication..... but in marketing and regulation we are still primitive"). And another respondent stated *“La falta de normas éticas y regulaciones es un gran desafío para la industria en pleno siglo 21”* ("The lack of ethical standards and regulations is a major challenge for the industry in the 21st century."),

Finally, one of the interviewees commented *“Hay varios retos....el primero es cómo podemos aportar como industria al mejoramiento de la sociedad....ojala que todas las empresas que manejamos publicidad tengamos el doble objetivo....vamos a vender, porque para eso nos pagan, pero que vendiendo productos en paralelo pudiéramos dejar un mensaje positivo a la sociedad. Segundo reto, mejorar nuestro nivel creativo.....tomar el ejemplo de Pagés.....si bien ganar premios tiene sus críticos o no, el ganar premios te da un estándar y significa que tú tienes que aprender a competir”* (“There are several challenges... the first one is how we can contribute as an industry to improve society.... hopefully all companies that handle advertising have a dual goal.... we are going to sell, because we get paid for that, but by selling products at the same time we could leave a positive message to society. The second challenge, to improve our creative level ...Take the example of Pagés... winning awards might have its critics or not, but to win prizes gives you a standard and it means that you have to learn how to compete”).

CHAPTER 5. DISCUSSION

This chapter analyzes the findings and discusses the implications of the study. It illuminates how the findings are related to existing theories, suggests directions for future research about ethics in advertising and addresses the limitations of the research project. Also, this chapter contextualizes the results of this investigation and the implications the study has for the practitioners of advertising and marketing in the Dominican Republic and to the scholars not only in the island nation-state, but also throughout the Americas, including the United States and beyond.

Importantly, as the theoretical framework that was established in the literature review demonstrated, there is a scarcity of scholarship that interrogates ethical issues as a central, core or critical factor within the genesis, evolution and production of persuasive commercial communication in the Dominican Republic in particular, as well as among most other emerging markets. That's because too frequently the attention and narrative have focused on the maturation of these economic sites as evidence that the European, American and Western World notions of entrepreneurship can, and did, produce among the BRIC nation-states the model of prosperity, affluence and wealth that characterized America's storied "good life." Therefore, this dissertation contributes to the creation and advancement of knowledge in communications and consumer research by bringing to the foreground the issues and questions about how the less populous, less wealthy, less affluent but, nonetheless, growing economies of the Dominican Republic and similar nation-states will navigate the terrain between: (1) shamelessly pushing people to buy and consume more than they want, need, can afford, or can dispose of consistent with a sustainable environment; and (2) responsibly informing consumers about products, their attributes, how the products can improve the quality of their lives, and why they should take

steps to ensure that their purchase and use of the products do no harm to others and to the environment. A comment from one of the study subjects speaks volumes about the impact of this research on that individual's future practice of advertising: "Talking with you and reflecting on what you have been asking me has made me slow down and give some self-critical thought to the indirect consequences of the products we are involved with; because we seriously had not reflected on what customers do with all of that plastic packaging after they purchase and open the product. I plan to get together with my people and also colleagues at other companies when we have our monthly luncheon and raise this issue. I think all of us have been so busy pushing and selling what we provide that we just spend our energy focusing on product sales and not product packaging and where that plastic goes." Similarly, practitioners and researchers in other emerging nation-states can look to this dissertation for insights concerning the importance of continuing the discussion regarding ethics in advertising around the globe.

One objective of this study was to analyze the adherence to ethical principles by national and global advertising agencies based in the Dominican Republic. Another goal was to examine the regulatory environment governing the industry, including the existence of legislation or self-imposed rules to comply with ethical standards of practice and the universal values of truth, human dignity and corporate social responsibility.

Data obtained from interviews, the review of documents, and participant observation were used to examine the perceptions and thoughts of elite persuasive communication practitioners in the Dominican Republic with the intention of finding answers to six research questions. The results were presented in great detail in Chapter 4. What follows is a discussion of the most important findings in relation to the interrogations that steered the study.

Regulatory system

The findings showed Dominican advertising agencies have established a self-regulatory system based on a Code of Ethics and have been fighting to get the Law of Advertising approved by Congress. Whereas the Law is still being debated and discussed, and who knows how long it will be before it ever becomes implemented, the self-imposed regulation system in the Dominican Republic has similarities with advertising ethic codes and practices in the United States and Latin America. A thorough review of the document put together by the *Liga Dominicana de Agencias Publicitarias* (Dominican Advertising Agencies League [LIDAP]), as the Principles and Code of Ethics for Conducting Advertising Activity in comparison to the Standards of Practice of the American Association of Advertising Agencies (AAAA) and/or the Advertising and Ethics Principles of the American Advertising Federation (AAF) showed similarities in their contents but there are significant differences in whether they consistently are followed as well as how widely they are embraced. The analogy concerning how “green” issues are discussed and implemented at, say, U.S. universities may be illustrative here -- i.e., most campuses profess a commitment to environmental sustainability. However, there is no standard or consistent model that everyone follows.

The 26 ethical principles incorporated by LIDAP in 2007 (See Appendix F) are very wide-ranging and not as well organized as to those of its American counterparts. The Code includes the following topics: decency, objectivity, coherence, ecology, citizenship, freedom, honesty, family, legality, dignity, code reach and coverage, quality, relation between the agencies and the media, competition, changing agencies by advertisers, payment fees, certification, use of the word “free”, testimonials, privacy, comparative advertising, plagiarism, safety, media buying, children and young people, alcoholic beverages and tobacco products. At a quick glance

one may notice that there are a few of these topics that are not necessarily ethical, but rather operating principles. In fact, the first 15 issues are guiding rules to the agencies, and are not related to the executions and dissemination of ads in the media.

In contrast, the document containing a list of 8 statements that was adopted by the AAF in 1984 is comprised of unmistakable, unambiguous “shall” and “shall not” recommendations. Similarly, the standards of the AAAA, first adopted in 1924 and revised in 1990, use “must” and “will not” to pass judgment on the ethical conduct among practitioners. And whereas in both of the American codes of ethics the self-regulatory conduct and moral values to which agencies are expected to adhere while producing persuasive messages are easily identified, the same is not so evident in the Dominican code of ethics.

Definitely, the findings of this research project posit a compelling argument for advertising professionals, in regards to their ethical values, to align their business operations unambiguously with social values. Apparently, Dominican practitioners have forgotten to integrate the interest of all those affected by their conducts into the corporate business policies and activities. Self-regulation needs severe revision. A partnership between government regulation, industry regulation, consumer protection organizations, and the informed consumer will bring about ethical advertising beneficial to the consumer and the economy (Kamery et al., 2002).

Ethical principles and practice

One of the aims of this dissertation was to determine whether advertising agencies in the Dominican Republic were committed to act according to the universal ethical principles denoted in the Pontifical Council statement, released in 1997. The Vatican’s document is a 35 page guide

(See Appendix G) which provides religion-based commentaries on the ethics of advertising practices. The volume is composed of several sections with statements calling attention to the positive contributions that advertising can make, as well as ethical and moral problems that advertising can and does create. The text also points to moral principles that apply to this field, suggesting steps for the consideration of those professionally involved in advertising. The document concludes with the postulation of the 3 ethical principles that this study was concerned with: truth, human dignity and corporate social responsibility.

Besides, section 10 of the Vatican's statement argues about the abuses in regards to advertising in a developing country and states that a judicious use of advertising can stimulate developing countries to improve their standard of living. But, it also states that serious harm can be done to them if advertising and commercial pressure become so irresponsible that communities seeking to rise from poverty to a reasonable standard of living are persuaded to seek this progress by satisfying wants that have been artificially created.

Less attention is given to ethical principles at the times when the end justifies the means. Ethics has dual implication: one-way goes towards the client and the other goes towards the company. Ethically correct actions must not conflict with the interests of the company; quite often ethically right conduct stops at the door where this does not compete with the interests of the company. Utilitarianism presumes a single consistent domain of the moral and the existence of one set of considerations which determines what we morally ought to do (Christians, 2010). Such confining of morality marginalizes the language of integrity and honesty. Much of the literature on ethics in advertising is built on the arguments of truth, dignity and corporate social responsibility and that has become the core foundation for the development of the codes of ethics to set the standards of the industry. The objective of those codes is to ensure that advertisements

are decent, honest and truthful, prepared with a sense of obligation to the consumer and society. Yet, this research suggests that practitioners are not following their guidelines the way they claim they should. For example, they continue to produce ads portraying half naked women to call on male attention to a product. If they practiced what they professed, they would find that a more socially responsible approach to sell beer or any other alcohol related product is necessary.

Equally important is the necessity to regulate advertising of other controversial products, especially those targeting children. The one paragraph contemplated in the code of ethics by LIDAP is not enough. As many participants expressed, it is too benign and loose. Government should play its role and have institutions such as Proconsumidor and CONANI get more involved in creating and enforcing Acts or Bills to protect minors.

Truth in Advertising

The extent to which Dominican advertisers are committed to “truth-telling” was examined in this study. It was found that although the word “true” is not explicitly expressed in the Code set forth by LIDAP, honesty is stressed in the set of principles, stating that “agencies would base their work on adequate information and documentation so that the necessary credibility is achieved”. In regards to the “truth” depicted in Dominican advertising, the findings of this study call for some action from the industry professionals. It is necessary that they understand their role and responsibility in the commercial marketplace and do more than pay lip service to the values and professional standards that they say they should be following. The content of their communication must observe truth as a guiding principle and they should commit to truth telling and avoid manipulations or misleading activities for particular causes. Advertisers should bear in mind that truth as disclosure focuses on the values that drive the

technological society, calling for a transformation in our commitments to progress, expertise, unlimited natural resources and efficiency (Christians, 2003).

In searching for responses regarding the truth portrayed in ads it was found that many campaigns present visual images that could confuse the public. The locations appearing in commercials are sometimes dissimilar to the Caribbean reality. In addition, the models used in the majority of ads were all of white skin and foreign appeal. This portrayal is not a realistic representation of Dominicans in terms of people's characteristics and economic development, thus also questioning the ethical practices of the advertisers in regards to human dignity and social responsibility.

Also, by comparing and contrasting the mediated representations of the Dominican Republic with its citizen's actuality, significant arguments about representation can be made. The fact that nearly 20 percent of the ads produced by the agencies are for home/retail may lead one to interpret that people in the country have disposable income to spend in that category; when in reality the average person lives on less than US\$ 300 per month and most of them live in homes of little or no value.

The document analysis revealed that alcohol related products are a dominant category in Dominican advertising. Such discovery might also be interpreted as another form of paying no attention to moral values by the advertising industry, thus questioning their sense of social responsibility. Certainly, the ads comply with the government regulation of including in all of them the disclaimer that products containing alcohol can be harmful to one's health. However, the fine print is sometimes imperceptible. Plus, it remains to be determined whether ads encouraging the public to drink, or to pretend to live a fictitious life, are indeed ethical.

Respect for Human Dignity

Another universal value interrogated by the study involved questioning whether Dominican advertisers show respect to human dignity. The definition of the term by LIDAP is the following: agencies are committed to eliminate discriminatory practices based on race, sex, sexual orientation, religion, political affiliation, nationality or social condition. It also contemplates a description for decency: agencies would observe a dignifying behavior in every act respecting the community where they operate.

In that respect, participant observation helped the researcher examine a great deal of ads that raised questions concerning morality and decency. An analysis of ads for alcoholic beverages validated the observations from the interviews, which revealed that women were portrayed as sex objects in a significant amount of ads in this category. This illuminated and corroborated the perceptions of the respondents in the study. A couple of illustrations should be instructive. These examples are part of different executions made by liquor and beer manufacturers throughout the past five years. In the ads the female body is the center of attention and women are represented as sex objects, with explicit implications related to the brand. In that sense, one full page advertisement for Brugal Rum consists of the a photo of the torso of a woman, who apparently is seated at a white sandy beach wearing only a yellow *malla* (a nylon threaded net which is a well-known distinctive feature for that particular brand of rum) wrapped around her back as her bikini top. At the bottom right of the ad lays the product inserted in the middle of the phrase “*Quitale la malla y pasala bien*” (Take the net off and have a good time). This play with words might be a clever creative move, but its intention is clearly offensive to women. It doesn’t necessarily talk about the product characteristics. It is an

insinuation and provocation for men (and some might argue, even women) to concentrate on the feminine sexual characteristics exposed in the picture.

As for beer commercial communication, an advertisement for Brahma is even more explicitly exploitative of the women's bodies. A two page spread shows to the far left an exuberant, curvy, sweaty female body, exposed from the neck to the knees, wearing a red bikini that barely covers her protuberances. To the right there is a group of five young men, all with a beer bottle in their hands, which are lifted up in a cheering attitude. The headline in white uppercase expanding type placed next to the woman's breast level reads "Sabor hasta la ultima gotita" (Flavor until the last little drop). Right below is the brand name located parallel to her buttocks. Once again, the idea is a double entendre. And the celebration has little to do with Brahma. It is clear the men are concerned with the cheerful body.

In relation to dignity there is an imperative requirement that advertisers respect human beings and their right to make free, responsible choices. Advertising can, and many times does, infringe on human dignity through message content. In those instances, ads become vehicles of distortion, altering family, religious and moral values. Practitioners need to know in what way intentional offense can violate deontological or utilitarian ethical principles. Beard (2008) believes that it is especially important because raising ethical awareness and professionalism in the practice of advertising is the most viable solution to the problem of offense.

Participants expressed their standpoints regarding how they felt about the way human dignity is taken into consideration by Dominican advertisers. But not all the respondents agreed on the way issues concerning respect are addressed. For instance, one of the elite practitioners interviewed openly criticized the advertising of products such as yachts and luxury cars under the

premise they create a “narco-aspirational” desire in the general population. Moreover, subsequent to analyzing the interviewee’s responses, this researcher was able to notice that, in general, advertising executions produced by agencies in the Dominican Republic present a comfortable or affluent lifestyle as being typical in the country. Advertisements portray people worry-free, having fun, drinking all sorts of alcoholic beverages, driving luxurious cars, having expensive home items, playing golf at expensive resorts or traveling around the world. These kinds of settings suggest that every human being is able to enjoy those dreams sold by the advertisers. However, the reality is that, on average, Dominicans are hardworking individuals with incomes that would not allow them to benefit from most of the products and services advertised. The “life and style of the rich and famous” is depicted in juxtaposition with the distressing reality that over 40% of the population is considered poor and approximately 15% live in extreme poverty, according to the World Bank figures of 2010.

When compared and contrasted against their life experiences this researcher noticed an imbalance between presentation, representation and reality. The unattainable illusion of being able to enjoy higher standards, living in a materialistic type of brand-name oriented society that includes the consumption of global brands, such as Jaguar, BMW, Visa, Master Card, Chivas Regal, Smirnoff and Miller, among others, advertised in the nation-state is not consonant with the Vatican’s ideals; thus, Dominican advertising and marketing practitioners should rethink this approach. It is scornful to the less affluent classes and at the same time an invitation to wrong doing while trying to meet those standards of life.

Corporate social responsibility

One of the queries of this study addressed the compliance with corporate social responsibility by companies and advertising agencies in the production and communication of their persuasive messages. As noted previously, advertising should create awareness for human development and protection of the environment. In fact, that is the way LIDAP interprets social responsibility under Ecology guidance. The guideline says, “The agencies will fight for a healthy environment as a mean of assuring a useful present and future for all the community and will eliminate unsafe practices that would jeopardize human beings and any other living creature or plant in the country”. The fact that only a handful of companies have understood and embraced the CSR concept and its relation with the sacredness of life creates some concern. Companies should not be promoting a fictional engagement, nor should they claim to be socially responsible for the sake of pretending to care about the greater good. Rather, they should profess CSR because they are committed to social justice and are willing to give back to society.

The respondents to the study pointed at the financial sector as the one conducting the most responsible executions. More precisely, the majority of the interviewees referred to the Banco BHD campaign dealing with values. This researcher was able to corroborate such comments from the participants and also to observe other examples of socially responsible communications from companies such as *Grupo León Jimenes* (ironically, the parent company for beer and cigar manufacturing plants). Corporate social responsible actions were found in their campaigns appealing to their employees and to their consumers. The messages dealt with preserving nature and human life and tied to their institutional creed aiming at a better nation. Thus, their tagline: “Because a better nation is everybody’s enterprise”.

In relation to preserving life, institutional ads for *Cerveceria Nacional Dominicana* (the beer company for *Grupo León Jimenes*) were also observed. The campaign's focus was based on a Dominican-Spanish play on words to convey the "don't drink and drive" message: "*Si tomas, no tomes el guía.*" These messages used a lot of green color, which incidentally is the same color used for *Presidente* beer bottles, the company's leading brand, perhaps with the intention of associating "green" with drinking responsibly.

But, not all the examples found were good. A large number of advertisers incite consumers to buy and use products or services that include components which may be harmful to the environment (for example, plastic bottles, packaging for electronic equipment, plastic bags in supermarkets) in opposition to the reality of demonstrating commitment to a sustainable and clean environment.

In addition, regarding the concern of advertising agencies that exercise social responsibility in the production and diffusion of print ads, Snyder (2008) feels that certain devices should always be avoided, including stereotypes of race, gender and age, and the way in which the human body is shown. In his words, consumers will respond with their pocketbooks to advertising that reflect ethical considerations. Companies that follow high ethical principles in their advertisements will do well by not just saying they are socially responsible but by actually engaging in practices consistent with this claim and perspective.

This study was not designed to estimate the proportion of what Drumright and Murphy (2004) defined as moral myopia and moral muteness in the Dominican advertising industry. But, it can help to elucidate what advertisers should do to act ethically. Historically, advertising was once primarily informational in both its purpose and content, concerned with talking about

product features. But, since the society transformed to a consumer based culture, ads became focused on consumer benefits rather than product characteristics, trying to influence “attitudes” (Christians 2003). And the digitalization era has magnified the issue due to the deficiencies in regulation from the government as well as weak and, oftentimes ambiguous and imprecise, self-regulation by the industry.

The future

The Dominican Republic advertising industry -has rocketed past the US\$500 million dollar mark as of 2010. Looking ahead, one issue that needs immediate attention is the regulation of the digital environment. As of today, it is clear that there is no law regulating the Internet as an advertising or persuasive communication medium. This will present enormous and unprecedented challenges because of the diffused, porous and uncontrollable nature of virtual space. It becomes quite complicated and complex to seek to regulate creators and distributors of commercial messages when they do not reside within a designated and defined geographic space such as a bordered nation-state.

Another forthcoming challenge the industry already faces is media saturation. In the past there was a much larger capacity to absorb advertising. But now, consumers are on a defense system, due to media saturation. There are too many media outlets, too much information. People in the country are “reading” more but paying close attention to less. Despite their less affluent economy, Dominican consumers have adopted computers, cell phones, I-Pods, I-Pads and other electronic and digital information devices. Suddenly, an advertising industry that has mastered the art and science of using newspapers, magazines, radio, television, direct mail, outdoor billboards and other traditional media to deliver messages to consumers finds itself faced with the tremendous challenge of figuring out how to connect with those same stakeholders

within a “new media” environment. Further, the issue goes across national borders. With the growth in telecommunications in the nation-state, cable TV, Satellite, Internet, etc. agencies and even national advertisers are no longer competing with their local counterparts but rather on a global scale.

Study limitations

In a preceding chapter the limitations of this research study were described prior to data collection, as a way to help the researcher try to minimize such constraints. This dissertation presents primary and also critical/interpretive evidence concerning the circumstances in which moral values are disregarded by advertisers in the Dominican Republic. However, it is not without some limitations. First of all, no preceding investigations regarding advertising ethics in the Dominican Republic were found for theoretical references. In addition, no substantial academic foundations dealing with the historical aspects and the evolution of the industry of mass persuasive communication practices were available to conduct the study.

Also, the research is limited to an exploratory study of the state of the industry and the standards of practice by Dominican advertisers and advertising agencies, using as informants elite advertising and marketing practitioners from the two major cities in the nation. It may prove beneficial to give voice to both a broader segment of practitioners as well as to the consumers who receive, respond to, or ignore advertising messages or who, increasingly, create their own commercial speech. Consider, for example, that user-generated communities such as Craigslist provide, in effect, new pathways for advertising products and services. The creators of this content bypass advertising and marketing professionals to reach their audience directly.

Another addressable limitation was that since the researcher was the primary person analyzing the participants’ responses, it is possible his own views shaped or skewed the

interpretations. To address this limitation, participants were approached to review the findings and to determine whether the conclusions of the research study matched with the participants' responses.

Implications of the study

This study contributes to communication literature as it explores the norms and ethical standards for persuasive communication in the form of integrated brand promotion in the Dominican Republic. This chapter has included a discussion of the findings which should benefit both researchers and practitioners, and also contribute to a greater understanding of the need for further interactions and closer work between the academy and the industry.

The contributions to scholarship concerned with ethics in advertising are grounded on the universal principles and the primal scream for sacredness of life (Christians & Cooper, 2009). This study revealed certain issues associated with the commodification of bodies and respect for human beings portrayed in ads for certain product categories.

Recommendations for future studies

As acknowledged earlier, very little advertising research has been conducted in the country, thus posing an excellent opportunity in academic terrain waiting to be explored. This exploratory research project sets the foundation for other academics in communications, sociology, marketing, anthropology, psychology and other disciplines to advance theory based on the results of this study. Future exploration should extend the ethical issues examined in this study to other areas of concern to advertising critics and to the public.

Initially, there are two recommendations for future studies. Given that this dissertation mainly covered the advertising industry in the Dominican Republic as a whole, and from the

perspective of elite practitioners, a disaggregation of the agencies by local and global is a prospective outcome. Another possibility is to realize a study from the clients' perspective. That type of study should include business owners, or decision makers within different types of organizations to proposals of persuasive communication presented by the agencies. A third option in this regard, perhaps using other methodological approaches, is surveying the consumers in order to analyze their perceptions and realities about the ethics of advertisers and their agencies.

Also, content analysis studies can be conducted to examine print, radio, TV and digital media ads. Such projects whether collectively or individually, promise a fertile venue for further critically analyzing truth, human dignity, and corporate social responsibility in advertising, not only in this island nation-state but also in the Spanish-speaking Caribbean, Latin America or throughout the Americas. Moreover, comparative studies are additional research projects that could use this dissertation as a foundational ground.

Conclusions

Ethical theory, which comes from the study of moral philosophy, provides an organized way of approaching ethical decision making (Bivins, 2004). Ethical theory is concerned not only with defining the central issues, but also with determining the authentic grounds of moral standings. Without a commitment to norms that are beyond one's own self-interest moral claims are merely emotional preferences (Christians, 2008). Ethical theory is, in most cases, so complex and esoteric that it could become useless to most humans. However, the field of applied ethical theory is designed to be used in the real world (Bivins, 2009) and this dissertation intends to use that presumption as its foundation.

In the 21st century, the popular social fashion is to be liberated from moral standards and to give up moral responsibility. However, the sacredness of human life is consistently affirmed as a universal value and reverence for life on earth which establishes a level playing floor for cross-cultural collaboration on the ethical foundations of responsible communication (Christians, 2005). Consistent with this perspective is the presumption and expectation that we are committed to credible universal ethics as core beliefs in our tacit knowledge. And, with worldwide theory there is a frame of reference for forming the common good. Hence, communication ethics, applied to the field of advertising, must respond to the rapid growth of global communications.

Perhaps nowhere are organizational discord and public criticism more forceful than in advertising, whose practices over the years have generated a lot of criticism and moral problems. The snake oil vendor of the 1920's, the fake TV quiz shows of the 1950's, and the Joe Camel story of the 1990's have all provided fodder for the cannons of public furor (Lincoln et al, 1994; Rotzoll & Christians, 1980). Historically, ethical considerations found their way into formal business theorizations with the development of advertising (Vikas & Varman, 2007).

Ethical questions proliferate when considering advertising techniques and practices: What responsibility, if any, does a company have for truthfully educating the consumer about its product? Although the consumer is presumed to decide what is permissible and proper in advertising, advertisers and their agencies often spend a great deal to cultivate and influence consumer confidence. Activities that violate this trust may have a practical as well as a moral cost (Park & Weigold, 1990). Persuasive communications that erodes that confidence among members of the community should be considered morally blameworthy and a product espousing

a particular point of view should not trump essential social connection (Wilkins & Christians, 2001).

It is no secret that ads are believed to persuade their target audience to buy a product. That is their job. Advertising may as well try to educate consumers, but beneath it all, the vital goal is always to influence and eventually convince the audience to make a purchase. So, it is natural that advertisers would use all kinds of subterfuge as a way of getting the public to buy. Such perspective raises questions like these: are these tactics and strategies ethical? Do companies have an obligation to tell the truth? Or does the goal of selling the product override such ethical concerns? Of course, the answer is no. Advertisers are expected to do the right thing. And every expert in the field knows it. Also, he or she knows that failing to comply with the rules will carry its consequences. The three fundamental principles that all advertising should endorse are expressed in the Pontifical Council's statement on ethics in advertising. Such moral philosophies are: truthfulness, human dignity and social responsibility.

Advertising has been considered as a market practice peculiarly susceptible to some of the least admirable of human traits and has been subject to several attempts to contain its exploding force within the confines of a reasonably moral framework (Warne, 1961). Truth in advertising has been one of the industry's slogans for a number of years, and upon the 1955 International Advertising Convention in England, a Code of Ethics was adopted to police and reaffirm that ideal. Such action speaks of the Kantian desire to make and follow moral rules (Bivins, 2009). Kant believed that if (advertisers) recognized a duty to their constituents to tell the truth, that act would be considered a moral act. Therefore, telling the truth seems like a pretty basic ethical standard. Also, under Kantian ethics all human beings should be treated with respect and dignity. Respect for another person's dignity is one ethical principal on which

various cultures rest. In Latin American societies, insistence on cultural identity is an affirmation of the unique worth of human beings (Christians & Nordenstreng, 2004).

Nevertheless, considering the freedom of every human being, the codes of ethics might not be enough (Coutinho de Arruda & Leme, 1999). Codes are understood as part of a parcel of a broader media regulation extending from legal imperatives to cultural conventions (Christians & Nordenstreng, 2004). However, whatever influence ethical and social responsibilities may have had on advertising practices, they have been inadequate in the eyes of the advertising industry itself (Warne, 1961).

The argument between self-regulation and government regulation for advertising exists around the globe and also for particular types of products, such as tobacco and alcohol. Government regulation is more concerned with the check on deception, content and broadcast time of the ads. In contrast, self-regulation (which is less adversarial) forestalls government regulation and intervention. It has served, in some instances, to restrain the trade from harming consumers with misleading ads, but the approach alone does not guarantee to eradicate misrepresentation and fraud. Still the question that remains is whether self-regulation ensures that the community is protected from breaches of the three moral principles relevant to improving the advertising industry's ethical actions. Perhaps, a hybrid solution would operate better to narrow the gaps and fortify consumer faith in the persuasive communication messages they are targeted with every day.

In trying to reassure confidence in advertising, countries like India, the Netherlands, and France have opted for government regulation, while countries like England, the United States and Australia have opted for self-regulation when it comes to alcohol ads. In the Dominican

Republic, both regulations apply. On one side, there is a consumer protection law which mandates that all ads must state that alcohol consumption is detrimental to human health. On the other side, the *Liga Dominicana de Agencias Publicitarias* (Dominican Advertising Agencies League [LIDAP]) provides each of its members with its Principles and Code of Ethics, which not only regulates alcohol advertising, but also establishes the main ethical beliefs and operating creed of the organization that should be adopted by its membership.

At the end of the day, it may matter less which model or models of regulation advertising and marketing practitioners follow and matter more whether they practice what they claim or profess to be their ethical standards of practice. After all, just because someone claims that a lie is the truth does not make it truthful. Similarly, just because a practitioner says she or he is an honorable member of the profession does not make it so. There is gold in the adage and axiom that “actions speak louder than words.” The golden opportunity for the advertising and marketing sector in the Dominican Republic is to profess, express and manifest the highest ethical standards, not only in words, but also in deeds.

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<http://www.nationmaster.com>

<http://www.worldbank.com>

APPENDIX A: IRB Approval Letter

UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN

Institute of Communications Research

Human Subject Review Committee
College of Communications



810 S Wright Street

Urbana, IL 61801

Chair: Norman Denzin

July 1 2011

Salvador Victor
Institute of Communications Research
University of Illinois at Urbana-Champaign
228 Gregory Hall
810 S. Wright St.
Urbana, IL 61801

Re: IRB-11-002

Dear Mr. Victor:

Thank you for submitting your Application for Research with Human Subjects Review. Your research project is exempt from review by the Human Subject Review Committee of the College of Media based on the judgments that

- 1) Your research is not externally funded.
- 2) Your research does not involve more than minimal risk to human subjects.
- 3) Your research falls under "**Common Rule**" (**45 CFR part,46**) for exempt from IRB review in Title 45, Part 46 of the Code of Federal Regulations for the protection of Human Subjects (45 CFR 46).

Please proceed with your research project. Should any changes occur to the funding, research protocol and recruiting measures of your project, please inform us immediately.

Yours most sincerely,

Norman K. Denzin

APPENDIX B: Participant Consent Form

Participant Consent

By signing this form I am indicating that I agree to participate in the Historical Context of Advertising Practices Study and understand the research project described by the University of Illinois researcher.

I understand that my participation is completely voluntary, I may skip questions on the study questionnaire, I may elect to not respond to any of the questions, and I may withdraw from the study at any time without penalty.

The information I provide is completely confidential and at no time will my name be associated with any summary report of the research study.

I give the researcher permission to publish information collected during the research process provided my confidentiality is maintained.

Participant Signature

Date

APPENDIX C: Criteria for Inclusion

Participant Number	Question # 1: Would you consider being in a research project which examines perceptions, perspectives and opinions of the Dominican Republic advertising industry development and the observance of ethical standards of practice.	Question # 2: Do you agree to be interviewed for this study?	Question # 3: Would you agree to have the interview recorded?
1.	yes	yes	yes
2.	yes	yes	yes
3.	yes	yes	yes
4.	yes	yes	yes
5.	yes	yes	yes
6.	yes	yes	yes
7.	yes	yes	yes
8.	yes	yes	yes
9.	yes	yes	yes
10.	yes	yes	yes
11.	yes	yes	yes
12.	yes	yes	yes
13.	yes	yes	yes
14.	yes	yes	yes
15.	yes	yes	yes
16.	yes	yes	yes
17.	yes	yes	yes
18.	yes	yes	yes
19.	yes	yes	yes
20.	yes	yes	yes

APPENDIX D: Recruitment Message to Potential Participants in the Study

Hello:

You are being invited to participate in a research study being conducted to fulfill my requirements for a Doctorate at the University of Illinois at Urbana-Champaign. This study's objective is to learn about the development of the advertising industry in the Dominican Republic, and its role in the growth of consumerism. Also, how the industry has been organized to meet the consumer needs and the standards of practice followed by the agencies.

I am asking agency practitioners with 5 or more years of experience in the field to participate in the study. Your participation is completely voluntary. If you choose to participate, I will need you to sign a consent form to indicate your voluntary participation. You can also decide not to participate in the study. There is no penalty for choosing not to participate nor is there any risk involved in the study.

If you agree to be in this study, I will request your participation in an audio recorded interview. The conversation will include questions about advertising evolution in the Dominican Republic and the daily standards of practice at the agencies. The interview will take place at a mutually agreeable location in your workplace and expect to last approximately 1 hour.

All the information provided will be strictly confidential. At the end of the study I will include the information collected in my dissertation, but your name will not appear in the report resulting from this study. Pseudonyms will be used to protect the anonymity of those who participate.

This project has been reviewed and received ethics clearance at the University of Illinois Urbana-Champaign. If you have any questions about your rights as a research participant you may contact the Institutional Review Board at 217-333-2670 or by email at irb@illinois.edu.

I hope you consider participating in the study. If you have any questions concerning the project, please feel free to contact me at 217-265-0306 or write me an email. My electronic address is svictor@illinois.edu.

Thank you for your cooperation!

APPENDIX E: Questions for Advertising Practitioners in the Dominican Republic

In relation to the advertising industry, what do you consider or call yourself? What do others consider/call you?

How did you start working in advertising?

Do you hold a degree in advertising?

How long have you been in the field?

How much of Dominican advertising history are you aware of? How did you learn about it?

What are the some of the social economic forces that helped shape the Dominican Republic advertising industry?

What can you tell me about the industry development since the early days to the digital era?

Do you think the body of scholarship and intellectual inquiry produced by the university scholars is valuable in the DR advertising industry or does it provide very little value to the practice of the advertising staff?

Would you consider your work to be theoretically oriented or practically oriented?

Which 5-7 words come to mind when you hear the notion of ethics in a business organization?

Do you think your notions of ethics are more prominent now than they were 5 or 10 years ago? Why? If available, please give some examples.

Please identify an industry or sector (financial, education, retail) that you think provides an outstanding example of ethics in advertising, marketing and persuasive communication. Why?

How do you respond to individuals who say that by design advertising lacks an ethical component because advertising messages are intended to persuade people to buy, consume or use things they don't need?

A number of opinion leaders have criticized advertising certain products/services (alcohol, tobacco, gambling, body modification, sexual performance drugs, fast food with low nutritional value e.g.) because they contribute to health problem in children and adults. What is your reaction to their arguments? Should there be a prohibition against advertising certain products/services.

Do you think advertising should be regulated by the government? Why? Why not?

In many nation-states around the world the advertising industry encourages self-regulation. List 3 or more reasons why you think self-regulation in advertising can be effective? Do you feel the industry can be relied upon to police itself?

In the United States advertising is regulated by the Federal Trade Commission (FTC) and other government agencies. Do such institutions exist in the Dominican Republic? What are they called and how do they operate?

Better Business Bureau has set forth the Code of Advertising in the United States. Does a similar document exist in the Dominican Republic? How is it enforced?

The American Advertising Federation (AAF) established Advertising Ethics and principles in 1984. What has been the case in the Dominican Republic?

What can you tell me about regulation of advertising to children?

Some academic critics have complained that advertising has exploited women or used them as objects in advertising. What are ways to assure that advertisers can guarantee that the women are not represented in an unflattering way?

Social critics argued that advertisers encourage hyper consumption of products/services that are harmful to the environment (plastic bottles, electronic equipment packaging material, plastic bags, e.g.). How can advertisers demonstrate their commitment to a clean/sustainable environment?

Are tobacco and alcohol TV advertisement regulated in terms of the time of day they can be broadcasted? Is it self-imposed or is by law? If the latter applies, which government institution enforces the law and what are the sanctions for violating it?

How is digital advertising delimited and controlled?

In preparing for your career, were you provided with formal training concerning ethics in your field?

What are the distinctive challenges faced by the advertising industry in the 21st century?

APPENDIX F: LIDAP Code of Ethics



Liga Dominicana de Agencias Publicitarias, INC.

Principios y Código de Ética

Presentación:

La Liga Dominicana de Agencias Publicitarias, Inc. (LIDAP) en atención a los principios éticos que le dieron su origen, presenta a toda la industria y especialmente a la publicitaria el presente documento contentivo de los Principios y Código de Etica de la Actividad Publicitaria.

Esta iniciativa, aunque no es nueva en nuestra Liga, viene en este momento, a dotar de un marco ético a la actividad publicitaria en nuestro país. Contiene en sus preceptos los valores éticos con los que nuestras empresas, concientes del rol que nos corresponde desempeñar, estamos comprometidos a mantener una conducta empresarial digna y respetuosa, dentro de estas normas que hemos decidido adoptar.

La LIDAP, como entidad que aglutina a las agencias y empresas publicitarias de nuestro país, cree firmemente en estos principios y los hace suyos, para que sean estos que regulen la actividad entre sus miembros.

Para esto se parte del siguiente marco filosófico de valores fundamentales:

Marco Filosófico

Decencia

Las agencias mantendrán un comportamiento digno en todo lugar respetando la comunidad donde se desempeñan.

Objetividad

Las agencias mantendrán sus puntos basados en hechos comprobables y no especulativos.

Coherencia

Las agencias se comportarán con consistencia.

Ecología

Las agencias lucharán por un medio ambiente sano como forma de asegurar un presente y un futuro que sirva a toda la comunidad y eliminarán prácticas inseguras o que pongan en riesgo a los seres humanos y cualquier otro ser viviente, o la flora del país.

Ciudadanía

Las agencias vivirán plenamente con el compromiso de fomentar el respeto que debemos al país donde vivimos.

Libertad

Las agencias defenderán los derechos pero no abusarán de ellos.

Honestidad.

Las agencias basarán sus trabajos en informaciones y documentaciones adecuadas de forma que se logre la necesaria credibilidad.

Familia

Las agencias reconocen que la familia es la base de la sociedad y que tiene incidencia crucial en su desenvolvimiento. Proteger a los niños de prácticas o costumbres que afecten su salud física y mental reconociendo que son los futuros ciudadanos responsables por el país.

Legalidad

Las agencias se apegarán a las leyes del país y a los principios que emanen de este código.

Dignidad

Las agencias se comprometen a eliminar prácticas discriminatorias por razones de raza, sexo, orientación sexual, religión, afiliación política, nacionalidad o condición social.

Alcance del Código

Toda publicidad de productos y servicios dirigida al consumidor. Se entiende que todos los miembros de la Lidap acogerán sin reservas este documento luego de ser aprobado por la mayoría de la asamblea.

Calidad

Toda agencia miembro de la Lidap debe ofrecer los más elevados niveles de calidad en su actividad profesional y en este sentido procuraran las mejores condiciones de proveedores y de medios.

Relaciones entre Agencias y Medios de Comunicación

Todas las agencias asociadas deberán estar reconocidas debidamente por los medios de comunicación. Queda entendido que este reconocimiento implica una relación de negocios entre ambos.

Competencia

Toda competencia debe ser legítima y saludable para el crecimiento de la industria y de los negocios en general con los que está relacionada la publicidad.

Cambios de Agencias por Anunciantes

Al transferir cuentas entre agencias se deberá asegurar que la agencia ganadora de la cuenta se asegurará que la agencia anterior recibió la totalidad de los pagos pendientes por parte del anunciante a quien prestaba servicios. Las agencias comunicarán el cambio a los medios y a la Lidap.

Honorarios

Las agencias recibirán un 20% de comisión por sus servicios profesionales.

Certificación

La publicidad que requiera sostenerse con argumentos científicos cualesquiera que sea la ciencia o técnica deberán ser defendibles ante las instituciones y organismos competentes dentro de las leyes del país.

Gratis

El uso de la palabra “gratis” u otro vocablo sinónimo solo será admisible cuando no conlleve costo alguno para el público en general. Así mismo deben indicarse todos los pagos o impuestos que deba cubrir el público para participar en los casos de ofertas gratuitas.

Testimonios

La publicidad basada en testimonios deberá ser auténtica y basada en experiencias de quien presta la declaración. Los testimonios deberán ser siempre comprobables y deben estar debidamente autorizados por la persona quien lo ofrece o a quien está personificando.

Privacidad

La publicidad no deberá mostrar o referirse a cualquier persona, pública o privada, a menos que se cuente con su consentimiento expreso.

La publicidad debe respetar los conceptos dejados por personas fallecidas.

Publicidad Comparativa

La publicidad que contenga descripciones o argumentos comparativos que se relacionen con hechos o datos debe ser comprobable estando obligados los anunciantes a presentar las evidencias de lugar ante las autoridades correspondientes.

La publicidad comparativa no debe conducir a confusión o error del público.

La publicidad será respetuosa de productos y servicios de la competencia. Denigrar o perjudicar a un competidor vía la publicidad constituye no solo una falta de honor profesional de quien lo hace sino que conduce a una desconfianza general del público sobre la publicidad en si. Por tanto la publicidad no denigrará directa ni implícitamente ninguna firma, producto o servicio ya sea poniéndolo en ridículo, menospreciándolo o de cualquier otra forma.

Plagios

La publicidad no deberá imitar la forma, texto, slogan, música o efectos de sonido de otras piezas de manera que ocasione perjuicios a los intereses y derechos legítimos del propietario del material publicitario o confundir al público.

Seguridad

La publicidad deberá ser respetuosa de las normas de seguridad a menos que exista una razón justificable en el terreno educacional o social para exhibir prácticas peligrosas o de riesgo. Deberá tomarse especial cuidado en la publicidad dirigida a niños y jóvenes.

Colocaciones en los Medios

La publicidad será respetuosa de acuerdos que conlleven colocaciones a determinadas horas; por lo que las agencias se abstendrán de recomendar inserciones en horarios que puedan perjudicar a menores de edad.

Niños y Jóvenes

La publicidad para niños y jóvenes deberá considerar los siguientes puntos:

Respeto a la ingenuidad y credulidad de los niños, inexperiencia de los jóvenes y el sentimiento de lealtad de la familia.

Ninguna pieza debe llevar a los niños a creer que son inferiores a otros niños o impopulares, si no compran determinados productos o servicios.

No se deberá alentar a los niños a que molesten a sus padres o a cualquier otra persona para persuadirlos a que compren determinado producto o servicio.

Se evitara toda distorsión psicológica entendiéndose por esto promover comportamientos o hábitos impropios de la edad.

Los mensajes no podrán contener declaraciones o presentaciones visuales que pudieran causar daños mentales, morales o físicos.

Ninguna publicidad deber alentar a los niños y menores de edad a que entren a lugares extraños a conversar con desconocidos en una esfuerzo por coleccionar cupones, etiquetas, envoltorios o similares.

Los niños no deben aparecer solos en escenas callejeras, bajándose de las aceras, cruzando las calles o comportándose contra los reglamentos de transito vigentes en el país.

Los niños no deben mostrarse inclinados en ventanas, de casas, edificios, vehículos o puentes o subiéndose en precipicios peligrosos.

No deben mostrarse niños encaramándose en repisas altas o alcanzando hacia arriba para tomar de una mesa u otro lugar objetos que queden sobre sus cabezas.

No deben mostrarse niños utilizando desinfectantes, antisépticos, sustancias cáusticas, fósforos o cualquier artefacto de gas, parafina, gasolina, gasoil, mecánico o eléctrico que pueda conducir a quemaduras, heridas o poner en peligro su vida.

No debe mostrarse publicidad mostrando a los niños manejando o andando en vehículos motorizados en general, maquinaria pesada o en situaciones similares que contravengan las leyes de transito del país.

Bebidas Alcohólicas y Productos del Tabaco

La publicidad de productos alcohólicos y del tabaco debe estar orientada exclusivamente a los adultos y se tendrá especial preocupación que no aparezcan mensajes de esta naturaleza en revistas, principalmente infantiles y en horarios televisivos y de radio y cine destinados a niños y a jóvenes por lo que se deberán observar las leyes sobre la materia y otros códigos existentes.

Los puntos anteriores cubren los elementos claves de este documento.

Liga Dominicana de Agencias Publicitarias, Inc. (LIDAP)

Santo Domingo, D. N., Republica Dominicana, Junio 9, 2005.

Ratificado en Asamblea General Extraordinaria en fecha 21 de noviembre de 2007.

APPENDIX G: Pontifical Council Guidelines for Ethics in Advertising

PONTIFICAL COUNCIL FOR SOCIAL COMMUNICATIONS

ETHICS IN ADVERTISING

I

INTRODUCTION

1. The importance of advertising is "steadily on the increase in modern society."¹ That observation, made by this Pontifical Council a quarter century ago as part of an overview of the state of communications, is even more true now.

Just as the media of social communication themselves have enormous influence everywhere, so advertising, using media as its vehicle, is a pervasive, powerful force shaping attitudes and behavior in today's world.

Especially since the Second Vatican Council, the Church has frequently addressed the question of the media and their role and responsibilities.² She has sought to do so in a fundamentally positive manner, viewing the media as "gifts of God" which, in accordance with his providential design, bring people together and "help them to cooperate with his plan for their salvation."³

In doing so, the Church stresses the responsibility of media to contribute to the authentic, integral development of persons and to foster the well being of society. "The information provided by the media is at the service of the common good. Society has a right to information based on truth, freedom, justice and solidarity."⁴

It is in this spirit that the Church enters into dialogue with communicators. At the same time, she also calls attention to moral principles and norms relevant to social communications, as to other forms of human endeavor, while criticizing policies and practices that offend against these standards.

Here and there in the growing body of literature arising from the Church's consideration of media, the subject of advertising is discussed.⁵ Now, prompted by the increasing importance of advertising and by requests for a more extensive treatment, we turn again to this topic.

We wish to call attention to positive contributions that advertising can and does make; to note ethical and moral problems that advertising can and does raise; to point to moral principles that apply to this field; and, finally, to suggest certain steps for the consideration of those professionally involved in advertising, as well as for others in the private sector, including the churches, and for public officials.

Our reason for addressing these matters is simple. In today's society, advertising has a profound impact on how people understand life, the world and themselves, especially in regard to their values and their ways

of choosing and behaving. These are matters about which the Church is and must be deeply and sincerely concerned.

2. The field of advertising is extremely broad and diverse. In general terms, of course, an advertisement is simply a public notice meant to convey information and invite patronage or some other response. As that suggests, advertising has two basic purposes: to inform and to persuade, and — while these purposes are distinguishable — both very often are simultaneously present.

Advertising is not the same as marketing (the complex of commercial functions involved in transferring goods from producers and consumers) or public relations (the systematic effort to create a favorable public impression or ‘image’ of some person, group, or entity). In many cases, though, it is a technique or instrument employed by one or both of these.

Advertising can be very simple — a local, even ‘neighborhood,’ phenomenon — or it can be very complex, involving sophisticated research and multimedia campaigns that span the globe. It differs according to its intended audience, so that, for example, advertising aimed at children raises some technical and moral issues significantly different from those raised by advertising aimed at competent adults.

Not only are many different media and techniques employed in advertising; advertising itself is of several different kinds: commercial advertising for products and services; public service advertising on behalf of various institutions, programs, and causes; and — a phenomenon of growing importance today — political advertising in the interests of parties and candidates. Making allowance for the differences among the different kinds and methods of advertising, we intend what follows to be applicable to them all.

3. We disagree with the assertion that advertising simply mirrors the attitudes and values of the surrounding culture. No doubt advertising, like the media of social communications in general, does act as a mirror. But, also like media in general, it is a mirror that helps shape the reality it reflects, and sometimes it presents a distorted image of reality.

Advertisers are selective about the values and attitudes to be fostered and encouraged, promoting some while ignoring others. This selectivity gives the lie to the notion that advertising does no more than reflect the surrounding culture. For example, the absence from advertising of certain racial and ethnic groups in some multi-racial or multi-ethnic societies can help to create problems of image and identity, especially among those neglected, and the almost inevitable impression in commercial advertising that an abundance of possessions leads to happiness and fulfillment can be both misleading and frustrating.

Advertising also has an indirect but powerful impact on society through its influence on media. Many publications and broadcasting operations depend on advertising revenue for survival. This often is true of religious media as well as commercial media. For their part, advertisers naturally seek to reach audiences; and the media, striving to deliver audiences to advertisers, must shape their content so to attract audiences of the size and demographic composition sought. This economic dependency of media and the power it confers upon advertisers carries with it serious responsibilities for both.

II

THE BENEFITS OF ADVERTISING

4. Enormous human and material resources are devoted to advertising. Advertising is everywhere in today's world, so that, as Pope Paul VI remarked, "No one now can escape the influence of advertising."⁶ Even people who are not themselves exposed to particular forms of advertising confront a society, a culture — other people — affected for good or ill by advertising messages and techniques of every sort.

Some critics view this state of affairs in unrelievedly negative terms. They condemn advertising as a waste of time, talent and money — an essentially parasitic activity. In this view, not only does advertising have no value of its own, but its influence is entirely harmful and corrupting for individuals and society.

We do not agree. There is truth to the criticisms, and we shall make criticisms of our own. But advertising also has significant potential for good, and sometimes it is realized. Here are some of the ways that happens.

a) Economic Benefits of Advertising

5. Advertising can play an important role in the process by which an economic system guided by moral norms and responsive to the common good contributes to human development. It is a necessary part of the functioning of modern market economies, which today either exist or are emerging in many parts of the world and which — provided they conform to moral standards based upon integral human development and the common good — currently seem to be "the most efficient instrument for utilizing resources and effectively responding to needs" of a socio-economic kind.⁷

In such a system, advertising can be a useful tool for sustaining honest and ethically responsible competition that contributes to economic growth in the service of authentic human development. "The Church looks with favor on the growth of man's productive capacity, and also on the ever widening network of relationships and exchanges between persons and social groups....From this point of view she encourages advertising, which can become a wholesome and efficacious instrument for reciprocal help among men."⁸

Advertising does this, among other ways, by informing people about the availability of rationally desirable new products and services and improvements in existing ones, helping them to make informed, prudent consumer decisions, contributing to efficiency and the lowering of prices, and stimulating economic progress through the expansion of business and trade. All of this can contribute to the creation of new jobs, higher incomes and a more decent and humane way of life for all. It also helps pay for publications, programming and productions — including those of the Church — that bring information, entertainment and inspiration to people around the world.

b) Benefits of Political Advertising

6. "The Church values the democratic system inasmuch as it ensures the participation of citizens in making political choices, guarantees to the governed the possibility both of electing and holding accountable those who govern them, and of replacing them through peaceful means when appropriate."⁹

Political advertising can make a contribution to democracy analogous to its contribution to economic well being in a market system guided by moral norms. As free and responsible media in a democratic system help to counteract tendencies toward the monopolization of power on the part of oligarchies and special interests, so political advertising can make its contribution by informing people about the ideas and policy proposals of parties and candidates, including new candidates not previously known to the public.

c) Cultural Benefits of Advertising

7. Because of the impact advertising has on media that depend on it for revenue, advertisers have an opportunity to exert a positive influence on decisions about media content. This they do by supporting material of excellent intellectual, aesthetic and moral quality presented with the public interest in view, and particularly by encouraging and making possible media presentations which are oriented to minorities whose needs might otherwise go unserved.

Moreover, advertising can itself contribute to the betterment of society by uplifting and inspiring people and motivating them to act in ways that benefit themselves and others. Advertising can brighten lives simply by being witty, tasteful and entertaining. Some advertisements are instances of popular art, with a vivacity and elan all their own.

d) Moral and Religious Benefits of Advertising

8. In many cases, too, benevolent social institutions, including those of a religious nature, use advertising to communicate their messages — messages of faith, of patriotism, of tolerance, compassion and neighborly service, of charity toward the needy, messages concerning health and education, constructive and helpful messages that educate and motivate people in a variety of beneficial ways.

For the Church, involvement in media-related activities, including advertising, is today a necessary part of a comprehensive pastoral strategy.¹⁰ This includes both the Church's own media — Catholic press and publishing, television and radio broadcasting, film and audiovisual production, and the rest — and also her participation in secular media. The media "can and should be instruments in the Church's program of re-evangelization and new evangelization in the contemporary world."¹¹ While much remains to be done, many positive efforts of this kind already are underway. With reference to advertising itself, Pope Paul VI once said that it is desirable that Catholic institutions "follow with constant attention the development of the modern techniques of advertising and... know how to make opportune use of them in order to spread the Gospel message in a manner which answers the expectations and needs of contemporary man."¹²

III

THE HARM DONE BY ADVERTISING

9. There is nothing intrinsically good or intrinsically evil about advertising. It is a tool, an instrument: it can be used well, and it can be used badly. If it can have, and sometimes does have, beneficial results such as those just described, it also can, and often does, have a negative, harmful impact on individuals and society.

Communio et Progressio contains this summary statement of the problem: "If harmful or utterly useless goods are touted to the public, if false assertions are made about goods for sale, if less than admirable human tendencies are exploited, those responsible for such advertising harm society and forfeit their good name and credibility. More than this, unremitting pressure to buy articles of luxury can arouse false wants that hurt both individuals and families by making them ignore what they really need. And those forms of advertising which, without shame, exploit the sexual instincts simply to make money or which seek to penetrate into the subconscious recesses of the mind in a way that threatens the freedom of the individual ... must be shunned."¹³

a) Economic Harms of Advertising

10. Advertising can betray its role as a source of information by misrepresentation and by withholding relevant facts. Sometimes, too, the information function of media can be subverted by advertisers' pressure upon publications or programs not to treat of questions that might prove embarrassing or inconvenient.

More often, though, advertising is used not simply to inform but to persuade and motivate — to convince people to act in certain ways: buy certain products or services, patronize certain institutions, and the like. This is where particular abuses can occur.

The practice of "brand"-related advertising can raise serious problems. Often there are only negligible differences among similar products of different brands, and advertising may attempt to move people to act on the basis of irrational motives ("brand loyalty," status, fashion, "sex appeal," etc.) instead of presenting differences in product quality and price as bases for rational choice.

Advertising also can be, and often is, a tool of the "phenomenon of consumerism," as Pope John Paul II delineated it when he said: "It is not wrong to want to live better; what is wrong is a style of life which is presumed to be better when it is directed toward 'having' rather than 'being', and which wants to have more, not in order to be more but in order to spend life in enjoyment as an end in itself."¹⁴ Sometimes advertisers speak of it as part of their task to "create" needs for products and services — that is, to cause people to feel and act upon cravings for items and services they do not need. "If ... a direct appeal is made to his instincts — while ignoring in various ways the reality of the person as intelligent and free — then consumer attitudes and life-styles can be created which are objectively improper and often damaging to his physical and spiritual health."¹⁵

This is a serious abuse, an affront to human dignity and the common good when it occurs in affluent societies. But the abuse is still more grave when consumerist attitudes and values are transmitted by communications media and advertising to developing countries, where they exacerbate socio-economic problems and harm the poor. "It is true that a judicious use of advertising can stimulate developing countries to improve their standard of living. But serious harm can be done them if advertising and commercial pressure become so irresponsible that communities seeking to rise from poverty to a reasonable standard of living are persuaded to seek this progress by satisfying wants that have been artificially created. The result of this is that they waste their resources and neglect their real needs, and genuine development falls behind."¹⁶

Similarly, the task of countries attempting to develop types of market economies that serve human needs and interests after decades under centralized, state-controlled systems is made more difficult by advertising that promotes consumerist attitudes and values offensive to human dignity and the common good. The problem is particularly acute when, as often happens, the dignity and welfare of society's poorer and weaker members are at stake. It is necessary always to bear in mind that there are "goods which by their very nature cannot and must not be bought or sold" and to avoid "an 'idolatry' of the market" that, aided and abetted by advertising, ignores this crucial fact.¹⁷

b) Harms of Political Advertising

11. Political advertising can support and assist the working of the democratic process, but it also can obstruct it. This happens when, for example, the costs of advertising limit political competition to wealthy candidates or groups, or require that office-seekers compromise their integrity and independence by over-dependence on special interests for funds.

Such obstruction of the democratic process also happens when, instead of being a vehicle for honest expositions of candidates' views and records, political advertising seeks to distort the views and records of opponents and unjustly attacks their reputations. It happens when advertising appeals more to people's emotions and base instincts — to selfishness, bias and hostility toward others, to racial and ethnic prejudice and the like — rather than to a reasoned sense of justice and the good of all.

c) Cultural Harms of Advertising

12. Advertising also can have a corrupting influence upon culture and cultural values. We have spoken of the economic harm that can be done to developing nations by advertising that fosters consumerism and destructive patterns of consumption. Consider also the cultural injury done to these nations and their peoples by advertising whose content and methods, reflecting those prevalent in the first world, are at war with sound traditional values in indigenous cultures. Today this kind of "domination and manipulation" via media rightly is "a concern of developing nations in relation to developed ones," as well as a "concern of minorities within particular nations."¹⁸

The indirect but powerful influence exerted by advertising upon the media of social communications that depend on revenues from this source points to another sort of cultural concern. In the competition to attract ever larger audiences and deliver them to advertisers, communicators can find themselves tempted

— in fact pressured, subtly or not so subtly — to set aside high artistic and moral standards and lapse into superficiality, tawdriness and moral squalor.

Communicators also can find themselves tempted to ignore the educational and social needs of certain segments of the audience — the very young, the very old, the poor — who do not match the demographic patterns (age, education, income, habits of buying and consuming, etc.) of the kinds of audiences advertisers want to reach. In this way the tone and indeed the level of moral responsibility of the communications media in general are lowered.

All too often, advertising contributes to the invidious stereotyping of particular groups that places them at a disadvantage in relation to others. This often is true of the way advertising treats women; and the exploitation of women, both in and by advertising, is a frequent, deplorable abuse. "How often are they treated not as persons with an inviolable dignity but as objects whose purpose is to satisfy others' appetite for pleasure or for power? How often the role of woman as wife and mother is undervalued or even ridiculed? How often is the role of women in business or professional life depicted as a masculine caricature, a denial of the specific gifts of feminine insight, compassion, and understanding, which so greatly contribute to the 'civilization of love'?"¹⁹

d) Moral and Religious Harms of Advertising

13. Advertising can be tasteful and in conformity with high moral standards, and occasionally even morally uplifting, but it also can be vulgar and morally degrading. Frequently it deliberately appeals to such motives as envy, status seeking and lust. Today, too, some advertisers consciously seek to shock and titillate by exploiting content of a morbid, perverse, pornographic nature.

What this Pontifical Council said several years ago about pornography and violence in the media is no less true of certain forms of advertising:

"As reflections of the dark side of human nature marred by sin, pornography and the exaltation of violence are age-old realities of the human condition. In the past quarter century, however, they have taken on new dimensions and have become serious social problems. At a time of widespread and unfortunate confusion about moral norms, the communications media have made pornography and violence accessible to a vastly expanded audience, including young people and even children, and a problem which at one time was confined mainly to wealthy countries has now begun, via the communications media, to corrupt moral values in developing nations."²⁰

We note, too, certain special problems relating to advertising that treats of religion or pertains to specific issues with a moral dimension.

In cases of the first sort, commercial advertisers sometimes include religious themes or use religious images or personages to sell products. It is possible to do this in tasteful, acceptable ways, but the practice is obnoxious and offensive when it involves exploiting religion or treating it flippantly.

In cases of the second sort, advertising sometimes is used to promote products and inculcate attitudes and forms of behavior contrary to moral norms. That is the case, for instance, with the advertising of

contraceptives, abortifacients and products harmful to health, and with government-sponsored advertising campaigns for artificial birth control, so-called "safe sex", and similar practices.

IV

SOME ETHICAL AND MORAL PRINCIPLES

14. The Second Vatican Council declared: "If the media are to be correctly employed, it is essential that all who use them know the principles of the moral order and apply them faithfully in this domain."²¹ The moral order to which this refers is the order of the law of human nature, binding upon all because it is "written on their hearts" (*Rom. 2:15*) and embodies the imperatives of authentic human fulfillment.

For Christians, moreover, the law of human nature has a deeper dimension, a richer meaning. "Christ is the 'Beginning' who, having taken on human nature, definitively illumines it in its constitutive elements and in its dynamism of charity towards God and neighbor."²² Here we comprehend the deepest significance of human freedom: that it makes possible an authentic moral response, in light of Jesus Christ, to the call "to form our conscience, to make it the object of a continuous conversion to what is true and to what is good."²³

In this context, the media of social communications have two options, and only two. Either they help human persons to grow in their understanding and practice of what is true and good, or they are destructive forces in conflict with human well-being. That is entirely true of advertising.

Against this background, then, we point to this fundamental principle for people engaged in advertising: advertisers — that is, those who commission, prepare or disseminate advertising — are morally responsible for what they seek to move people to do; and this is a responsibility also shared by publishers, broadcasting executives, and others in the communications world, as well as by those who give commercial or political endorsements, to the extent that they are involved in the advertising process.

If an instance of advertising seeks to move people to choose and act rationally in morally good ways that are of true benefit to themselves and others, persons involved in it do what is morally good; if it seeks to move people to do evil deeds that are self-destructive and destructive of authentic community, they do evil.

This applies also to the means and the techniques of advertising: it is morally wrong to use manipulative, exploitative, corrupt and corrupting methods of persuasion and motivation. In this regard, we note special problems associated with so-called indirect advertising that attempts to move people to act in certain ways — for example, purchase particular products — without their being fully aware that they are being swayed. The techniques involved here include showing certain products or forms of behavior in superficially glamorous settings associated with superficially glamorous people; in extreme cases, it may even involve the use of subliminal messages.

Within this very general framework, we can identify several moral principles that are particularly relevant to advertising. We shall speak briefly of three: truthfulness, the dignity of the human person, and social responsibility.

a) Truthfulness in Advertising

15. Even today, some advertising is simply and deliberately untrue. Generally speaking, though, the problem of truth in advertising is somewhat more subtle: it is not that advertising says what is overtly false, but that it can distort the truth by implying things that are not so or withholding relevant facts. As Pope John Paul II points out, on both the individual and social levels, truth and freedom are inseparable; without truth as the basis, starting point and criterion of discernment, judgment, choice and action, there can be no authentic exercise of freedom.²⁴ The Catechism of the Catholic Church, quoting the Second Vatican Council, insists that the content of communication be "true and — within the limits set by justice and charity — complete"; the content should, moreover, be communicated "honestly and properly."²⁵

To be sure, advertising, like other forms of expression, has its own conventions and forms of stylization, and these must be taken into account when discussing truthfulness. People take for granted some rhetorical and symbolic exaggeration in advertising; within the limits of recognized and accepted practice, this can be allowable.

But it is a fundamental principle that advertising may not deliberately seek to deceive, whether it does that by what it says, by what it implies, or by what it fails to say. "The proper exercise of the right to information demands that the content of what is communicated be true and, within the limits set by justice and charity, complete. ... Included here is the obligation to avoid any manipulation of truth for any reason."²⁶

b) The Dignity of the Human Person

16. There is an "imperative requirement" that advertising "respects the human person, his right duty to make a responsible choice, his interior freedom; all these goods would be violated if man's lower inclinations were to be exploited, or his capacity to reflect and decide compromised."²⁷

These abuses are not merely hypothetical possibilities but realities in much advertising today. Advertising can violate the dignity of the human person both through its content — what is advertised, the manner in which it is advertised — and through the impact it seeks to make upon its audience. We have spoken already of such things as appeals to lust, vanity, envy and greed, and of techniques that manipulate and exploit human weakness. In such circumstances, advertisements readily become "vehicles of a deformed outlook on life, on the family, on religion and on morality — an outlook that does not respect the true dignity and destiny of the human person."²⁸

This problem is especially acute where particularly vulnerable groups or classes of persons are concerned: children and young people, the elderly, the poor, the culturally disadvantaged.

Much advertising directed at children apparently tries to exploit their credulity and suggestibility, in the hope that they will put pressure on their parents to buy products of no real benefit to them. Advertising like this offends against the dignity and rights of both children and parents; it intrudes upon the parent-child relationship and seeks to manipulate it to its own base ends. Also, some of the comparatively little advertising directed specifically to the elderly or culturally disadvantaged seems designed to play upon

their fears so as to persuade them to allocate some of their limited resources to goods or services of dubious value.

c) Advertising and Social Responsibility

17. Social responsibility is such a broad concept that we can note here only a few of the many issues and concerns relevant under this heading to the question of advertising.

The ecological issue is one. Advertising that fosters a lavish life style which wastes resources and despoils the environment offends against important ecological concerns. "In his desire to have and to enjoy rather than to be and grow, man consumes the resources of the earth and his own life in an excessive and disordered way. ... Man thinks that he can make arbitrary use of the earth, subjecting it without restraint to his will, as though it did not have its own requisites and a prior God-given purpose, which man can indeed develop but must not betray."²⁹

As this suggests, something more fundamental is at issue here: authentic and integral human development. Advertising that reduces human progress to acquiring material goods and cultivating a lavish life style expresses a false, destructive vision of the human person harmful to individuals and society alike.

When people fail to practice "a rigorous respect for the moral, cultural and spiritual requirements, based on the dignity of the person and on the proper identity of each community, beginning with the family and religious societies," then even material abundance and the conveniences that technology makes available "will prove unsatisfying and in the end contemptible."³⁰ Advertisers, like people engaged in other forms of social communication, have a serious duty to express and foster an authentic vision of human development in its material, cultural and spiritual dimensions.³¹ Communication that meets this standard is, among other things, a true expression of solidarity. Indeed, the two things — communication and solidarity — are inseparable, because, as the *Catechism of the Catholic Church* points out, solidarity is "a consequence of genuine and right communication and the free circulation of ideas that further knowledge and respect for others."³²

V

CONCLUSION: SOME STEPS TO TAKE

18. The indispensable guarantors of ethically correct behavior by the advertising industry are the well-formed and responsible consciences of advertising professionals themselves: consciences sensitive to their duty not merely to serve the interests of those who commission and finance their work but also to respect and uphold the rights and interests of their audiences and to serve the common good.

Many women and men professionally engaged in advertising do have sensitive consciences, high ethical standards and a strong sense of responsibility. But even for them external pressures — from the clients who commission their work as well as from the competitive internal dynamics of their profession — can create powerful inducements to unethical behavior. That underlines the need for external structures and systems to support and encourage responsible practice in advertising and to discourage the irresponsible.

19. Voluntary ethical codes are one such source of support. These already exist in a number of places. Welcome as they are, though, they are only as effective as the willingness of advertisers to comply strictly with them. "It is up to the directors and managers of the media which carry advertising to make known to the public, to subscribe to and to apply the codes of professional ethics which already have been opportunely established so as to have the cooperation of the public in making these codes still better and in enforcing their observance."³³

We emphasize the importance of public involvement. Representatives of the public should participate in the formulation, application and periodic updating of ethical codes. The public representatives should include ethicists and church people, as well as representatives of consumer groups. Individuals do well to organize themselves into such groups in order to protect their interests in relation to commercial interests.

20. Public authorities also have a role to play. On the one hand, government should not seek to control and dictate policy to the advertising industry, any more than to other sectors of the communications media. On the other hand, the regulation of advertising content and practice, already existing in many places, can and should extend beyond banning false advertising, narrowly defined. "By promulgating laws and overseeing their application, public authorities should ensure that 'public morality and social progress are not gravely endangered' through misuse of the media."³⁴

For example, government regulations should address such questions as the quantity of advertising, especially in broadcast media, as well as the content of advertising directed at groups particularly vulnerable to exploitation, such as children and old people. Political advertising also seems an appropriate area for regulation: how much may be spent, how and from whom money for advertising may be raised, etc.

21. The media of news and information should make it a point to keep the public informed about the world of advertising. Considering advertising's social impact, it is appropriate that media regularly review and critique the performance of advertisers, just as they do other groups whose activities have a significant influence on society.

22. Besides using media to evangelize, the Church for her part needs to grasp the full implications of the observation by Pope John Paul: that media comprise a central part of that great modern "Areopagus" where ideas are shared and attitudes and values are formed. This points to a "deeper reality" than simply using media to spread the Gospel message, important as that is. "It is also necessary to integrate that message into the 'new culture' created by modern communications" with its "new ways of communicating... new languages, new techniques and a new psychology."³⁵

In light of this insight, it is important that media education be part of pastoral planning and a variety of pastoral and educational programs carried on by the Church, including Catholic schools. This includes education regarding the role of advertising in today's world and its relevance to the work of the Church. Such education should seek to prepare people to be informed and alert in their approach to advertising as to other forms of communication. As the *Catechism of the Catholic Church* points out, "the means of social communication. ... can give rise to a certain passivity among users, making them less than vigilant

consumers of what is said or shown. Users should practice moderation and discipline in their approach to the mass media."³⁶

23. In the final analysis, however, where freedom of speech and communication exists, it is largely up to advertisers themselves to ensure ethically responsible practices in their profession. Besides avoiding abuses, advertisers should also undertake to repair the harm sometimes done by advertising, insofar as that is possible: for example, by publishing corrective notices, compensating injured parties, increasing the quantity of public service advertising, and the like. This question of 'reparations' is a matter of legitimate involvement not only by industry self-regulatory bodies and public interest groups, but also by public authorities.

Where unethical practices have become widespread and entrenched, conscientious advertisers may be called upon to make significant personal sacrifices to correct them. But people who want to do what is morally right must always be ready to suffer loss and personal injury rather than to do what is wrong. This is a duty for Christians, followers of Christ, certainly; but not only for them. "In this witness to the absoluteness of the moral good Christians are not alone: they are supported by the moral sense present in peoples and by the great religious and sapiential traditions of East and West."³⁷

We do not wish, and certainly we do not expect, to see advertising eliminated from the contemporary world. Advertising is an important element in today's society, especially in the functioning of a market economy, which is becoming more and more widespread.

Moreover, for the reasons and in the ways sketched here, we believe advertising can, and often does, play a constructive role in economic growth, in the exchange of information and ideas, and in the fostering of solidarity among individuals and groups. Yet it also can do, and often does, grave harm to individuals and to the common good.

In light of these reflections, therefore, we call upon advertising professionals and upon all those involved in the process of commissioning and disseminating advertising to eliminate its socially harmful aspects and observe high ethical standards in regard to truthfulness, human dignity and social responsibility. In this way, they will make a special and significant contribution to human progress and to the common good.

Vatican City, February 22, 1997, Feast of the Chair of St. Peter the Apostle.

+ John P. Foley
President

+ Pierfranco Pastore
Secretary

APPENDIX H: IAPA Compilation of Restrictions on Advertising

Press Laws Database



Inter American Press Association

A r g e n t i n a

RESTRICTIONS ON ADVERTISING

Although there are no restrictions imposed on advertising, obscene advertising can cause sanctions (according to Article 128 of the Penal Code ? previously mentioned in Section 6 of this report ? which sanctions anyone who publishes, creates or reproduces obscene books, writings, images or objects and anyone who exhibits, distributes or circulates them).

Article 2, Sections a) and b), of Law 23,344 limit the advertising of tobacco products in the broadcasting media. Said article specifies, 'The advertising of tobacco, cigars, cigarettes and other products used for smoking is subject to the following restrictions':

- a) No radio or television advertising is permitted between the hours of 8 a.m. and 10 p.m. every day, unless only the brand is identified and is done outside the broadcasting location.
- b) No advertising is permitted in publications geared toward minors, nor in performance halls where the presence of children under the age of 18 is permitted.

Articles 23, 69, 70, 71 and 84 of the Broadcasting Law regulates all matters pertaining to advertising.**51**

A value added tax was levied on advertisements in newspapers and magazines in 1999 at the rate of 10.5%.

B o l i v i a

RESTRICTIONS ON ADVERTISING

Article 65 of Supreme Decree No. 09740, states that the procedure of subliminal perception is prohibited. **126** Despite that, there is no norm specific to advertising.

RESTRICTIONS ON ADVERTISING

The Code for the Protection and Defense of the Consumer says in Article 6, the following are basic rights of the consumer:

- I.. the protection of life, health and physical well-being against risks arising from practices in the provision of products and services regarded as dangerous or harmful;
- II. education about appropriate consumption of goods and services, ensuring freedom of choice and equal treatment;
- III. appropriate and clear information about the different products and services, accurately specifying quantity, characteristics, composition, quality and price, as well as about the risks they may pose;
- IV. protection against deceitful and abusive advertising, coercive or unfair commercial methods, as well as abusive practices and conditions that may be imposed in the supply of products and services;
- V. amendment of any contractual requirement for disproportionate payment or its revision should subsequent events make compliance unduly onerous;
- VI. effective prevention of and recompense for any individual or collective damage done;
- VII. access to the courts and government agencies with the aim of preventing or obtaining recompense for damage done, with legal, administrative and technical protection being guaranteed for the needy;
- X. suitable and effective provision of public services in general.

Article 36: Advertising must be presented in such a way that the consumer can identify it as such easily and immediately.

Sole paragraph: A supplier, in advertising his goods or services, shall keep in his possession, for the information of those legitimately interested, the factual, technical and scientific facts that support the message.

Article 37: All deceptive or abusive advertising is prohibited.

§1. Considered deceptive is any kind of advertising information or communication that is completely or partially false or, in any event, including by omission, is capable of leading the consumer to error with regard to the nature, characteristics, quality, quantity, properties, origin, price and any other details of products and services.

§2. Considered abusive is, among others, discriminatory advertising of any kind, that which incites to violence, exploits fear or superstition, takes advantage of the lack of judgment and experience of children, does not respect the environment or is capable of causing the consumer to act in a way that is harmful or dangerous to his health and safety.

§3. For the purposes of this Code, advertising is considered deceptive by omission when it fails to inform about some essential fact concerning the product or service.

There follows several forms of restriction of the content of advertisements or propaganda. Article 17 of Decree N° 57,690/1966 states:

I. It is not permitted:

- a) to publish text or illustrations that are contrary to public order, morality and good customs;
- b) to divulge confidential information about the business or plans of client advertisers;
- c) to reproduce advertising themes, axioms, marks, music, illustrations, or radio, television or movie plots without the prior consent of the owners or authors;
- d) to defame competitors and denigrate their technical merits;
- e) to attribute defects or faults to competing goods, products or services;
- f) to contract propaganda at a loss or on unfair terms;
- g) to use financial pressure with the aim of persuading a broadcast outlet to alter the treatment, handling and special conditions for propaganda.

C h i l e

RESTRICTIONS ON ADVERTISING

There are restrictions on advertising alcoholic beverages and tobacco on television. It can only take place between 10 p.m. and 6 a.m.

Under exceptional cases, the television services may mention the brands, but not the product subject to the ban, when a cultural, sporting or similar event is under the auspices or sponsorship of one of those brands. This restriction was established via Resolution No. 55, of August 16 1993, of the National Television Council.

In the case of tobacco, its advertisements must contain the warning "Tobacco may cause cancer," in accordance with the provisions of the decrees of the Ministry of Health No. 164, of July 4, 1986, and No. 626 of November 6, 1990.

The rule regarding protection for the rights of consumers establishes in Article 3 the obligation to inform consumers in a truthful and timely manner as well as responsibly of the goods and services offered. **112**

That law punishes whoever knowingly, or with reason to know, circulates publicity that misleads or encourages erroneous conclusions about the conditions of a product or service. **113** Failure to comply with the requirement to inform truthfully and without misleading gives rise to a charge of false advertising before a competent court. Distribution of the advertising may be suspended when merited by the seriousness of the facts and background. The advertiser may also be required to produce, at his own cost, appropriate advertising intended to correct errors or falsehoods. **113**

C o l o m b i a

RESTRICTIONS ON ADVERTISING

Decree 707 of 1992 regulates authorizations to carry out advertising campaigns by institutions partly owned by the State.

Decree 2092 of 1986, which regulated Law 9 of 1979 on the packaging, transportation and sale of medications, states in Article 53: "Medications shall be advertised or promoted only in scientific publications for the medical and dental professions. The advertising of medications in newspapers, radio and other mass communication media is prohibited. However, medications authorized for free sale may be advertised with previous approval of copy by the Ministry of Health."

Restrictions on advertising are not legally regulated but the Constitutional Court has dealt with academic writings of legal scholars in this field. The Court specified that the media are responsible for the advertisements they publish and therefore shall verify their origin and prevent such advertisements from damaging the fundamental rights of third parties.

C o s t a R i c a

RESTRICTIONS ON ADVERTISING

Censorship is in effect as established by the Political Constitution censorship when utilizing images that can be degrading to the image of the woman, as well as the advertisement of cigarettes and liquor. Although direct marketing campaigns are prohibited, an indirect marketing approach is accepted that excludes the use of images to promote the product. Also, the use of minors is prohibited in promoting these products. Furthermore, cigarette ads are also banned from newspaper, television, radio, sports magazines, Sundays and holidays, in the movies before 5 p.m., in television before 6 p.m. Liquor ads promoting consumption are totally banned.

C u b a

RESTRICTIONS ON ADVERTISING

Since 1989, as a result of Cuba's opening up to foreign investment, there have begun to appear a number of periodicals aimed at foreign investors in which there has been some advertising. However, the national press has not matched the changes in certain sectors of the economy, but and has remained on the same ideological and political path of serving as a propaganda vehicle for the Communist Party and as educator of the masses.

Commercial advertising is limited solely to those publications aimed at foreign investors and tourists.

D o m i n i c a n R e p u b l i c

RESTRICTIONS ON ADVERTISING

Regulation 824, which governs public spectacles, requires that advertising texts generally and those for medicinal products in particular conform strictly to the standards set by the culture, the good customs and the proper use of the language, in order to prevent mistaken interpretations (Art. 70).

Advertising texts for product publicity will be subject to prior checking by the National Commission of Public Spectacles and Radio Broadcasting or by the corresponding provincial sub commissions, to ascertain that the language is being used correctly and the facts about the products being advertised have not been altered (Art. 71).

No medicines, beverages, medications, cosmetics, insecticides, therapeutic appliances or beauty products may be advertised without the prior approval of the Ministry of Public Health and Social Assistance. It is also forbidden to advertise the product repeatedly.

Radio stations are obliged to broadcast programs that promote the national culture and maintain the purity of the Spanish language, per Art. 79.

Likewise, the regulation bans all broadcasts that corrupt the language or are contrary to good customs, whether through malicious expressions, offensive words or images, phrases with double meaning, the condoning of a crime and violence and anything else that disparages civic respect for national heroes or any other person (Art. 84).

The Minors Law (Law 14-94) places some restrictions on advertising:

Art. 110: All material, magazines, publications, illustrations, photographs, lectures and chronicles must have a cover that lists the contents.

Art. 111: Illustrations, photographs, ads for alcoholic beverages, tobacco, firearms and munitions will be displayed to the public observing standards of utmost respect for the ethical and social values of human beings and their families. This type of advertising is forbidden in public and private places designated for children and adolescents.?

E c u a d o r

RESTRICTIONS ON ADVERTISING

The Consumer Protection Law of 1990 contains some restrictions and guidelines on advertising of goods and services.

Art. 4: The rights of the consumer include the right to truthful, correct and complete information.

Art. 14: Suppliers are committed to inform truthfully and extensively as to quality, quantity, price and safety of goods and services offered to consumers.

In advertising about goods and services carried in the media, all facets of quantity shall be specified, as well as sales prices to the public when products are subject to official pricing. Regarding quality, reference shall be made, when applicable, to the INEN technical guidelines.?

Art. 15: ?The following are prohibited in advertising of goods and services:

- a) To disseminate false information leading to errors and confusion as to quality, quantity or price.
- b) To promote the use of illegal substances and drugs.
- c) To use false statements regarding reduced prices of goods and services, and
- d) To denigrate historic, patriotic, cultural or religious values.?

Art. 16: ?Advertising shall be controlled by a special committee made up as follows:

- a) A delegate from the Secretariat of Social Communications (SENAC), who shall be chairman;
- b) A delegate from the Ministry of Industry, Trade, Integration and Fisheries;
- c) A delegate from the Ecuadoran Institute of Normalization (INEN);
- d) A delegate appointed jointly by the Ecuadoran Association of Advertisers and the National Association of Advertising Agencies; and
- e) A delegate appointed jointly by the Ecuadoran Association of Radio Stations, the Ecuadoran Association of Newspaper Editors and the Ecuadoran Association of Television Channels.?

Art. 17: ?The Special Committee provided for in the previous clause shall enforce implementation of this law regarding advertising. The committee?s operations shall be governed by the regulations of this law.

Art. 18: ?The Special Committee provided for in Art. 16 shall suspend any advertising contrary to the provisions of this law, without prejudice of other relevant legal actions.?

E l S a l v a d o r

RESTRICTIONS ON ADVERTISING

The Consumer Protection Law of 1996 establishes parameters for advertising goods and services to the consumer, as follows:

Art. 6: ?As defined in this law, the following is understood:

- f) False advertising: Any type of information or communication of a commercial nature which uses texts, dialogues, sound, images or descriptions that may mislead, directly or indirectly, even by omission, the user or consumer through deceit, errors or confusion; and.??

Art. 7: ?The consumer in particular will have the following rights:

- b) To be properly informed of the condition of the products or services he acquires or receives??

Art. 17: It is forbidden for advertising to contain false information that may mislead as to the origin, quality, quantity, content, price, guarantee, use or effect about products or services. The Ministry will consult with the National Advertising Council to verify the above.

In cases covered by this article, the individual or company that placed the advertising will be held responsible for any violations.

Art. 35: Sanctions applicable under this law will be imposed without prejudice for any criminal offense that may have occurred.

On learning of any criminal violations that may infringe consumers' rights, the Ministry must inform the office of the attorney general of the Republic to undertake appropriate legal action, particularly in the following cases:

a) Dissemination of false, exaggerated or malicious information, or the use of cunning fraudulent means that destabilize goods, salaries or stock values of the domestic market, and is classified as profiteering in the penal code;

b) The spreading of rumors or the use of any maneuver or artifice to cause a rise in the price of foodstuffs or primary need good, which constitutes the crime of speculation as defined in the penal code.

The following articles were taken from the code of ethics of the National Advertising Council, a body composed of the Salvadoran Association of Advertising Agencies, the Association of Publicity Media of El Salvador and the National Association of Advertisers of El Salvador.

Art. 2: Due to the varying characteristics of different media (print, television, radio, film, posters, signs, etc.), the fact that a version of an ad prepared for one medium is acceptable does not necessarily mean that versions created for other media will also be acceptable.

Art. 6: In applying the standards of this code, the interests of the consumer will always take precedence over the interests of the advertiser, medium or agency.

Art. 7: Advertising activity must be characterized by respect for the dignity of people, the family unit, social interests, recognized authorities, public and private institutions and patriotic symbols.

No advertisement should favor or promote any type of discrimination.

Art. 8: No advertisement should incite illegal activities nor favor, glorify or promote them.

Art. 11: Every advertisement or message must conform to sound morals, good customs and public order. Messages must not have visual or aural content that is offensive to the prevailing moral concept of the community.

Art. 19: The advertisement must not lead to confusion in the consumer concerning the price of the product because of unrealistic or exaggerated comparisons with the price of other producers.

Art. 22: The advertisement must employ language based on universal principles of good morals, decorum and good taste. Moreover, language must be used appropriately, either written or oral. Expressions that exaggerate or distort the truth and advertising ethics should be avoided, as well as foreign words and idiomatic expressions.

G u a t e m a l a

RESTRICTIONS ON ADVERTISING

There are very few restrictions to advertising.

Article 363: ?The following acts, among others, are declared unfair competition: 1) to deceive or confuse the general public or specific persons via: a) the spreading of false news, intended to influence the intention of the buyer, regarding the motives that the seller has to offer special conditions, such as announcing sales due to liquidations, business failures or meetings of creditors, when these situations do not really exist.?? **100**

The Law of the Consumer regulates freedom of expression in so far as Article 3, clause 5, declares that falsehood in the quality of products is a violation of law. **101** Clause 6 in the same article calls it deceit of quality. This is to deter the broadcast of advertisements by the media that deceive the consuming public with respect to quality that a product or service lacks.

The Code of Health imposes a restriction on the advertising of medicines. Article 84 establishes that: ?Any advertisement that attributes therapeutic properties to foodstuffs or that leads to error or deceives the public with respect to the nature, qualities, properties and origin of foodstuffs is positively forbidden.? **102** It adds that any advertisement or publicity about medical products must be in accordance with the Rules and Regulations and will be subject to the permanent control of the Ministry of Public Health and Social Assistance.

In addition to the regulations stipulated in the Health, Commercial and Penal Codes previously discussed, Law Decree Number 66-86 of the President of the Republic entitled ?Law on the Commercialization of Mother?s Milk Substitutes? and its by-laws limit the form allowed for the advertisement of substitutes for mother?s milk.

The Law of Radio Communications (Law-Decree Number 433 of the President of the Republic and its reforms) establishes that radio jingles and television advertisements should preferably be produced in Guatemala. **103**

H o n d u r a s

RESTRICTIONS ON ADVERTISING

To date there are no specific regulations on advertising of alcoholic beverages and tobacco. However, there are provisions regarding the advertising of medications.

Because the Law on Health has several restrictions for the advertising of medications, some of the provisions of said statute are detailed below.

Article 10: ?All persons have the right to obtain from the proper authorities the appropriate information and adequate instructions regarding matters, actions and practices conducive to the promotion and conservation of their personal health and that of the members of their households, especially on hygiene, diet, psychological orientation, mental health, sexual education, communicable diseases, family planning, early diagnosis of illnesses and on the practice and use of technical and special elements.? **98**

Article 147: ?In order to protect the population against abuses as a result of making reference to non-existent properties of a product, or that in any way exaggerate those it actually has, or that may

erroneously induce them to buy it, all matters related to the advertising of pharmaceutical products shall be regulated. 99

M e x i c o

RESTRICTIONS ON ADVERTISING

The 1970 Law on Radio and Television restricts advertising in those media as follows:

Article 67: Commercial propaganda broadcast by radio and television shall conform to the following:

- I. A prudent balance must be maintained between commercial advertising and overall programming;
- II. There shall be no advertising of centers of vice of any kind;
- III. Propaganda or announcements of industrial or commercial products or of activities that deceive the public or cause it harm because of exaggeration or falsehood in the indications for their use, application or properties shall not be broadcast;
- IV. No advertising shall be made, in the programming referred to in Article 59-b, that incites to violence and that concerning food products distorts good eating habits.

Article 68: Commercial broadcast stations in handling advertising of beverages with an alcohol content above 20 per cent must refrain from any exaggeration and combine it with health and nutrition education messages. Minors may not be employed in this advertising, neither may the products being advertised be drunk in public actually or in simulation.

The Federal Law on Radio and Television's Enabling Legislation prohibits the following:

Article 47: Any advertising referring to:

- I. Taverns and
- II. Advertising offensive to moral principles, decency and good habits by virtue of the characteristics of the product to be advertised.

Article 48: Advertising of centers of vice is defined as the broadcast of any entertainment from such places.

In addition, it is important to stress that anyone who uses a commercial and intends to register it should also take into account rules under other legislation whose objectives have something in common with the Law on Inventions and Trademarks and the Regulation of Announcements, either to prevent undue competition or to prevent consumers becoming victims of deception. What is involved is the Federal Law on Protection of the Consumer of November 19, 1975, which prohibits advertising of matter that misrepresents the contents, uses, characteristics and properties of all kinds of products or services (Article 59).

The same law stipulates that advertisements shall be in Spanish (Article 79).

Non-compliance with the provisions of this law on the part of suppliers and merchants shall give rise to an administrative sanction and the imposition of the penalties corresponding to the offenses committed (Article 90).

N i c a r a g u a

RESTRICTIONS ON ADVERTISING

The Law on Protection of the Consumer of 1994 in Article 12 stipulates that consumers must be given accurate, timely, clear and adequate information on the goods and services available in the market. Similarly, Article 13 requires that suppliers of goods shall provide to the consumer clear, accurate and at least sufficient information on the characteristics of their products.

There is a law dating from 1980 titled 'Law to Regulate Information on Economic Content' which so far has not been expressly repealed and which has stipulated that the media may not transmit news or information on matters relating to shortage of staple products, that give rise to price speculation or in any way endanger or compromise the nation's national economic stability.

P a n a m a

RESTRICTIONS ON ADVERTISING

There are certain restrictions on the advertising of medications and health treatments, and prior approval of copy is required from the Ministry of Health. In effect, Law 66 of 1947 established the Health Code and contained in Art. 171 censorship of advertising for medications, cosmetics and beauty products, among others. The Central Office of Public Health was charged with implementing the censorship. Art. 183 of the Health Code also laid down rules regulating the advertising of foodstuffs.

There are complementary rules such as Decree 601 of 1956, to regulate the advertising of medicinal products; Decree 129 of 1978 to regulate advertising of alcoholic and non-alcoholic beverages, cigarettes and tobacco; Decree 451 of 1990 to regulate advertising of medical services and therapeutic treatments; Decree 299 of 1992 to regulate advertising of beer and tobacco; Resolution 12 of 1993 which defines the internal regulation of the Commission of Advertising and Propaganda of the Central Office of Public Health; Resolution 001 of 1994 to regulate billboards advertising cigarettes, tobacco and alcoholic beverages; and finally, the dispositions of the Family Code that have to do with minors, private, personal and family matters and their treatment by publications.

P a r a g u a y

RESTRICTIONS ON ADVERTISING

Advertising of tobacco products and alcoholic beverages is regulated under Decree N° 8,314 of March 31, 1995.

The regulations prohibit:

The broadcast of tobacco and alcohol ads before 8:00 p.m. (except in the case of sponsored international sports events held locally or abroad).

Tobacco and alcohol ads that portray minors or family situations or have explicit sexual content.

Tobacco and alcohol ads that encourage abuse or exaggerated and irresponsible consumption of the product.

Billboards advertising tobacco or alcohol near schools, colleges and hospitals.

Tobacco and alcohol ads on signs identifying healthcare establishments and primary and secondary schools.

Penalties for infringing the bans set out in Decree 8,314 are: Warning, fine, suspension or cancellation of license, to be applied by the Public Health Ministry under terms of the Health Code, which is in turn regulated by Decree 8,314.

Other resolutions of the Public Health Ministry regulate:

- a) the advertising of pharmaceutical products (Res. S.G. N° 2 of January 4, 1991). Among its principal provisions, this resolution establishes that:
- b) Medicines whose sale requires a prescription from a doctor, dentist or veterinarian may only be announced or promoted in scientific publications or in other forms of advertising directed exclusively at health professionals (Article 1).
- c) Draft reports and advertising of non-prescription medicines must be approved in advance by the Public Health Ministry (Article 3).

Publication of advertising of medicines said unfaillingly to cure diseases in a given time, assuming supernatural properties, is prohibited under Article 5 of Res. N° 291 of May 31, 1994.

This latter resolution empowers the Advertising Control Section to register, supervise and control the text and artwork of advertisements referring to healthcare professionals and establishments, pharmaceutical products, etc. that may be carried by print and broadcast media (Article 1). It also stipulates that the Health Ministry's Public Relations and Communications Office must give prior authorization to the text and/or artwork of any advertisement relating to medicines, food products and alcoholic beverages, medical emergencies, mental and sports health, among other things.

The Law on Regulation of Advertising under Article 35 prohibits any advertising regarded as misleading. This is taken to mean any means of information, dissemination or communication of an advertising nature that is partly or entirely false, or that which in any other way, including by omission, that is capable of leading the consumer to err when he is given facts concerning the nature, characteristics, quality, quantity, properties, origin, price, marketing conditions, production techniques or any other factor required to define the product.

Also regulated is comparison advertising, under Article 36. Similarly, abusive advertising is prohibited, this being taken as advertising of a discriminatory nature or that which in any way incites to violence, exploits fear, takes advantage of children's lack of maturity, infringes environmental values or is capable of causing the consumer to act in a manner harmful to his health or safety.

RESTRICTIONS ON ADVERTISING

Article 65 of the Constitution establishes: 'The State defends the interests of consumers and users. As such it guarantees the right to information about the goods and services at their disposition in the market'.

?In addition, it particularly watches over the health and safety of the population.?

Article 15 of Legislative Decree 716 of 1991 on consumer protection establishes that the providers are obligated to give information on products and services that is true, sufficient, appropriate and easily accessible by the consumer or user.

Article 3 of Decree 691 of 1991 dictates that the advertisements must respect the laws. Article 4 states that they must not contain information or images that may lead the consumer to error. Article 8 states that comparisons are permitted, provided that they are not denigrating. Article 9 specifies that commercials for alcoholic beverages must be directed to adults. Article 10 states that commercials cannot induce minors to mistaken conclusions as a result of the use of fantasy. Finally, Article 12 dictates that cigarette commercials must state that smoking is hazardous to health.

The Penal Code penalizes any conduct that through advertising misleads consumers regarding the quality of goods and services (Article 238). In the case of food products, preservatives and additives, medications or articles necessary to maintain life or for consumption by children, the fine is increased by fifty per cent (50%).

P u e r t o R i c o

RESTRICTIONS ON ADVERTISING

There are several provisions regulating advertising. Section 1014 of Title 23 of L.P.R.A. prohibits deceitful or fraudulent advertising. Violators are punishable under the law.

The Regulation of Deceitful Practices and Advertisements similarly sets out a number of prohibitions regarding deceitful advertising.

Advertising designed to discriminate by race, color or any other condition is prohibited (S. 13, L.P.R.A).

U S A

RESTRICTIONS ON ADVERTISING

A newspaper can refuse to accept advertising for any reason if it does not run afoul of the antitrust laws. For example, a newspaper will violate Section 2 of the Sherman Act if it refuses to accept advertising from a local business because the company is advertising on a competing radio station. Broadcasters also must be sensitive to antitrust concerns when developing advertising guidelines.

U r u g u a y

RESTRICTIONS ON ADVERTISING

There are no restrictions on advertising.

The advertisers belonging to the Uruguayan Association of Advertising Agencies (AUDAP) have a code of ethics and a Committee on Advertising Self-Regulation (the Uruguayan chapter of the International Advertising Association) whose code stipulates: 'Advertising shall not include: the irreverent and anything offensive to ethics and enduring beliefs and values, such as the nation and its symbols, the family, authority; the divisive, the immoral, the obscene, the truculent'.

Law 16,320 of November 1, 1992, says in Article 484: 'State advertising must take into account the inland print media and this shall be obligatory wherever this is aimed specifically at residents of a particular city, region or province in the interior where print media is published and distributed, without prejudice to placement also in a national publication regarded as appropriate.'

The 1983 Law on the Sale of Cigarettes and Cigars requires advertising of these to contain a warning of the health risks.

In the area of financial advertising, there are several regulations, among them the 1982 Law on Financial Intervention, the 1996 Law 16,749 on the Stock Market and the 1996 Regulatory Decree 344, which speak of the obligation to disseminate accurate information in some cases and in others of the prohibition of reporting anything about stock transactions, etc.

V e n e z u e l a

RESTRICTIONS ON ADVERTISING

There are restrictions imposed on advertising based on public order and good customs. Article 66 of the Constitution forbids war propaganda that may offend public morals or seek to incite disregard for the law; but the law protects analysis and criticism of the legal precepts.

Art. 7 of the Consumer Protection Law of 1974 forbids advertising false or misleading practices that may harm the consumer.

The 1980 radio communications regulation determines that advertising of medicinal products must conform strictly to forms required by the culture, good customs and the proper use of the language (Art. 50). Pharmaceutical products not approved by the Ministry of Health and Social Assistance may not be advertised (Art. 51).

Art. 20 of the Minors Protection Law forbids commercial messages in which minors are used to promote vices, bad habits and false values and are disrespectful of human dignity. Neither may minors be used in ads that promote the use of products harmful to the health or the acquisition of unnecessary or luxury articles.

APPENDIX I: Better Business Bureau Code of Advertising



Code of Advertising

Foreword

These basic advertising standards are issued for the guidance of advertisers, advertising agencies and advertising media.

It is not possible to cover fully the wide variety of advertising practices by specific standards in a code of this type which is designed to apply to the offering of all goods and services. Where the Better Business Bureau has developed specific industry advertising codes, it is recommended that industry members adhere to them. If specific questions arise which are not covered or involve advertising directed to children, it is recommended that *Do's and Don'ts in Advertising* (a comprehensive two volume loose- leaf compendium published by the Council of Better Business Bureaus) be consulted. Advertisers, agencies and media should also be sure that they are in compliance with local, state and federal laws and regulations governing advertising.

Adherence to the provisions of this Code will be a significant contribution toward effective self-regulation in the public interest.

Basic Principles

1. The primary responsibility for truthful and non-deceptive advertising rests with the advertiser. Advertisers should be prepared to substantiate any claims or offers made before publication or broadcast and, upon request, present such substantiation promptly to the advertising medium or the Better Business Bureau.
2. Advertisements which are untrue, misleading, deceptive, fraudulent, falsely disparaging of competitors, or insincere offers to sell, shall not be used.
3. An advertisement as a whole may be misleading although every sentence separately considered is literally true. Misrepresentation may result not only from direct statements but by omitting or obscuring a material fact.

1. **Comparative Price, Value and Savings Claims**

Advertisers may offer a price reduction or saving by comparing their selling price with:

- a. their own former selling price,
- b. the current selling price of identical merchandise sold by others in the market area, or
- c. the current selling price of comparable merchandise sold by the advertiser or by others in the market area. When any one of these comparisons is made in advertising, the claim should be based on the following criteria *and* the advertising

should make clear to which of the above the comparative price or savings claim relates.

- d. Comparison with own **former selling price**
 1. The former price should be the actual price at which the advertiser has been currently offering (see below (2) the merchandise immediately preceding the sale, on a regular basis, and for a reasonably substantial period of time.
 2. Offering prices, as distinguished from actual former selling prices, have frequently been used as a comparative to deceptively imply a saving. In the event few or no sales were made at the advertised comparative price, the advertiser should make sure that the higher price does not exceed the advertiser's usual and customary retail markup for similar merchandise, not an inflated or exaggerated price, and is one at which the merchandise was openly and actively offered for sale, for a reasonably substantial period of time, in the recent, regular course of business, honestly and in good faith.
 3. Descriptive terminology often used by advertisers includes: "regularly," "was," "you save \$____," and "originally." If the word "originally" is used and the original price is not the last previous price, that fact should be disclosed by stating the last previous price, or that intermediate markdowns have been taken, e.g., "originally \$400, formerly \$300, now \$250"; "originally \$400, intermediate markdowns taken, now \$250."
- e. Comparison with **current price** of identical merchandise sold by others
 1. The comparative price should not exceed the price at which representative principal retail outlets in the market area have been selling the identical merchandise immediately preceding the advertiser's offer, on a regular basis and for a reasonably substantial period of time. Such comparisons should be substantiated by the advertiser immediately prior to making any advertised comparisons.
 2. Descriptive terminology often used by advertisers includes: "selling elsewhere at \$_____." (Refers to market area cited in (1) above.)
- f. Comparison with current price of **comparable merchandise** sold by the advertiser or by others
 1. The comparative price should not exceed the price at which the advertiser or representative principal retail outlets in the market area have been selling the comparable merchandise immediately preceding the advertiser's sale, on a regular basis and for a reasonably substantial period of time. Such comparisons should be substantiated by the advertiser immediately prior to making any advertised comparisons.
 2. In all such cases, the advertiser should make certain that comparable merchandise is similar in all respects and of at least like grade and quality.
 3. Descriptive terminology often used by advertisers includes: "comparable value," "compares with merchandise selling at \$, "equal to merchandise selling for \$_____."
- g. **List prices**

"List price," "manufacturer's list price," "reference price," "suggested retail price," and similar terms have been used deceptively to state or imply a saving which was not, in fact, the case. A list price may be advertised as a comparative to the advertised sales price only to the extent that it is the actual selling price currently charged by the advertiser or by representative principal retailers in the market area where the claim is made.

Such a comparison should be substantiated by the advertiser immediately prior to making any advertised comparison.

- h. **"Imperfects," "irregulars," "seconds"**

No comparative price should be used in connection with an imperfect, irregular or second article unless it is accompanied by a clear and conspicuous disclosure that

such comparative price applies to the price of the article, if perfect. The comparative price advertised should be based on (1) the price currently charged by the advertiser for the article without defects, or (2) the price currently charged by representative principal retailers in the trade area for the article without defects, and the advertisement should disclose which basis of comparison is being used.

- i. **"Factory to you," "factory direct," "wholesaler," "wholesale prices"**
The terms "factory to you," "factory direct," "wholesaler," "wholesale prices" and others of similar import have been the subject of great abuse in advertising. They imply a significant saving from the actual price at which identical merchandise is currently being offered by representative principal retailers in the market area, or where identical merchandise is not being offered, from comparable values in the market area. Such terms should not be used unless the implied savings can be substantiated and the terms meet all of the requirements below.
 1. The terms "factory to you," "direct from maker," "factory outlet" and the like should not be used unless all advertised merchandise is actually manufactured by the advertiser or in factories owned or controlled by the advertiser.
 2. The terms "wholesaler," "wholesale outlet," "distributor" and the like should not be used unless the advertiser actually owns and operates or directly and absolutely controls a wholesale or distribution facility which primarily sells products to retailers for resale.
 3. The terms "wholesale price," "at cost" and the like should not be used unless they are the current prices which retailers usually and customarily pay when they buy such merchandise for resale.
- j. **Sales**
 1. The unqualified term "sale" may be used in advertising only if there is a significant reduction from the advertiser's usual and customary price of the merchandise offered and the sale is for a limited period of time. If the sale exceeds thirty days advertisers should be prepared to substantiate that the offering is indeed a valid reduction and has not become their regular price.
 2. Time limit sales should be rigidly observed. For example, merchandise offered in a "one-day sale," "three-day sale," "this week only," sale should be taken off "sale" and revert to the regular price immediately following expiration of the stated time.
 3. Introductory sales should be limited to a stated time period, and the selling price should be increased to the advertised regular price immediately following termination of the stated period.
 4. Price predictions advertisers may currently advertise future increases in their own prices on a subsequent date provided that they do, in fact, increase the price to the stated amount on that date and maintain it for a reasonably substantial period of time thereafter.
- k. **"Emergency" or "distress" sales**
Emergency or distress sales, including but not limited to bankruptcy, liquidation and going out of business sales, should not be advertised unless the stated or implied reason is a fact, should be limited to a stated period of time, and should offer only such merchandise as is affected by the emergency. "Selling out," "closing out sale," and similar terms should not be used unless the concern so advertising is actually going out of business. The unqualified term "liquidation sale" means that the advertiser's entire business is in the process of actually being liquidated prior to actual closing. Advertisers should conform with the requirements of applicable local, state and federal laws.
- l. **"Up to" savings claims**
Savings or price reduction claims covering a group of items with a range of savings should state both the minimum and maximum savings without undue or misleading display of the maximum. The number of items available at the maximum savings should comprise a significant percentage, typically 10%, of all the items in the offering, unless local or state law requires otherwise.

- m. **Lowest price**, underselling claims
Despite an advertiser's best efforts to ascertain competitive prices, the rapidity with which prices fluctuate and the difficulty of determining prices of all sellers at all times preclude an absolute knowledge of the truth of generalized underselling/lowest price claims. Advertisers should have proper substantiation for all claims prior to dissemination; unverifiable underselling claims should be avoided.
- n. **Price equaling**, meeting competitors' prices
Advertisements which set out company policy of matching or bettering competitors' prices may be used, provided the terms of the offer are specific and in good faith and provided the terms of the offer are not unrealistic or unreasonable. Advertisers should be aware that such claims can create an implicit obligation to adjust prices generally for specific merchandise upon a showing that the advertiser's price for that merchandise is not as low as or lower than a competitor's, in order to preserve the accuracy of the advertised claims.

An advertisement which expresses a policy of matching or bettering competitors' prices should conspicuously and fully disclose any material and significant conditions which apply and specify what evidence a consumer must present to take advantage of the offer. Such evidence should not place an unrealistic or unreasonable burden on the consumer.

2. "Free"

- a. The word "free" may be used in advertising whenever the advertiser is offering an unconditional gift. If receipt of the "free" merchandise or service is conditional on a purchase:
 - the advertiser must disclose this condition clearly and conspicuously together with the "free" offer (not by placing an asterisk or symbol next to "free" and referring to the condition(s) in a footnote);
 - the normal price of the merchandise or service to be purchased must not have been increased nor its quantity or quality reduced; and
 - the "free" offer must be temporary; otherwise, it would become a continuous combination offer, no part of which is free.
 - In a negotiated sale no "free" offer of another product or service should be made where:
 0. the product or service to be purchased usually is sold at a price arrived at through bargaining, rather than at a regular price; or
 1. there may be a regular price but other material factors such as quantity, quality or size are arrived at through bargaining.

"Cents-off" Sales

The principles stated in the standard dealing with "free" should be followed in the advertising of "cents-off" sales.

Trade-in Allowances

Any advertised trade-in allowance should be an amount deducted from the advertiser's current selling price without a trade-in. That selling price must be clearly disclosed in the advertisement. It is misleading to offer a fixed and arbitrary allowance regardless of the size, type, age, condition, or value of the article traded in, for the purpose of disguising the true retail price or creating the false impression that a reduced price or a special price is obtainable only by such trade-in.

Credit

Whenever a specific credit term is advertised, it should be available to all respondents unless qualified as to respondents' credit acceptability. All credit terms must be clearly and conspicuously disclosed in the advertisement, as required by the federal Truth in Lending Act and applicable state laws.

The Truth in Lending Act and Regulation Z which implements the Act, as well as Regulation M which covers consumer leasing, contain important provisions that affect any advertising

to aid or promote the extension of consumer credit and should be carefully reviewed by every advertiser.

Open-end credit

The requirements for advertising open-end credit under Regulation Z are complex. Therefore, advertisers are advised to consult Section 226.16 of the Regulation for details on terms triggering disclosure, prescribed terminology and information that must be disclosed.

Closed-end credit

Advertisers are advised to consult Section 226.24 of Regulation Z for details of closed-end credit advertising. If an advertisement of closed-end credit contains any of the following triggering terms, three specific disclosures must also be stated, clearly and conspicuously. The *triggering* terms are:

0. the amount or percentage of any down payment;
1. the number of payments or period of repayment; (3) the amount of any payment, expressed either as a percentage or as a dollar amount; or
2. the amount of any finance charge. The three *disclosures* are:
 1. the amount or percentage of the down payment;
 2. the terms of repayment; and
 3. the "annual percentage rate," using that term spelled out in full. If the rate may be increased after consummation of the credit transaction, that fact must be disclosed.

"Easy credit," "liberal terms"

The terms "easy credit," "easy credit terms," "liberal terms," "easy pay plan" and other similar phrases relate to credit worthiness as well as to the terms of sale and credit repayment, and should be used only when:

0. consumer credit is extended to persons whose ability to pay or credit rating is below typical standards of credit worthiness;
1. the finance charges and annual percentage rate do not exceed those charged to persons whose credit rating has been determined and who meet generally accepted standards of credit worthiness;
2. the down payment is as low and the period of repayment of the same duration as in consumer credit extensions to those of previously determined credit worthiness; and
3. the debtor is dealt with fairly on all conditions of the transaction including the consequences of a delayed or missed payment.

"No credit rejected"

The words "no credit rejected" or words of similar import should not be used unless true, since they imply that consumer credit will be extended to anyone regardless of the person's credit worthiness or financial ability to pay.

Extra Charges

Whenever a price is mentioned in advertising, any extra charges should also be disclosed in immediate conjunction with the price (e.g., delivery, installation, assembly, excise tax, postage and handling).

Bait Advertising and Selling

- . "bait" offer is an alluring but insincere offer to sell a product or service which the advertiser does not intend to sell. Its purpose is to switch consumers from buying the advertised merchandise or service, in order to sell something else, usually at a higher price or on a basis more advantageous to the advertiser.
- A. No advertisement should be published unless it is a bona fide offer to sell the advertised merchandise or service.
- B. The advertising should not create a false impression about the product or service being offered in order to lay the foundation for a later "switch" to other, more expensive products or services, or products of a lesser quality at the same price.
- C. Subsequent full disclosure by the advertiser of all other facts about the advertised article does not preclude the existence of a bait scheme.
- D. An advertiser should not use nor permit the use of the following bait scheme practices: refusing to show or demonstrate the advertised merchandise or service;

- disparaging the advertised merchandise or service, its warranty, availability, services and parts, credit terms, etc.;
 - selling the advertised merchandise or service and thereafter "unselling" the customer to make a switch to other merchandise or service; refusing to take orders for the advertised merchandise or service or to deliver it within a reasonable time; demonstrating or showing a defective sample of the advertised merchandise; or, having a sales compensation plan designed to penalize salespersons who sell the advertised merchandise or service.
- E. An advertiser should have on hand a sufficient quantity of advertised merchandise to meet reasonably anticipated demands, unless the advertisement discloses the number of items available or states "while supplies last." If items are available only at certain branches, their specific locations should be disclosed. The use of "rainchecks" is no justification for inadequate estimates of reasonably anticipated demand.
- F. Actual sales of the advertised merchandise or service may not preclude the existence of a bait scheme since this may be merely an attempt to create an aura of legitimacy. A key factor in determining the existence of "bait" is the number of times the merchandise or service was advertised compared to the number of actual sales of the merchandise or service.

Warranties (or Guarantees)

- When the term "warranty" (or "guarantee") is used in product advertising, the following disclosure should be made clearly and prominently: a statement that the complete details of the warranty can be seen at the advertiser's store prior to sale, or in the case of mail or telephone order sales, are available free on written request.
- A. (1) "satisfaction guarantee," "money back guarantee," "free trial offer," or similar representations should be used in advertising only if the seller or manufacturer refunds the full purchase price of the advertised product at the purchaser's request.
- (2) When "satisfaction guarantee" or similar representations are used in advertising, any material limitations or conditions that apply to the guarantee should be clearly and prominently disclosed.
- B. When the term "lifetime," "life" or similar representations are used in advertising to describe the duration of the warranty or guarantee, the advertisement should clearly and prominently disclose the life to which the representation refers.
- C. Sellers or manufacturers should advertise that a product is warranted or guaranteed only if the seller or manufacturer promptly and fully performs its obligations under the warranty or guarantee.
- D. Advertisers should make certain that any advertising of warranties complies with the Consumer Products Warranty Act, effective July 4, 1975, relevant Federal Trade Commission requirements and any applicable state and local laws.

Layout and Illustrations

The composition and layout of advertisements should be such as to minimize the possibility of misunderstanding by the reader. For example, prices, illustrations, or descriptions should not be so placed in an advertisement as to give the impression that the price or terms of featured merchandise apply to other merchandise in the advertisement when such is not the fact. An advertisement should not be used which features merchandise at a price or terms boldly displayed, together with illustrations of higher-priced merchandise, so arranged as to give the impression that the lower price or more favorable terms apply to the other merchandise, when such is not the fact.

Asterisks

An asterisk may be used to impart additional information about a word or term which is not in itself inherently deceptive. The asterisk or other reference symbol should not be used as a means of contradicting or substantially changing the meaning of any advertising statement. Information referenced by asterisks should be clearly and prominently disclosed.

Abbreviations

Commonly known abbreviations may be used in advertising. However, abbreviations not generally known to or understood by the general public should be avoided.

For example, "deliv. extra" is understood to mean that there is an extra charge for delivery of the merchandise. "New Battery, \$25 W.T.," is not generally understood to mean "with trade-in."

Use or Condition Disclosures

- **Used, secondhand, etc.**
A product previously used by a consumer should be clearly and conspicuously described as such, e.g., "used," "secondhand," "pre-owned," "repossessed," "rebuilt," "reconditioned."
- A. **Rebuilt, reconditioned**
 0. The term "rebuilt" should be used only to describe products that have been completely disassembled, reconstructed, repaired and refinished, including replacement of parts.
 1. The term "reconditioned" should be used only to describe products that have received such repairs, adjustments or finishing as were necessary to put the product in satisfactory condition without rebuilding.
- B. **"As is"**
When merchandise is offered on an "as is" basis, i.e., in the condition in which it is displayed at the place of sale, the words "as is" should be indicated in any advertising and on the bill of sale. An advertiser also may describe the condition of the merchandise if so desired.
- C. **Second, irregular, imperfect**
If merchandise is defective or rejected by the manufacturer because it falls below specifications, it should be advertised by terms such as "second," "irregular," or "imperfect."
- D. **"Discontinued"**
Merchandise should not be described as "discontinued," "discontinued model," or by words of similar import unless the manufacturer has, in fact, discontinued its manufacture, or the retail advertiser will discontinue offering it entirely after clearance of existing inventories. If discontinuance is only by the retailer, the advertising should indicate that fact, e.g., "we are discontinuing stocking these items."

Superiority Claims-Comparatives-Disparagement

- Truthful comparisons using factual information may help consumers make informed buying decisions, provided:
 0. all representations are consistent with the general rules and prohibitions against false and deceptive advertising;
 1. all comparisons that claim or imply, unqualifiedly, superiority to competitive products or services are not based on a selected or limited list of characteristics in which the advertiser excels while ignoring those in which the competitors excel;
 2. the advertisement clearly discloses any material or significant limitations of the comparison; and
 3. the advertiser can substantiate all claims made.
- A. Advertising which deceptively or falsely disparages a competitor or competing products or services should not be used.

Superlative Claims-Puffery

Superlative statements, like other advertising claims, are objective (factual) or subjective (puffery):

- objective claims relate to tangible qualities and performance values of a product or service which can be measured against accepted standards or tests. As statements of fact, such claims can be proved or disproved and the advertiser should possess substantiation.
- subjective claims are expressions of opinion or personal evaluation of the intangible qualities of a product or service. Individual opinions, statements of corporate pride and

promises may sometimes be considered puffery and not subject to test of their truth and accuracy. Subjective superlatives which tend to mislead should be avoided.

Testimonials and Endorsements

In general, advertising which uses testimonials or endorsements is likely to mislead or confuse if:

- it is not genuine and does not actually represent the current opinion of the endorser;
- it is not quoted in its entirety, thereby altering its overall meaning and impact;
- it contains representations or statements which would be misleading if otherwise used in advertising;
- while literally true, it creates deceptive implications;
- the endorser is not competent or sufficiently qualified to express an opinion concerning the quality of the product or service being advertised or the results likely to be achieved by its use;
- it is not clearly stated that the endorser, associated with some well-known and highly-regarded institution, is speaking only in a personal capacity, and not on behalf of such an institution, if such be the fact;
- broad claims are made as to endorsements or approval by indefinitely large or vague groups, e.g., "the homeowners of America," "the doctors of America";
- an endorser has a pecuniary interest in the company whose product or service is endorsed and this is not made known in the advertisement.

Advertisers should consult Federal Trade Commission Guides on Testimonials and Endorsements for detailed guidance.

Rebate

"The terms "rebate," "cash rebate," or similar terms may be used only when payment of money will be made by the retailer or manufacturer to a purchaser after the sale, and the advertising should make clear who is making the payment.

Company Name or Trade Style

No words should be used in a company name or trade style which would mislead the public either directly or by implication. For example, the words "factory" or "manufacturer" should not be used in a company name unless the advertiser actually owns and operates or directly and absolutely controls the manufacturing facility that produces the advertised products. Similarly, the term "wholesale" or "wholesaler" should not be used in a company name unless the advertiser actually owns and operates or directly and absolutely controls a wholesale or distribution facility which primarily sells products to retailers for resale.

Contests and Games of Chance

- . If contests are used, the advertiser should publish clear, complete and concise rules and provide competent impartial judges to determine the winners.
- a. No contest, drawing or other game of chance that involves the three elements of prize, chance and consideration should be conducted since it constitutes a lottery and is in violation of federal statutes.
- b. The Federal Trade Commission has rendered various decisions on contests and games of chance relating to disclosure of the number of prizes to be awarded and the odds of winning each prize, and issued a trade regulation rule for games of chance in the food retailing and gasoline industries. Advertisers should make certain any contest conforms to FTC requirements as well as any applicable local and state laws.

Claimed Results

Claims as to energy savings, performance, safety, efficacy, results, etc. which will be obtained by or realized from a particular product or service should be based on recent and competent scientific, engineering or other objective data.

Unassembled Merchandise

When advertised merchandise requires partial or complete assembly by the purchaser, the advertising should disclose that fact, e.g., "unassembled," "partial assembly required."