

ADVERTISING ETHICS:
A CLIENT PERSPECTIVE

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To Regina,

for her belief in me and her unwavering support.

Whenever, I thought of giving up, she was the one who kept me going.

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ABSTRACT

This study examines how clients at large companies view advertising ethics. In-depth interviews were conducted with 16 high-ranking advertising clients in the New York area and six other cities. The focus was on the ethics of advertising messages rather than the advertising business.

Client expectations of themselves and their advertising agency are discussed. The question of ethical responsibility for advertising is explored as is the relationship between legal and ethical. The role of Corporate Social Responsibility (CSR), the impact of digital and social media on ethics and the value of ethical codes for advertising are also considered. Comparisons are made to previous qualitative research conducted on advertising ethics. Recommendations are made on how to make advertising messages more ethical in the future. Suggestions for further research are discussed.

INTRODUCTION

The call for an increased commitment to advertising ethics has often come as a reaction to some scandal or expose: As illustrated by O’Barr (2007) some of the more famous examples are when, Volvo reinforced the roof of their car before they drove a monster truck over it (1990); Campbell’s put marbles in the soup to make it photograph better (1968); and most recently in 2011, when a Taylor Swift mascara ad for CoverGirl was pulled after it was discovered that her eyelashes had been enhanced in post-production. These problems often arise when agencies abdicate their ethical responsibility. Ethics becomes the sole responsibility of the client and agencies default to a “just following orders” mentality.

In these and similar cases, the end result has often been outrage and hand wringing followed by a call for ethics education, reform and more regulation. Committees are formed, the perpetrators are punished, changes are made and then everyone forgets about the need for ethics until the next time. Today is different. We no longer live in a world where the embrace of advertising ethics can be incremental, slow and reactive. Today, every advertiser, every agency, every media company must make a full commitment to advertising ethics. Our digital world requires it. In an era where advertising is now a “conversation” and electronic word of mouth (eWOM) can make or break a brand, honesty and transparency are the buzz words. Trust is a fragile but essential goal.

This is why it was exciting and encouraging to learn that the American Advertising Federation and the Reynolds Journalism Institute at the Missouri School of

Journalism had formed an Institute for Advertising Ethics. With this initiative, it made sense that the focus of this study should be on the ethical perspective of clients because the creation of advertising starts and ends with them. They create the assignments and they approve the work. At the same time, the client perspective is mostly absent from the literature. Given these two points, this study should prove useful and productive.

The purpose of the research is to better understand what advertising clients expect from themselves and their agencies when it comes to the ethical content of their advertising messages. In Drumwright & Murphy's study (2009), they interviewed agency practitioners who claimed that ethical responsibility for an ad belongs to the client. Unaware of anyone who has, either in the literature or through personal experience posed this question to clients to see if they agree, the client perspective on ethics seemed like a worthwhile area to explore.

For this study, the research questions were:

RQ1: What do advertising clients expect from themselves and their agencies when it comes to advertising ethics, specifically in the ethical content of their advertising messages?

RQ2: When it comes to advertising ethics, what is a company's responsibility to society?

RQ3: Who is primarily responsible for the ethical content of an ad and why?

RQ4: How does the client equate legal with ethical?

RQ5: What kind of ethical discussions do clients have about advertising and with whom?

RQ6: In what ways does the client expect or even want their agency to question them on ethics?

Zinkhan (1994) suggested that before you can define advertising ethics, you have to define advertising. Writing for the Advertising Educational Foundation (AEF), O'Barr (2005) did an overview of viable definitions. One that seemed relevant to this study was: Jef Richards' at The University of Texas, who gave a rational, descriptive definition, "Advertising is a paid, mediated form of communication from an identifiable source, designed to persuade the receiver to take some action, now or in the future" (2002, p.63). However, as the advertising model moves away from an emphasis on paid media to one that also includes earned, shared and owned the definition of advertising may be expanded to include any branded communication or experience. From a more normative perspective, definitions tend to go one of two ways: the more benevolent school of thought sees advertising as a source of information for consumers who can use it to make more informed decisions in the marketplace. Conversely, the less benevolent school has advertising creating artificial demand. Author Chuck Palahniuk (1996) referred to advertising this way, "Advertising has these people chasing cars and clothes they don't need. Generations have been working in jobs they hate, just so they can buy what they don't really need" (P. 149). The true definition of advertising lies somewhere in the murky middle.

Turning to the specific issue of "advertising ethics" Wallace Snyder, the former executive director at the American Advertising Federation (AAF) defined it as advertising based on truth, fairness, taste and decency. As per Drumwright & Murphy (2009), Cunningham's (1999) definition was "what is right or good in the conduct of the

advertising function. It is concerned with questions of what ought to be done, not just with what legally must be done” (p.83). Additionally, while not strictly definitions, there are a number of codes of ethics published by the 4A’s, the American Advertising Federation, the Association of National Advertisers (ANA) and other trade groups. They all have similarities, but for these purposes it is appropriate to point out the first two items of the 4A’s code given that they address the issue of responsibility for agencies and by implication for clients:

1. We hold that a responsibility of advertising agencies is to be a constructive force in business.
2. We hold that, to discharge this responsibility, advertising agencies must recognize an obligation, not only to their clients, but to the public, the media they employ, and to each other.

Cynics consider the term advertising ethics to be an oxymoron. "In a 2010 Gallup poll on honesty and ethics by Jeffrey M. Jones, (2010, December 3) advertising practitioners came in third from last among professions in public perception of honesty and ethics, just ahead of lobbyists and car salespeople."

While little if anything has been written on the role of the client in promoting advertising ethics, it would seem that real progress in improving the conduct and the ethical perception of the advertising profession requires the client be brought into the discussion. Given that clients pay for and own the advertising that gets produced, they have all or most of the power in the relationship with the agency. This makes their opinion on matters such as who is responsible for ethics extremely valuable.

The first point in the 4A's code of ethics talks about the responsibility which advertising has to business and ultimately society. So what does the literature say about responsibility? As mentioned earlier, Drumwright & Murphy (2009) conducted a study of 18 academics and leading practitioners. The study was conducted by telephone or in-person using a semi-structured interviewing approach to get their view on the state of advertising ethics. The interviews took between thirty minutes and an hour and were audio recorded. Among the nine agency practitioners who participated, the consensus was that ethical responsibility for an ad belongs to the client. In an earlier study, Murphy (1998), found that among the major constituencies of advertising - advertisers, agencies, and the media, "it appears no one is willing to accept primary responsibility for raising ethical standards" (p.318).

To better define what we mean when we talk about advertising ethics, we must also determine where our topic focus is. Hyman, Tansey, & Clark (1994) identified 33 prime topics of concern to those studying advertising ethics. The seven most important of which were: 1) use of deception in ads, 2) advertising to children, 3) tobacco advertising, 4) alcoholic beverage ads, 5) negative political advertising, 6) racial stereotyping, and 7) sexual stereotyping. While many of these subjects are touched upon, the focus of this study is the most universal and common topic of deception or lack of truth in advertising.

When using the term clients, this study specifically refers to people who are or were in the marketing or advertising services departments at Fortune 1000 companies which do consumer advertising. Their companies must retain major agencies to do national and or international advertising campaigns on an annual basis. "Major agency" is defined as a top 50 ad agency in billings, The rationale for both these choices is to, as

closely as possible, approximate the level and scope of Drumwright's (2009) practitioners who were senior executives at agencies that ranked among the 20 largest in annual worldwide billings. These agencies should be owned by one of the major holding companies: Omnicom, WPP, Interpublic, Publicis, Havas, Dentsu, Aegis, or Hakuhodo DY. The reason for these restrictions is to ensure that we are dealing with clients who are similar and can actually affect the macro industry issues, as opposed to smaller advertisers who would have less impact and might have different standards and values.

Regarding the clients themselves, these people are personally involved in the development and approval of brand communications. If they are in marketing, they must have the title of associate brand manager or higher. If they are in advertising services, they must have the title of manager or higher. While the question of ethics in the client/agency relationship often focuses on business ethics such as improper billing, for the purposes of this study, the focus lies solely with understanding the ethics of advertising messages. While improper business practices tend to impact society indirectly, it is through messaging that advertising ethics can have its biggest, most direct effect on society.

LITERATURE REVIEW

For this study, there was particular interest in assembling a variety of views and opinions to better understand how the client/agency relationship impacts the issue of advertising ethics. Consistent with an ethical focus, the approach will be normative rather than empirical. Regarding the goals of the research, Hart (1998) tells us that they can be exploratory, descriptive or explanatory. Our desire was to learn about the social phenomenon that takes place between clients and their agencies as they develop various advertising messages. Assuming that one can observe the elements which make it a phenomenon, then the goal of this research is descriptive and qualitative in nature.

In terms of ethical theory, while no one theory provides the perfect prism through which to examine this work, it would seem most appropriate to apply Social Contract Theory particularly as presented by Rawls (1971). Rawls' principles of equal liberty, fair opportunity and difference are consistent with the codes of ethics put out by the major trade groups, as well as the Journalist's Creed at the Missouri School of Journalism which states among other beliefs that:

I believe that the public journal is a public trust; that all connected with it are, to the full measure of responsibility, trustees for the public; that all acceptance of lesser service than the public service is a betrayal of this trust.

This creed, written by Walter Williams, the first dean of the Missouri School of Journalism, is exceptional in that it does not differentiate between advertising and journalism; holding both to the same high standards of trust, responsibility and public service:

I believe that advertising, news and editorial columns should alike serve the best interests of readers; that a single standard of helpful truth and cleanness should

prevail for all; that the supreme test of good journalism is the measure of its public service.

In fact, Williams believed so much in the equivalency of advertising and journalism that to this day, advertising remains an important component of the curriculum at the Journalism school.

Given that this is a study about ethics, there are a number of ethical theories to be considered among them: Consequentialist theories such as Utilitarianism, Deontological theories such as Kantianism and Contract Theory, Virtue theories such as Aristotle's Golden Mean, Considering that this is also a study about business and the way client's conduct it- through both formal and informal contracts, I have chosen to view this study through Social Contract Theory,

In terms of how the ethical theory may be applied, Allhoff (2011) suggests that people have three options: "Principlism" which subordinates applied ethics to ethical theory, "casuistry" which inductively rather than deductively places the ethical case above the ethical principle and Rawls's "reflective equilibrium" where neither ethical principles nor judgments are privileged but constantly engage each other. In other words theory can be applied through absolutism, relativism or a mixture of both. Given that this study deals with the question of a company's responsibility to stakeholders, a deontological contractarian approach seems appropriate. Given that business also intends to be practical and pragmatic, applying a reflective equilibrium also makes sense. Given that all contracts should strive for fairness as well as the above reasons, this study has been framed by Rawls Theory of Justice and its underlying components.

However, before applying Social Contract Theory to any business - not just advertising, one must also consider major economic theories and how they have impacted

the role of business in society. Going back to classical economic theory and theorists such as Adam Smith, it is important to remember that ethical behavior and self-interest traditionally, were not seen as mutually exclusive. According to Niehans (1990), Smith did not believe that recognizing the power of self-interest suggested a denial of ethical imperatives. *Laissez-faire* in his approach, Adam Smith saw an invisible hand at work in the economy which served to advance individual and societal needs at the same time. Classical economic theory as promulgated by Smith held sway in the U.S. until the Great Depression. Faced with long-term mass unemployment and its associated horrors, John Maynard Keynes then advocated for a stronger government role in the economy to moderate the extremes of capitalism and to minimize its negative impact on society. Nevertheless, Keynesian Economics fell out of favor in the late 60's and 70's when government intervention could not stop an alarming increase in inflation and a significant decrease in the American standard of living. Theorizing that the Great Depression was in fact caused by government intervention in contracting the money supply, Milton Friedman and other monetarists were successful in getting U.S. influencers and decision makers to return to, a classical, but modernized economic theory called Monetarism. At public companies, with their emphasis on quarterly results and a constant need to make the share price go up, it is no surprise when brand managers embrace the monetarist philosophy of Friedman. Most famously in 1970, he wrote in The New York Times about how the only social responsibility businesses have is to increase profits. In other words that a public company's primary, if not sole responsibility is to its shareholders. For Friedman and his followers, business has no other responsibility to society.

It is important to note that monetarism is only one of the many views on the market economy and self-interest. Conversely and from a more contemporary perspective we have stakeholder theory as outlined in R. Edward Freeman's book, *Strategic Management- A Stakeholder Approach* (1984), In it, Freeman argues that companies have a responsibility to create value not just for shareholders but for stakeholders as well, meaning everyone who interacts with the company including consumers, employees, suppliers and the community.

While you can argue whether the shareholder or the stakeholder view of corporate responsibility is more prevalent in practice, there is no denying that Corporate Social Responsibility (CSR) reporting to stakeholders has taken on more and more importance. According to Jane Nelson (2006), director of the CSR Initiative at Harvard's Kennedy School of Government, this increase in reporting is a reaction to a number of cultural changes including: a crisis of trust in the public sector, the growth of activist non-government organizations (NGO's) powered by the internet, the importance of non-tangible assets like reputation and the impact of global issues such as climate change and AIDS. Add to this that PWC, which didn't even track CSR reports in 2006, now does an annual survey. This survey showed in 2010 that 81% of companies surveyed have some CSR information on their websites - an increase of 6% in just one year. These reports proliferate today because, it is not enough for consumers to like a product or service, they must also like the company they are getting the product from and identify with its values.

While most companies are sincere in their environmental efforts, there continues to be a concern that much Corporate Social Responsibility reporting is just "green washing" designed to make the company look more socially responsible than it is , while

the priority continues to be profitability above all else. According to Garriga & Mele (2004), CSR theories can be classified into four groups: instrumental, political, integrative and ethical. Social Contract theory falls into the political group which basically says that with power comes responsibility. Given the significance of this CSR trend and its compatibility with social contract theory, the following research question has been added: When it comes to advertising ethics, what is your company's responsibility to society?

Part of the appeal of Social Contract Theory is in its applicability to marketing in general and in particular to creating advertising messages. Dunfee, et al. (1999) list five reasons this is so, but most compelling perhaps is their contention that the marketing client is a boundary spanner who executes the contract between a corporation and its customers. While understanding this relationship could be helpful in mitigating the ethical lapses that result in bad business practices such as: inaccurate time sheets, conflicts of interest and bill padding, it is important to note that the physical process of creating ads and the related business issues associated with it are not within the scope of this project. Rather, this study focuses exclusively on understanding how the marketing function impacts both, the ethics of the message content itself as well as the ethics of the client/agency relationship. Specifically, our attempt will be to better understand how clients relate to the question of responsibility for advertising message content.

Any discussion of the client/agency relationship would be incomplete without a discussion of agency theory. Agency theory grew out of the risk sharing literature of the late 60's and early 70's which studied the problems that can arise when members of a group have different tolerance for risk. In agency theory, cooperative parties can often

have different goals and division of labor. According to Eisenhardt (1989, p.58), this leads to the principal/agency problem where: “(a) the desires or goals of the principal and agency conflict and (b) it is difficult or expensive for the principal to verify what the agent is actually doing.”

Although the principal/agency problem applies to most contractual relationships between a client and a vendor, it seems to be especially important to the advertising client/advertising agency relationship given that the agency is regarded as the steward of the brand, the company’s most important asset.

While ethical theory traces its history back to the virtue ethics of Aristotle, contemporary ethics is primarily focused on the Utilitarianism of Mills, the deontological ethics of Kant’s categorical imperative and more recently on the related theories of justice, as first put forth by Rawls. Much of Rawls thinking finds its genesis in Kant. Like Kant, Rawls sought, through his theories, a way to refute Utilitarianism. According to Heydt (2006), Utilitarianism seeks an external way to differentiate right from wrong. Its premise is that whatever promotes happiness is good and what does not is bad. As a basis for ethical behavior, Utilitarianism suggests that decisions should be based on what will result in the greatest good. It is often invoked when choosing the lesser of two evils or to suggest that the ends justify the means. Conversely, McCormick (2005) reminds us that Kant believed moral worth didn’t come from the outcome of an action but from the motive behind the action. For him, the only motives with moral authority were the ones that sprang from universal laws. With his Categorical Imperative, he urged us to base our actions solely on principles we would wish to see as universal laws. One of Kant’s main objections to Utilitarianism was that it could use a people as a means to an end rather

than as an end in themselves. Rawls' concern was similar but focused on the fact that under Utilitarianism, a person's rights could be taken away through no fault of their own but to achieve a greater good. Christians (2004) tells us that,

On one side of the equation, the conventions and guidelines of media practice are basically utilitarian....However, based on a century of experience with utilitarian rationalism and its fluorescence as media ethics has grown over the past two decades, it is arguable that an ethics of duty is a more compelling means of moral decision making for the media professions (p.20).

Primarily, Christians finds Utilitarianism lacking in that it is a single-consideration theory in a world where there are usually multiple ethical outcomes to consider. Given the fragmentation of audiences over time and the resulting demise of mass media, Utilitarianism may also fall short when you consider there is no greatest audience good but rather multiple audience goods which must be fairly considered.

Whereas utilitarianism focuses on future benefits, for Christians (2007), the ethics of duty covers the entire spectrum of time, where a promise made in the past and kept in the present has as much or even more value than a future benefit. Christians' ethics of duty differs from Kant's in that it is not about individual fulfillment but about the self in dialogue with the community. It recognizes obligations such as: promise keeping, gratitude, making reparations, and beneficence, qualities required for communities not just to exist but to flourish. For Christians, we act rightly when we uphold or enhance our personhood within the nurturing community.

Stemming from Justice Theory but compatible with the duty-based ethics of Kant, the theoretical basis for this study is Social Contract Theory as expressed by John Rawls. In considering how to best apply ethical theory to advertising, Murphy et al. (2005) proposed a set of questions based on various ethical theories to help managers make

ethical decisions. There were questions about consequences, duties, virtues, justice and fairness among others. It should come as no surprise that these were exactly the type of questions which Rawls would have asked. Firmly believing that people will serve the interests of the most disadvantaged if they can stand in their place, Rawls' theory serves as a strong counter-balance to economic policies such as globalism.

Unmanaged, globalism can put profits over people causing rich-country workers to lose their jobs and poor-country workers to be exploited. A good example is Apple which used to make all its products in the U.S. but now outsources to China. Following this move, Apple was criticized for having their Foxconn Chinese workers work in slave-like conditions (Duhigg, C., & Bradsher, K., 2012, January 22).

According to Friend (2004), modern social contract theory, with antecedents in Socratic dialogs, was first articulated by Hobbes who believed that people were rational and self-interested. In order to escape the primitive state of nature which can be thought of as a state of perpetual war or anarchy, people entered into social contracts with each other, which enabled them to work together to build society. Building on Hobbes, John Locke saw the state of nature as more benign and reinterpreted the theory to include the protection of property rights and the preservation of life, liberty and general well-being as the primary objectives of the contract. Conversely, Rousseau believed that bad habits came from civilization which perverted what was for him an ideal state of nature. In every case, the social contracts that developed out of the state of nature ended up trying to balance the rights and responsibilities of the individual against the best interest of the community. No matter which theory you subscribe to, the one factor which is common and relevant to all these other theories is that they are all looking back, trying to figure

out why we are the way we are. The difference with Rawls (and perhaps a great deal of his appeal) is that his state of nature or “original position” is one that looks forward and thus offers us a tool which we can use to help us make decisions in real time.

While traditional Social Contract Theory has been found lacking from both feminist and race-conscious perspectives, Rawls still reinvigorated it in the 20th century by proposing, like Kant, that people could judge principles from an impartial rather than self-interested point of view.

Striving to make justice equal fairness, he asked people to place themselves in what he called “the original position” a disembodied state behind a “veil of ignorance” where the person has no conception of their status in society. In this artificial state of nature, he suggested that people base their decisions on how they would affect the least advantaged in society given that this could very well be their position when they come out from behind the veil. Rawls believed that the two main principles at play here should be one requiring equal liberty for all and another called the “difference principle” which states that economic inequalities are only justified when they make the least-advantaged person better off.

Though not the norm in marketing or advertising, we do see examples of the difference principle at work in marketing cases like Tom’s shoes where for every pair of shoes bought a pair is given away or in Starbucks where you willingly pay more for a beverage knowing that the company is providing medical benefits to their employees. In advertising, pro bono campaigns offer the best example of the principle in that advertising agencies will consistently provide needed public service advertising for free in exchange for enhanced reputation, the possibility of awards and good PR.

Another important concept from Rawls is “reflective equilibrium”. Reflective equilibrium is very useful in that it provides an opportunity for people to reconcile their decisions to their beliefs. In fact, it is often the same process people go through when dealing with ethical choices.

Supporting this choice of theory, Dunfee et al. (1999) suggested that, “Social Contract Theory appears promising because of its clear correspondence to the exchange relationships central to marketing thought and practice” (p.14). Heavily influenced by Rawls, Donaldson and Dunfee expanded on Rawls communitarian concept of justice as fairness with their principle of Integrative Social Contract theory (ISCT), According to Dunfee, (1999). ISCT is an ethical decision-making tool in which social contracts can be executed across different geographies and cultures through the use of “hypernorms”. Hypernorms are moral principles which are so fundamental that they approach absolutes and provide the basis for which to judge other norms. Common examples of hypernorms would be principles such as freedom, safety and the value of human life. The way ISCT works is that first one must determine all the communities that can be impacted by your decision. Second, make sure that no hypernorms will be violated while considering the cultures and norms of the place where business is being conducted. Conflicts may remain but as in any negotiation, both sides should keep working until they arrive at a win/win. In their book, *Ties that Bind*, Donaldson & Dunfee (1999), offer a very satisfying example from Levi Strauss (p.232). In the early 90’s two of its suppliers were using child labor. There was a conflict because it violated Levi Strauss’ principles but was tolerated by the local community. Rather than have the children fired, a deal was worked out whereby the supplier paid the children’s wages while they went to school and Levi

Strauss paid the tuition. When the children turned 15, they were then given jobs by the supplier. This provided benefits to Levi Strauss, the supplier, the workers and the community.

ISCT has been used by a number of researchers to address many questions concerning business ethics. For example, Lucas (2001) used it to condemn the practice of marketing credit cards to college students and Mayer, (2001) and Madsen, (2003) have applied it to the concept of globalization.

In 2009, Drumwright & Murphy interviewed industry practitioners and academic leaders to get their perspective on the current state of advertising ethics. They also reviewed agency websites, advertising textbooks and the recent literature. They uncovered concerns that while the ethical issues associated with traditional media were still being resolved, digital media was creating a whole new set of ethical issues to resolve. For Drumwright & Murphy's practitioners, while the ethical issues of traditional advertising were familiar and in their minds understandable, the digital channel was seen as a wild west where there were no regulations, guidelines or controls. However, despite the practitioners' relative discomfort and lack of experience with digital issues they embraced it as key to the future of advertising ethics and spent a considerable amount of time talking about it particularly from a social media or eWOM perspective.

For these practitioners, the ethical issues of social media were especially concerned with transparency and privacy. They realized that marketers should not misrepresent themselves through fake reviews or anonymous blog posts nor should they violate consumers' rights to decide how much they share about themselves.

This is not to say that consumers are defenseless and at the mercy of unscrupulous marketers. If anything social media is more valuable to consumers. According to the Nielsen report on how social media impacts marketing (2011), while 61% of consumers talk about companies online to give them credit, 58% do it to protect others from “bad” companies, 31% do it to feel empowered and 25% do it to punish companies. For marketers, the digital sword cuts both ways.

Getting back to Drumwright & Murphy, they also concluded that management could do more to encourage an ethical environment and that practitioners and academics needed to work more collaboratively and often. Their research was the main catalyst for the topic of this paper. While they did not identify client perceptions of advertising ethics as an area for further research, it was striking that the comment from a number of practitioners was that, “Advertising agencies typically have many diverse clients, and as a practitioner explained, responsibility for decisions related to a code of ethics may be perceived to be in the purview of the client not the agency” (p.98). Wondering if the client agreed with this perception, the question of responsibility for advertising ethics became the basis for the main research question of this study.

Murphy (2005) suggested that this “following client orders” perspective results when agencies see themselves as technicians rather than advisors. As a technician, the agency functions almost as an employee who owes allegiance to the company. Conversely, functioning as an advisor, the agency perceives an obligation to a larger constituency such as the client’s customers. From this perspective, advisors may be held to a higher ethical standard.

According to Drumwright (2007) advertising ethics research itself has been bipolar. It tends to look at advertising ethics from either a macro view examining its impact on society or a micro view looking at its impact on individuals. She proposed the need to look at it from a meso level. This is the level of agencies, clients or media. It is at this level that industry codes function and that context is provided to guide the actions of individuals. It is also at this level that macro-level concerns can be addressed. As this is the level where the most work is needed and the most help can be given, this is the level of this study.

In a study focusing on advertising agencies, but with some applicability to clients, Keith et al. (2003) explored the impact an agency's ethical culture could have on potential entry-level employees. Four advertising-related scenarios were shared with the respondents, one where their peers had high ethics, one where their peers had low ethics, one where managers had high ethics and one where managers had low ethics. They were then asked to indicate their perceived comfort level working at this type of company. Results indicated that peer ethical behavior had a bigger impact than manager behavior on comfort levels as well as the respondent's ethical behavior intentions. While it is important for management to set the tone for the company, this study suggested that management's efforts can be undermined by unscrupulous employees. More importantly, company culture is often influenced by the way unethical employees are treated. Company cultures react accordingly depending on whether the unethical are disciplined or tolerated, either by rewarding them or even by turning a blind eye.

In another study of advertising ethics among practitioners and advertising students, James et al. (1994) looked at the participants' self-reported responses for four

scenarios and seventeen statements regarding advertising ethics. Seeking to reinforce the absolute dos and don'ts of most advertising codes, James used deontology as his theoretical framework. The clearest example of this can be seen in his method. Using a three part survey, he expressed the six statements which accompany each of his four scenarios in strict deontological terms. In other words, he presented each statement as an absolute such as: "was wrong", "should be fired", etc. The above method relates to deontology in that it assumes an absolute duty to uphold an ethical code framed in language where situations are black and white but never gray. In the end, James found that practitioners were significantly less likely to consider deontology in their decision-making than advertising students. He suggested that perhaps this difference results from practitioners' acceptance of the real world versus the idealistic perspectives of the advertising students. In other words practitioners seemed to suggest that a strict ethical code might be good in theory, but was impractical in business. For them, exceptions often had to be made.

According to Davis, (1994), in a survey of 206 practitioners legal concerns were most influential for the majority with ethical considerations playing only a minor role. Additionally, Davis suggested that there might be some correlation between practitioner age and experience and their embrace of ethics. The youngest, least experienced practitioners indicated that business considerations were most important to them in decision making. At the next level of experience it was legal considerations. It was only the oldest professionals, at the most experienced levels who indicated that ethics were their primary concern in decision making.

Hyman et al. (1994) did an empirical study that showed advertising ethics was a mainstream topic and fertile area for future research. And yet despite the fact that advertising ethics comprised a major segment of the business ethics literature, there was concern that the category discouraged serious study by scholars. He suggested that the main impediments to research were: a lack of sound metrics and frameworks, a lack of relevant theories, a lack of academic interest and most importantly, the belief that advertising ethics research was irrelevant to advertising practitioners. American Academy of Advertising (AAA) affiliated academicians suggested that the most promising areas for future ethics research were deception, advertising to children, legal vices, negative political ads and stereotyping. Ad agency concerns about ethics were considered the next most promising, but there was no suggestion that the concerns of advertising clients should be considered as well, which provides additional support for the uniqueness of this thesis topic.

Shaver (2003) suggested that when it comes to advertising ethics, there has been a scarcity of scholarly work done in terms of theory building. He presented a model on which researchers could create empirical studies to quantify the application of social-contract based approaches in the study of advertising ethics. Rather than get caught up in the debate as to whether advertising was a positive or negative influence on our society, Shaver pointed out that advertising's impact was significant and regardless of how you felt about it, was here to stay. From a pragmatic perspective, he suggested that "how advertising is conducted is more important than arguing whether advertising should exist" (p.292). He went on to suggest that advertising ethics gets lost in the discussion of media ethics and business ethics. As such, he advocated that advertising ethics be seen as

its own topic and not merely a subset of media ethics. The belief that there was a fundamental difference between personal and professional ethics was essential to his model. For him, the main way that professional ethics differed from personal ethics was that personal ethics focused on the individual, whereas professional ethics focused on the best interests of the group. These best interests were defined as maintaining the group's relationship with society and encouraging trust so that the group can regulate itself and not be subject to the harsher controls of society.

He went on to say that this concept of self-regulation was very familiar to doctors and lawyers and not completely foreign to advertisers. This is evidenced by the regulatory units within the Better Business Bureau which wield significant power such as the National Advertising Division (NAD), the Children's Advertising Review Unit (CARU) and the National Advertising Review Board (NARB). Broadly speaking then, for Shaver, the goal of professional ethics was to create trust between both the advertising industry and the public as well as between the agency and the client. Whereas the client trusts that the agency bills fairly, produces quality work and acts in the client's interest rather than their own when necessary, the agency must also trust that the information for the advertising supplied by the client is true and that the client will live up to its obligations regarding specific products or services. In other words, according to Shaver, the agency must trust that the client is acting in an ethical manner.

Laczniak & Murphy (2006) outlined seven basic perspectives (BP's) which can provide a possible roadmap in achieving this ideal of trust between clients, agencies and consumers. To achieve this, marketers should: 1. Put people first, 2. Ensure their ethics exceed legal requirements, 3. Be responsible for their intent, means and end, 4. Cultivate

higher moral imagination, 5. Embrace a core set of ethical principles, 6. Embrace a stakeholder orientation and 7. Create a protocol for ethical decision-making.

Trying to define the domain of advertising ethics, Shaver (2003) proposed that decisions bound by law required no ethical reasoning and those governed by professional guidelines required only a minimal amount. He went on to say that the greatest number of situations requiring ethical reasoning fell into the area of message content and delivery. For him, it was the message that turned an unethical intention into an unethical action. He noted that every message was not unethical to every target and suggested that consideration should be given not just to broad social norms but to the mores of specific target audiences. As discussed earlier, for Shaver ethics was a tool for addressing power imbalances between powerful groups and society. Gaining trust was the main reason for acting ethically and the two best metrics for measuring the ethical value of specific acts were truth-telling and the net benefit or harm to society from a specific action. When judging messages ethically, Shaver suggested that factual messages were relatively easy to evaluate because they either were or were not true. For messages focusing on psychologically persuasive messages, he recommended that they be evaluated on a seven part Likert-like scale that went from High Social Threat to High Social Benefit and concurrently from less ethical to more ethical.

In a 2003 replication study of Larkin (1977), Beard (2003) looked at the attitudes of Generation Y college students toward advertising's ethical, economic and social consequences. Larkin's original questionnaire of 26 statements was given to students enrolled in the same course in which Larkin originally administered his survey. While the 2003 group was more female than the original, it was otherwise similar demographically.

It is important to note that while Beard was replicating Larkin's statements, they were in fact adapted from a study by Bauer and Greyser in 1968. In order to make the 2003 data comparable to the 1977 data, it was analyzed using a Q-mode factor analysis. Beard's findings suggested that there were some significant differences between the beliefs of the 2003 participants and those from 1977. For one, while their attitudes were still negative, the Gen Y students were less concerned about the need for more truth in advertising than the 70's group. Beard's explanation for this finding was that the apparent cynicism and skepticism associated with Gen Y students caused them to have lower expectations regarding society in general. Rather, cynicism and skepticism might merely be symptoms of an increased sophistication among the young that will only increase as we move further and further into the digital future.

Castleberry et al. (1993) explored the ethical reasoning of marketing research practitioners, vendors and clients. He wondered if advertising researchers, when working on a project, might feel the need to come up with the answer the client was looking for or abandon the sampling design in order to come up with responses. Based on Piaget's six stages of moral development which had been expanded upon by Kohlberg, Castleberry used Rest's defining Issues Test (DIT) to have respondents indicate the importance of 12 factors in determining solutions to ethical dilemmas. Results suggested that advertising researchers did not reason at a lower level of moral development than the general public. One possible explanation could be that ethics is a sensitive issue so only people who consider themselves especially ethical would be willing to participate. Another is that researchers tend to be highly educated which correlates to a high level of moral reasoning ability. Castleberry was quick to point out though that just because researchers were

reasoning at a high level, this did not necessarily mean that they were making the correct ethical decisions. He went on to say that researchers tend to reason about their ethical behavior at a level that emphasizes social utility over personal reward. For this reason, Castleberry suggested that having a code of ethics could be beneficial for the industry.

Commenting on the Pontifical Council's monograph on Ethics in Advertising (EIA) Murphy (1998), felt that an analysis of the current status of corporate advertising ethics was in order. A survey was conducted of 785 large U.S.-based companies based on the *Forbes* 500 list. Questioning them about their company's written code of ethics, he learned that of 14 areas mentioned, advertising came in last with slightly more than 25 percent of companies stating that their code gave guidance on advertising ethics. One possible explanation that he offered for the lack of attention given to advertising ethics was that advertisers, agencies and the media all share the advertising but not one of them is willing to take primary responsibility for raising ethical standards. The question of responsibility, i.e. Who owes what to whom? is an interesting area to probe.

However, before you can discuss the responsibility of clients one should consider whether corporations can even qualify as members of the moral community the way individuals do. French (1992, p.29) has argued that for individual human actors the "loss of innocence is a prerequisite for membership in the responsible moral community" but that a corporation must only be an intentional actor to join the moral community. Haney (2004) defines the moral community thus, "The moral community being constituted of entities that can be appropriately praised or blamed for the moral values of their actions" (p.391). He goes on to hypothesize "...that although there is a significant difference between corporations and persons as regards their capacities for the loss of innocence this

need not entail a radical departure from French's view that they are both members of the moral community." (p.408). For the purposes of this study then, corporations whether clients or agencies and the individuals who work at both are members of the moral community and as such can accept responsibility for their professional actions.

Historical Roots of Media Ethics

According to Ferre (2009) the history of media ethics in the United States derives from journalistic ethics and can be characterized by various models and eras. Beginning with the arrival in 1638 of the first printing press in the colonies until the 1830's, the media - specifically the press, operated on a political model. In the mid nineteenth century it shifted to an information model. Towards the end of the 19th century and following the Industrial Revolution, the media embraced a business-oriented model. At the turn of the 20th century ethics entered the media consciousness and ushered in four eras: Progressive, Professionalism, Social Responsibility and Global Humanitarianism. The Progressive era saw a tremendous growth in the media but also coincided with the spread of yellow journalism which was characterized by sensationalism. Ethical discourse was not a concern of the media at this time and consisted mostly of criticism by religious and civic groups.

During the 1920's Professionalism took over as a professional training increased and a code of ethics was implemented. The first books on journalistic ethics were published and over 20 institutions offered journalism degrees. Over time, the emphasis on ethics morphed into an emphasis on objectivity, which eventually came to mean accuracy and fairness.

In 1947, concerned about press censorship, Henry Luce formed the Hutchins commission. Their report issued in 1947 was called *A Free and Responsible Press*. It stipulated that freedom from government interference required that the media accept their public service obligations. With this, the era of social responsibility of media was born. Over time, while some positive momentum was created with the development of news councils, ombudsmen and journalism reviews, the media became less and less interested in public service and more and more interested in selling audiences to advertisers.

Global Humanitarianism was on the rise in 1980 as UNESCO published the MacBride report. This report titled *Many Voices, One World*, proposed a New World Information and Communication Order (NWICO) and “a free and balanced flow” of information internationally. Around the same time, the topic was re-energized academically by the creation of university and non-profit centers for the study of media ethics. In 1985, the *Journal of Mass Media Ethics* was first published and by 1995, 158 colleges were teaching courses in media ethics. A 2002 issue of the *Journal of Mass Media Ethics* explored the possibility of universal ethical standards. Attempts at ethical theories with cross-cultural relevance multiplied. Discourse ethics, Communitarianism, virtue ethics and feminist media ethical theories were all put forth and explored. According to Ferre, living in today’s global village, any discussion of media ethics will ultimately turn to its impact on the global human good.

The history of advertising ethics is less well developed. One of the first books on advertising ethics was Bishop’s *The Ethics of Advertising* (1949). In it, the author makes several indictments of advertising including that, “It stimulates unworthy desire, misleads the consumer and encourages consumptionism” (as cited in Drumwright & Murphy,

2009, p.84). In 1961, Thomas Garrett, S.J. wrote a book on the ethical problems associated with modern American advertising. In 1972, Stephen Greyser described ethical issues of truthfulness, morality and exaggeration related to advertising in the *Harvard Business Review*. In the mid 80's Pollay wrote a major indictment of advertising in the *Journal of Marketing*. Most importantly, he focused on values pointing out that whether advertising mirrors values or creates them it definitely communicates certain ones and increases their saliency.

The same could be said for journalism although, there is a significant perceptual difference between advertising and the news media when it comes to the subject of ethics. Advertising's mandate comes from capitalism and is associated with the concept of caveat emptor. Given this history, advertising has a tendency to be thought of as something to be suspicious of and needing reform. Conversely, journalism derives its mandates, at least in part, from democracy, the first amendment and the establishment of a free press. Like many civic, economic and governmental institutions, however, positive perceptions of journalism have dropped from traditional levels. Still, it is thought of as relatively honest and ethical at least in relationship to advertising. In the same Gallup poll mentioned at the beginning of this paper (Jones, J. M. 2010, December 3), TV and newspaper journalists scored twice as high as advertising practitioners (22% to 11%) for honesty and ethical behavior.

Ironically, journalism companies in the West are for the most part also capitalist organizations supported by circulation and advertising and have, in the past, been extremely profitable – up to 70% ROIs for many newspapers.

When Williams wrote his creed, he saw advertising and journalism as two parts of the same whole. Somewhere along the way, advertising became perceived as less ethical. With the ethical discourse that comes through studies such as this and others , we can hopefully start the process to get them both to be more ethical and more closely aligned as professions in the future.

Since the 1980's advertising ethics research has centered on two areas. The larger one has focused on consumer perceptions and the smaller one has examined the views of practitioners. Working in the practitioner area, Drumwright & Murphy (2004) found that many practitioners suffer from two conditions: 1. "moral myopia" where moral issues are not clear and 2. "moral muteness" where ethical issues are rarely talked about. A small minority however, did possess "moral imagination" which they saw as an ability to see moral options that others did not.

Additionally, Drumwright & Murphy outlined a number of causes for these syndromes. Among other things, "moral muteness" and moral myopia" result from rationalizations designed to free practitioners from responsibility. To paraphrase Drumwright & Murphy, these are rationalizations such as those which claim: consumers can see through deceptive advertising, advertisers don't create images, they just reflect them and agencies don't have the right to judge clients because they are always right.

When Walter Williams wrote *The Journalist Creed* in 1906, one of its tenets was, "that individual responsibility may not be escaped by pleading another's instructions or another's dividends." According to Drumwright & Murphy a number of practitioners don't know that or have forgotten it. Perhaps this study can help start a dialog which will move us back in the direction of Williams' original vision.

METHOD

The primary research questions were:

RQ1: What do advertising clients expect from themselves and their agencies when it comes to advertising ethics, specifically in the ethical content of their advertising messages?

RQ2: Regarding advertising ethics, what is a company's responsibility to society?

RQ3: Who is primarily responsible for the ethical content of an ad and why?

RQ4: How does the client equate legal with ethical?

RQ5: What kind of ethical discussions do clients have about advertising and with whom?

RQ6: In what ways does the client expect or even want their agency to question them on ethics?

The strategy of inquiry consisted of sixteen in-depth one-on-one interviews with clients primarily but not exclusively in the New York area. Six of the sixteen interviews were with subjects located in the Denver, Chicago, Philadelphia, Baltimore, Boston and Cincinnati areas. A total of seventeen interviews were conducted, but one was not used because the interviewee was not technically a client as defined in my proposal. The original intent was to identify and secure interviewees through the Advertising Redbook. However, professional connections and referrals proved to be more successful. Twelve of the interviewees were people known to the researcher and four were unknown. The desire was to provide examples of both. However, it was clear that at the senior levels required, it was more feasible to get interviews with known executives. Eleven interviewees were

men, five were women. One respondent was Asian, two were Hispanic and one was African American. Seven were consumer packaged goods (CPG) food marketers, four were in finance, two were in fashion/retail, one was a pharmaceutical marketer, one was a quick service restaurant (QSR) marketer and one headed up a non-profit. Three indicated that they had prior agency experience. In terms of titles, which vary by company, five were VP's or SVP's, four were Presidents or CEO's, four were Directors and three had senior or global and leader/manager in their titles.

Eight of the interviews were conducted in the clients' offices, seven were conducted by phone due to distance and one was held at a neutral site. The shortest interview was thirty-seven minutes. The longest was one hour, thirty minutes, with most of the interviews between forty-five minutes and one hour. Each interview was recorded and then transcribed. Interviewees were given a specific list of questions to familiarize themselves with prior to the interview. The specific questions were open-ended and based on the research questions in my proposal with a couple of ice-breaker questions to put respondents at ease. A complete list of questions along with the interview protocol is attached in Appendix A.

Occasionally, during these interviews, there was some discussion that went beyond the pre-determined questions. That additional discussion tended to focus on the role of corporate culture as it related to ethics.

Appropriately for a qualitative study, the researcher was the principal data collector. This role did not require that the researcher be an industry insider. However, existing perceptions of clients, agencies and advertising ethics were all based on the researcher's personal experience. The researcher worked as a media planner for five

years and for the last 24 has worked as an account executive at every level from assistant account executive, up to Executive Vice President Senior Director at one of the world's largest agencies. The researcher has worked on a dozen different accounts for hundreds of clients at every level of marketing from assistant brand manager all the way up to CEO. This experience gave the researcher a deep understanding of both the long-term and day-to-day issues, challenges and pressures that clients face, especially the pressure for short-term results which consumes those who work at public companies.

The researcher brought certain biases to the study, also having struggled with issues regarding legal versus ethical and who owns responsibility for the ethics of an advertisement. In this study, it was important to explore the topic by acknowledging one's personal values, while remaining sympathetic to those pressures which sometimes cause, less stringent professional values to take over.

There were a number of ethical considerations that had to be made in this study. Most if not all of the participants are professionally well-known and are bound by confidentiality agreements not to reveal proprietary information. At the same time, they were asked to be as candid as possible. To help ensure the possibility of candor as well as the ethicality of this study, every attempt was made to respect the rights, values and opinions of the participants. Every effort was made to ensure that their comments were anonymous and unidentifiable. This study was approved by the Institutional Review Board (IRB) and each participant provided informed consent as evidenced by a signed consent form. As stated earlier, all questions were shared with them beforehand. The final study was also shared with them to ensure they were not misquoted.

To further ensure the fairest and broadest perspective possible, this discussion of the findings employed an extremely liberal use of direct quotes from the clients. Secondly, every effort was made to conduct each interview by employing an active listening technique. Thirdly, McNamara (2009) suggests several ways to effectively frame the research questions themselves: 1. wording should be open-ended; 2. questions should be as neutral as possible; 3. questions should be asked one at a time; 4. questions should be worded clearly; 5. “Why” questions should be avoided. This was the approach taken.

The value of traditional quantitative research is determined by evaluating its validity, reliability and generalizability. However, it can be argued that these criteria are unsuited to the qualitative nature of this study. Lincoln and Guba (1985) have proposed an alternate strategy for evaluating qualitative research based on its “trustworthiness”. The strategy for determining trustworthiness is to establish a study’s credibility, transferability, dependability and confirmability. This is the strategy which was employed for this study. Credibility was established through prolonged engagement, persistent observation and member checking. Prolonged engagement and persistent observation derived from the interviewer’s experience in advertising, the almost year-long interview process and the attainment of saturation in the interviews. Additionally, member checks have been provided for each participant. Transferability was established by the thick descriptions which accompanied the transcript quotes to provide context for the reader. Dependability was determined by a dense description of research methods. And confirmability was established through reflexivity where the interviewer has sought

to include relevant biases, values and beliefs in this paper. This led finally to the following narrative which conveys the analysis' findings.

FINDINGS

RQ1: What do advertising clients expect from themselves and their agencies when it comes to advertising ethics, specifically in the ethical content of their advertising messages?

In order to answer this question, it is important to put the conversation in context. After a few warm-up questions, informants were asked what they thought the reputation of advertising was. Understandably, as a part of their job function, interviewees found advertising to be a reputable profession and an important part of their jobs.

C3: At least from my generation and the friends that I've had and how they react to what I do, it's never a sense of like, oh, you're an adman that's kind of a slimy trade.

C9: I generally think that people do it with best intentions, not deliberately trying to overreach. And generally, there is, I think, a lot of integrity.

C1: I mean I think it's reputable. It's not like lawyers or people who work on Wall Street.

Although they acknowledged that there have been lapses by certain segments which tend to be remembered.

C6: You know, it's funny I think, unfortunately that advertising is definitely marred by the couple of events that are the negatives where you had breeches, where you had overextensions and over claims and that kind of thing. It's hard to erase that.

The word most often used to describe the reputation of the advertising itself, was mixed. In respondents' perceptions, advertising was seen as a dichotomy. On the one hand, interviewees felt that people like to be entertained and are interested in cool

advertising, while at the same time, consumers find advertising annoying and approach it with skepticism.

C2: I think consumers are pretty smart and they get it and they can see through good advertising or bad advertising pretty quickly. I think a lot of it they tend to distrust or discount. So I don't – I guess in that regard it is probably not that high, but they love advertising at the same token. They love good advertising. So they distrust it, but they like it, if that makes sense?

C14: I think it's mixed. I think it's – I think there is an acknowledgement that it's the glue or the engine that -- one of the main engines that keeps our economy going. But at the same time, it's a little bit like insurance. It's seen as a necessary evil. So I think – I think there are mixed feelings about advertising.

Regarding the power of advertising, there seemed to be a sense that there is both too much credit and too much blame given to advertising.

C4: To me, it's amazing that people who aren't in the industry, they attribute a lot more to advertising than its due. I'd say within the world, a lot gets blamed on advertising when it really shouldn't."

C16: I think advertising in some way shape or form gets a lot, sometimes gets too much of a credit for stuff, but I also think that sometimes advertising gets bashed.

Without referencing it specifically, interviewees also seemed to acknowledge Everyday Persuasion Knowledge and Friestad & Wright's Persuasion Knowledge Model. For Friestad & Wright (1994), "One of a consumer's primary tasks is to interpret and cope with marketers' sales presentations and advertising." According to the model, both marketers and consumers come together in persuasion episodes where they each bring 1. knowledge of the topic in question, 2. "persuasion knowledge"-culturally supplied folk wisdom and 3. knowledge of the other party. During these persuasion episodes, the marketer makes a "persuasion attempt" and the consumer responds with persuasion coping skills. The purpose of coping during these episodes is not necessarily to resist but rather to main control over the outcome and achieve whatever goals consumers have set

for themselves. For the clients in this study, consumers have no trouble maintaining control of their persuasion episodes.

C9: One is, I think from a general public perspective, there's always a little bit of a credibility issue, I think with marketers and advertisers, in that, is what you tell them really true or you're stretching the boundaries of what is possible for this product? You're always showing it in the best light. There's always a bit of, I think, trepidation that it isn't going to exactly be as good as it looks or perform exactly as promised.

C8: As consumers have more touch points with, interactions with brands as well as just amongst themselves talking about brands, there's a huge amount of cynicism even in focus group situations where people are like, Well he has a claim it's all natural, but that's just something they write on the package.

C5: You know (the) general population's opinion of advertising, I think people probably think you know they're out to try and sell me something. Something I really don't need.

Most interestingly for the interviewees, the explosion in media channels is creating a fundamental shift in the balance of power between marketers and consumers with consumers having the edge.

C10: I think recently with the different forms of media channels, the advertising and the advertising industry marketing has been a little bit exposed because the consumer has so much power, so much more information.

C5: There are so many ways to get information today that's in their minds a better or higher quality, that's more legitimate or more believable than an ad that's created and then pushed to them.

Any conversation of client expectations of advertising would also have to include a discussion of their expectations for the client/agency relationship. Like other intimate relationships, the client/agency relationship is a constant source of conversation and consternation. A good client/agency relationship is critical to the production of effective advertising, but more importantly (for both parties) to the longevity of the relationship itself.

When searching for the ideal, clients consistently talked about the need for agencies to be partners rather than vendors although they admitted that this was more easily said than done. For respondents, partnership implied a certain level of equality with a peer to peer dynamic based on mutual respect and an acknowledgement that both parties bring an expertise to the relationship. Clients insisted that agencies must have a deep understanding of their business and the challenges they face both in the marketplace and internally. As true partners, they wanted their agencies to share in both the business risk and rewards generated by the business and they wanted them to make decisions (creative and financial) as if the company was theirs. From an ethical perspective they felt that partnerships were based on trust, which was built by transparency, open and honest communication and a willingness to challenge the client constructively.

C12: So, I think the best client/agency relationship is where everybody is after the same goal and yet has that trust amongst one another that they are challenging in a constructive way and never sort of acquiescing because they don't want to get into that debate.

C14: The ideal client-agency relationship to me is a partnership, not a client-vendor situation and so where both partners are vested in moving the business and the relationship ahead. And they're interested in helping to build a brand but also a business.

C13: The ideal relationship is what I call team and what I mean by team is if the agency succeeds I succeed, if I succeed the agency succeeds, if I fail the agency fails and if the agency fails, I fail.

C9: I think one where there's a high level of transparency and trust. And I think trust is built on transparency and communication. So I think an agency that understands the client's business not just from a pure marketing or communications perspective, but also understands the business of how they sell, and how they make money, and what the issues are day in and day out between divisions and people, and can help navigate, help the client navigate through those internally, as well as provide an outside- inside perspective that maybe the client isn't thinking about.

In discussing possible barriers to a good client/agency relationship, though not explicitly stated, agency theory seemed to play a critical role. Often attributed to “ego”, “politics”, “not listening” or just not keeping promises, there is a fundamental concern that the agency may not always have the client’s best interest at heart.

C12: ...an enabler (of a good relationship) is balancing advocacy and inquiry, so we’re all passionate about the business and so everybody will have a viewpoint, but I think it’s also key to inquire and seek to understand and make sure that you are really understanding where the other person is coming from before you go into the advocacy mode. So I think it’s a balancing act of you want to express the point of view, you want to sort of feel affirmed, not agreed with, but affirmed that you have been heard.

C3: (Agencies say) We can do this for this amount of money, at this amount of time. I think that happens a lot where that’s not the case and that just erodes your credibility over time...”

C7: I think sometimes there are these perceptions for the brand people all agencies want to do is win awards. All agencies want to do is create work that is artistic and they don’t care about selling.

C10: Having different objectives from an agency perspective and a client perspective it’s where problems start to happen, right, because if an agency is looking for certain things out of a project or a campaign and the client is looking for others. That’s where you start to see the lack of connection and objectives.

Moving beyond client expectations of the client/agency relationship to the issue of advertising ethics and messaging itself, it is important to know what these clients meant when they referred to advertising ethics. The good news is that there was almost complete consensus as to the definition of advertising ethics. For these clients, it was all about being truthful, honest and not misleading the consumer. It was, in their minds, about advertising messages following not just the letter of the law but its spirit as well.

C12: I think for me, advertising ethics are communications that are truthful in the expectations that they set up for customers.

C4: To me, I look at this from a joint responsibility standpoint between the client and the agency that the work that you produce is going to be true in spirit as much as it's true in fact.

C16: Telling the truth as clearly as humanly possible. I hate when advertisers don't, aren't clear.

C14: I believe that advertising ethics means that you faithfully and accurately represent the benefits, reasons to believe and brand character of your product.

C8: Well, I think the ethics in advertising should be to represent your products and services in a way that highlights the features and benefits and does not distort them or create a misperception in a consumer's mind.

At the same time a number of respondents acknowledged that an advertiser was always going to show a product in the best possible light and this was just an example of "putting their best foot forward". Without specifically referencing persuasion knowledge, some also felt justified in noting, that this is a known thing which consumers understand and accept.

C15: So I think that all you can do is go out there with the best message you have and put your best foot forward, like you would on a date. It's like I'm here, I'm trying to date anyone who will date me and I put my best foot forward. But I'm representing myself and I'm staying true to myself and that's either something that you will find appealing and you'll like and you'll gravitate towards or you won't.

C3: So if you look at fast food, for example, there is basically – the policy there is essentially dress up my food, right? You're going to use the plumpest, you're going to fake, you're going to cosmetically enhance the appearance of my food for television, right? And it's kind of a known thing.

C15: I think it's putting out in the universe a message that represents what you are trying to promote and sell; not misleading. I think you can take liberties in terms of being creative and breaking through and trying to stand out amongst your competition, but I think you have to be honest and I think you have to make sure that whatever you're saying or claiming is credible.

C3: You know you take some liberties here and there and they all do, but as long as the core of your message is accurate.

When interviewees were asked how well the industry was living up to this definition, in other words what the current state of advertising ethics was, their responses ranged from pretty good to so-so and “differs by category”. They were also quick to differentiate between major advertisers such as themselves and so-called “late night infomercials.” They also felt that the longer the view, the better the industry looked. In comparison to the 50’s or 60’s or when they started or even the last ten years they believed that there had been significant improvements. They attributed these improvements to changing mores, increased regulation and in the case of more recent times, the growth of the internet which has forced advertisers to be more transparent and forthcoming.

C4: Again, it seems like it’s a little bit better, if you take a long view back to the like 50’s or 60’s. Boy, I sure hope that we’ve come a long way versus ten years ago. I think we’ve made some incremental improvements, but still could do a lot, lot better.

C14: Overall, I think the—I think the state of advertising ethics is good. I think that – if I look back at my career, the focus on accuracy, credibility, doing the right thing, not misrepresenting what your product does is as high as it’s ever been. And there are impartial review boards that keep folks honest. So I think that the current state of advertising ethics is pretty good. And I think social media could help self-police, if you will.

C10: I think it depends. It depends on the company. It depends on the industry. I think some companies and some industries they’ve gotten a lot better. They’re a lot more honest. I think industries like fashion still have a lot of change to do and kind of realize the responsibility they have with the consumer especially the youth.

C2: I think it depends on the category. Like I said, the beauty category is not great. A lot of food product companies make promises that they can’t deliver. I think it’s a matter of degree. Car advertising for example... when I see things like miles per gallon and stuff like that, I believe that, but when you see a newspaper ad and they’re advertising this specific car for \$299 a month, if you’ve ever tried to go into a dealer to get that car, you can’t ever get that car.

C15: Well I think the world of infomercials has really hurt the credibility of advertising ethics because there's been a million 20/20 reports, Dateline NBC of like companies coming along saying that this company, this pill is going to do this for you, this is going to do that for you. I think what ends up happening a lot of times is the couple of offenders who kind of take advantage of the system so to speak, kind of taint the field. I don't think though overall that it's really bad. I think it's fine. I don't think it's bad. I don't think it's good. I just think overall everyone is kind of for the most part playing by the book.

C9: I think generally it's good. And I think it's improving, versus what I remember from the 80's and the 90's. And the reason I believe that is because of the whole, and general attitude that people want to do the right things. So that's the carrot part of it. And the stick is, if you don't you're probably going to be disclosed in some way through a medium or technology that now exists, that didn't exist before.

When it came to discussing ethical issues in the ads themselves, interviewees found it very difficult to comment outside their own industry. They instinctively approached these interviews as unofficial representatives of both their companies and their industries. When asked about other industries or to look at it from the vantage point of a consumer, it was almost as if they were being taken off-topic. Within their own industries, they were experts who knew the problems they were dealing with and had successfully fixed them or at least rationalized them. Outside of their industry, it was almost as if they didn't have an opinion or were hesitant to be judgmental. When it came to categories like tobacco, alcohol and gambling or issues such as diversity in ads and advertising to children, the perception was that for the most part, those battles had already been fought and won. While there were still concerns about fashion and beauty and the messages that were being sent to women, there were also some complaints about credit cards in a bad economy. However, the biggest concerns were around health issues which they naturally saw as a matter of life and death. As a group, this resulted in significant negativity towards pharmaceutical advertising and to a lesser extent food advertising.

C16: Whereas other, pharma I guess is the category that is most regulated in the space, but I still think there're...Pharmaceuticals should never be allowed to advertise. Never ever be allowed to advertise because pharmaceuticals are a controlled substance and you have patients who know nothing about medicine going in and trying to influence their doctors. Don't tell me it doesn't happen, it's the whole point of advertising. It should just never be allowed, pharmaceutical companies should never ever be allowed to advertise.

C3: Pharmaceuticals in my opinion is - there is something about a company that looks for remedies and not cures, right? There is no money in the cure, but what I will do is that I will try to isolate something that bugs you and create a product that you have to use over and over and over and over again, right, to suppress whatever symptoms you've got, not cure it because then, you're done. So inherently for me that's a problem."

C7: I think credit cards, the financial industry, they have ethical issues around not duping consumers. I can't even understand the language of my APR rate and I didn't know I signed into some rate that is going to take me up to 40% variable nonsense or whatever.

C14: I have worked in food—in the food industry for a long time. That's a tricky tightrope when you think about the issues of obesity or hypertension. And is advertising ethical if it's promoting products that are perceived to contribute to childhood obesity or poor health? So there is a good argument that says that industry can and should do more in that particular area. Once I get outside of food, I feel less confident talking about or thinking about how ethical is automobile advertising or pharmaceutical advertising.

C13: From the area of ethics, you know, I believe that honesty, honesty is, it's critical. The thing that I think is even more critical and I think I've said this before is really, like really understanding the impact and being responsible for what you say and put out into the world. So I think about pharma, right you know, we have to be responsible so we're not just driving somebody in to request something, but driving them in to have a conversation with a doctor so that it is, it's done through the right channel.

C8: I think the ones that are about medical and health claims and then children. Those are the ones that I find myself asking- Did they just do that? Are they really saying that? Those are probably the ones that are in the most danger of ... it's not everything that's legal is ethical, but typically everything that is ethical is legal.

C11: I think obviously products that can cause long term health risks. That tobacco and alcohol ought to be pretty regulated about how and when and where they advertise. And if anything the line to me is probably too liberal today whereas it ought to be more contained. I think advertising to children is a second

really important issue and one where the industry has come a long way in recent years.

C2: It's all not good. Mean the beauty industry, I think companies like Dove have done a good job trying to make people aware of the beauty industry and what it really does with photoshopping and things like that, even making models, you know people look skinnier taking away all their flaws so the images of women you see, I mean even the real women don't look like that. So yeah, I don't think it is completely ethical, but at the same time, I think a lot of beauty and fashion advertising is aspirational. I think a lot of women don't expect to look like that, but at the same time people want to make their products look beautiful. It's a dilemma. I think it has created a lot of issues for women over the years. That's a case where I think, is it completely ethical? No, not at all.

To sum up, while these clients realize there are occasional lapses and some less than honorable practitioners, they by and large see advertising as an honorable, valuable profession. They feel that advertising's reputation is mixed and that it gets too much credit for some things and too much blame for others. Given the amount of skepticism they perceive from consumers and the growing power consumers have from new media, they do not see themselves as controlling the consumer relationship. Rather, they very much see consumers as having the upper hand.

These clients are yearning for real partnerships with their agencies and define real partnerships as relationships based on trust and built by transparency, open and honest communication and a willingness to challenge the client constructively. They want agencies that really listen, really understand their client's business and always put the client needs ahead of the agency's.

For them, advertising ethics is about being truthful, honest and not misleading the consumer. However, they do admit that companies will always try to show their product in the best possible light. They are mixed as to how well the industry lives up their

definition of ethics, but long-term they firmly believe the industry has made great strides throughout the last ten, twenty-five and even fifty years.

When talking about the advertising messages themselves, they found it very hard to talk about other categories as if they were not qualified to judge them. Within their own categories, they admitted that there were some issues but they tended to rationalize them as “industry standards” or as not that big a deal. They felt that for traditional problem categories like alcohol or cigarettes the wrongs had pretty much been righted. However, there were two categories where despite their overall glass half-full perspective, they still saw real problems: food and pharmaceutical advertising. The reason why they were willing to single out these two was because they saw them as long-term health issues with food advertising bearing some responsibility for the obesity epidemic and pharmaceutical advertising for normalizing the idea that there is a pill for everyone and everything

RQ2: When it comes to advertising ethics, what is a company’s responsibility to society?

For context, clients were first asked what their ethical responsibility to their consumers. Here there was a lot of talk about trust and the need to keep promises (in this case, promises made by the company to the consumer) but there was also a sense that the relationship was more transactional with the company’s role being to provide the consumer with something they want and in return, the consumer would provide the company with a profit.

C16: Ideal relationship between, to me, a company and its consumers is trust, is building trust and then living up to the good will and trust that you built.

C14: I think the ideal relationship is you fulfill the promises you make.

C11: So between a company and its consumers, I think that's similar to the agency relationship. You want to establish a degree of trust. And that's really what the consumer is paying for. They trust that they're going to get consistent quality in your product on a regular basis.

C7: I think between a company and its consumers it needs to understand its consumers, it needs to understand its needs, it needs to deliver on those needs, and it needs to do it making a profit or it can't continue to exist.

C3: ... we all win, you get better products and services, I have more profit.

Another interviewee talked of the need for consistency over time to make the relationship symbiotic. In one case, the brand was seen as a promise to the consumer, in another as an idea that lived inside the consumers head and in a third as a trust mark. By and large, they saw themselves at the service of their customers, "...whatever I produce, whatever I do is for you..." although the same interviewee subsequently offered that, "I think this idea of Wall Street targets, earnings and growth force people to make decisions that probably start moving away from the paradigm of what's good for you is good for me."

Pushing out beyond their consumers to society as a whole, there was a greater appreciation that a company's actions could produce negative outcomes and that there was a scale that needed to be kept as even as possible or a balance sheet that needed to be reconciled. There was also a sense that the bigger your company or brand, the greater your responsibility. Talking about society versus consumers took them from behind their desk and made them think about their homes, their communities and for those with global responsibilities - the world.

C12: I think what we owe society is... let me think about that... what I would owe to society is to break even. If they're not making use of our products, benefitting from our products, then I would say what we would owe to them is breaking even.

C4: I think everyone has a responsibility to make the earth or the world a little bit better through what they're doing or with the least amount of damage as possible as a result of what they're doing, so I think there's an obligation there. Does that take precedence over delivering against the brand promise? I don't think so, but I do think that it becomes the third bottom line that companies are paying attention to.

C2: I don't know if there is an ideal relationship. I think it depends on the company. But I think all companies that are doing business in the community should do their part to support the community because the community is supporting them by doing business with them. And I think the bigger you are the bigger that responsibility becomes.

C10: Big brands have a big role and a big responsibility, I think because if the brand and the company was given the opportunity to be that size and to make that amount of money, so you could be all over the world; I think you have a responsibility to give back to society. To make this place a better place.

On the topic of new media and how it has changed the relationship between companies and consumers, there was very much a sense that new media had created a shift in the balance of power between companies and their consumers. Whereas once communication had been one-way to many, it was now one-to-one when companies marketed to consumers. More importantly it was now many-to-one when consumers had a complaint or wanted something changed by the company.

C10: It's almost overwhelming right? It's become a lot more personal. A lot more frequent. A lot more transparent. Therefore it has made brands kind of be more exposed, which is good I think. I think the consumer now has a lot more power than compared to the marketers.

Interviewees consistently talked about having a conversation with consumers and the need for greater transparency as good things. At the same time, there was a sense of having less control over their brands and even a feeling of being exposed. They talked about everything happening in real time at a much faster speed.

C12: I think there's a heightened level of transparency and a higher level that's for me ...the biggest one is just being transparent with consumers. They expect us

to be forthcoming with information and they expect the relationship to be two-way and real-time, so they want us to be truthful. They want to hear back from us much more quickly, the same day, and they want to hear from us in a very truthful way

Some also said that while major companies are predisposed to act ethically, the rise in new media makes it foolish to act otherwise

C9: I think it enhances ethical conduct by companies because the ramifications are too steep, are too detrimental to the company's values. So I actually view it as a very positive development. It's a little bit of the carrot and the stick. The stick is now a bigger element driven by technology than ever before because of its ability to disclose, find out and drive knowledge with society. And there's no place to hide. So you have to be ethical because the ramifications of not being ethical are significant.

C5: I think the upside is less steep than the downside. My gut is that it's great, but at the end of the day bad news travels faster than good news does. Right?

In terms of new media's value to marketers they talked about it being a "challenge" and "nebulous", something they know they have to do, but are not really sure how to do it and they find it difficult to really measure or determine its impact on their businesses.

C3: Everyone says like, Oh the web, it's a direct response channel. Yeah but it's a small number like an infinitesimally small number of people who actually click on the stuff (banners) so what do you have?

C16: It's just another, it's another challenge in how companies communicate with consumers, because it's so new, it's so nebulous, you don't know what's right, you don't know what's wrong. In traditional media companies you have years and years of learnings and history whether their own or others that you can piggy back off of, but now you can do a campaign, one company can do social, digital and it will work, next company can follow that and it will fail, a third company now looks at those two and says, OK what do I do? It's just a huge challenge because it is so new, it's ever changing and you don't know, you don't know what is effective and what's not.

C14: I believe it's (new media) fundamentally changing it (relationships). However, because of the difficulty in measurement and the lack of what I will call sustained scale, I think there are still major questions. What do I mean? I mean

that you see the impact of Facebook, Linked in, Twitter , other social media tools but it's still difficult to measure their impact on the business and still hard to see them outside of sort of micro-bursts.

An item that is on the agenda of any conversation with consumers is CSR (Corporate Social Responsibility). When evaluating the value of CSR, the client responses also tended to be of the "it depends" variety. While there were those who categorized it as the typical win-win, others were more conditional in their approval. Specifically, they felt CSR was warranted, but only if it was done authentically and made sense for the brand. Along those lines, they acknowledged their primary responsibility to shareholders but did not see CSR and shareholder growth necessarily at odds with each other.

C7: Companies look for these win/win/wins. A win for a consumer, a win for the environment, or social world and a win for them and the profits that they serve.

C11: Right so , that investment in doing what's right for society can ultimately result in a more positive relationship with your consumer and can help to drive bottom line growth.

C12: I think the role is much like the role of anything that we do, which is to provide value to our shareholders. I think doing social responsibility efforts that are strictly social without a true understanding as to how that's going to give back and provide a win for the organization, I don't think there's room for that, because at the end of the day, the organization has its obligation to... just like our obligation is to fulfill the promise to consumers, I think an organization's first order of business is to fulfill the promise that it's made to its shareholders.

Most surprising was how quick they were to point out the value of CSR in attracting and retaining employees. For many, this was a primary reason for doing it. This may suggest that for our interviewees, especially for those who don't talk about it in their advertising, the value of CSR is in making them feel good about the company and themselves and not so much in persuading a consumer to buy a product because it has a pink ribbon on it.

C14: I think the value of the efforts are – is high. It's high in terms of recruiting good people, keeping good people, and making your current customers feel better about your company.

C10: I think it's of huge value, not only for the company, but also for the people that work for the company. Everybody wants to be part of something bigger. That's just the given truth about humans. If you work for a company that represents much more than just selling products, it's going to make you a better employee, a better person. It has huge value.

When asked how CSR related to advertising and what CSR's role in advertising might be, they were very clear that for companies which base their brands on CSR such as Ben & Jerry's it was all about authenticity and it was essential that you walk the walk. Conversely others felt that CSR programs were often disingenuous with companies doing it because it was expected or even trying to "greenwash" themselves by exaggerating their good works.

C10: I think if done right and genuinely, why not. Know what I mean? I think that's the difference with today's consumers and with today's channels and media. It has to be authentic. If you're authentic about advertising something good that you're doing in the world then there's nothing wrong with that.

C4: I've seen a lot of companies almost greenwash themselves or healthwash themselves. It will make it seem like they're doing tremendous good because of the incremental improvement that they have made from where they were, but when you step back and take a look at it, they really haven't done that much to better society. Yet you know it makes for some good short-term, good advertising equity build for the brand. ... (but) you can wind up spending a million dollars to talk about a \$10,000 gift that you're making.

C15: I think it's bullshit and I think that it's something that people do as a checklist to be like, Oh I see that this company is doing it and I think it's something we should be doing."

While there was a sense that consumers want companies to be socially responsible because they want to feel good about the brands they buy, for most it was more of a "nice to have", which should never distract from implementing a long-term brand strategy or achieving long-term objectives.

C11: And there's a certain amount of just responsibility that corporations have just like individuals have. But I also think more and more consumers want to understand what their companies stand for. And that can actually play a role as they chose which brands they want to be associated with.

C16: In general I just don't get it. I think it's a great thing that exists because people care, but I don't see how doing cause marketing and taking your eye off what is in your wheel house and works for you helps your business.

C4: I've seen a lot of products, even some that we're responsible for here that can go overboard with this. While it makes perfect social responsibility sense, it might make terrible business sense and so there's a real balance you have to strike.

Recapping this section, it was interesting to see how differently these clients saw the relationship between them and their consumers versus them and society. Whereas the consumer relationship was value based and had a transactional aspect to it, the societal relationship was much more responsibility focused, with a sense that at the very least companies should do no harm and at best, they should make the world a little better.

Consumer access to the internet and social media was seen as the great equalizer between companies and their stakeholders. For these clients it tipped the balance of power away from companies and served as a huge deterrent to anything consumers or special interest groups might consider "bad behavior". To get their pro-society message out, companies have responded by putting more effort into their CSR reporting. While some consumers and group might dismiss CSR as "greenwashing" there has been another benefit to companies in that it has proven an effective recruiting and retention strategy for their employees. The relationship between advertising and CSR was more tenuous with most of the clients not seeing the need to talk about CSR in your advertising unless it was something that was part of your brand's DNA.

RQ3: Who is primarily responsible for the ethical content of an ad and why?

This is the central question of this study. In Drumwright & Murphy's 2009 study of practitioners, the consensus among agencies was that the client bore sole responsibility for the ethical content of their advertising. That in fact, the agencies which worked for them were just following orders. As Drumwright & Murphy have said in their 2004 work on moral muteness and myopia this sounds like a vendor's rationalization to avoid accountability. For them, "Fiduciary responsibility then becomes equated with doing the client's bidding (p.15). Overall feedback from clients did suggest that in the end, they are the ones who bear ultimate responsibility both for the content and delivery of their advertising communications. However there was a lot of talk that while the agency may not have primary responsible they are definitely accountable to the client for any transgression. While it is somewhat relative and open to interpretation, for the purposes of this discussion, the frame of reference is Haney's (2004) distinction between "responsible" and "accountable" actors in the moral community, "Responsibility is for an actor to be able to self-oversee, self-regulate, and self-motivate..." whereas, "Accountability is for an actor to be held to external oversight, regulation and mechanisms of punishment..." (p.406). Therefore, while the best agency/client relationships can approach the level of partnership, they can never actually get there since the agency is ultimately accountable to the client.

C16: The client is always (responsible), they approve it. In the end the buck stops with the client. An agency can't force me to put an ad on TV that I didn't approve. Everything from what's in the background to what people are wearing to what the message is, every single thing, the buck stops with the client and you can tell your agency no and if he says that's how we're doing it you can take your business elsewhere.

C3: The client. Like we have subcontracted the agency to do it. We're approving all of the work. At the end of the day, the buck stops at us.

C7: I think they are responsible in showing the right work but I think it is all on the company. Because how would it have gotten to the market place if the company didn't allow it. Unless the agency does something without the companies permission I don't know that they have any accountability ultimately.

C14: The client is responsible. I mean, the buck stops there. I mean, the agency is accountable but the client's responsible because ultimately, he or she gets the credit or takes the blame for it--for it working.

C2: I think ultimately the client is (responsible). I mean nothing gets out the door without them signing off on it. If an agency gets one over on you and you end up signing off on something that is bad, poor you. You can get mad at the agency and pissed off and blame them, but ultimately I think you're responsible as a client.

C6: The client is ultimately responsible and even within the client even if you have advertising services within your agency, company. I think the buck will ultimately stop with either the division president or CEO. ... So I think the agency has responsibility for keeping the client out of trouble, for keeping the client clean.

C5: I put a really big period after this, I didn't put an exclamation point, but I could have as well... the client. At the end of the day, I believe the client is responsible absolutely for the ethical content of an ad. Because in essence they are commissioning a work of art. They're essentially telling the agency, who should be their partner, here's my objective, here's what I want to accomplish, here's how I want to accomplish it. Here's my product. Here's the benefit. Here's what I want you to go after. Here's what I want you to help me figure out how to separate them from their money. The client at the end of the day is driving that. The client doesn't have to give the agency full disclosure. The client will always have more information than the agency has.

However, upon further reflection, many clients suggested that the role of the agency and the agency's accountability/responsibility for the advertising was more nuanced and significant than their initial statements might have indicated.

C12: It's the agency's responsibility, as a service organization, is to be at the service of the client and the brand. I think it's to serve as an advisor and another set of eyes and ears to advise the client, to make sure that we're going to be compliant with any code of ethics that might be either a part of ones that we set within the organization, or external.

C4: I think it's a collective responsibility, but ultimately the senior brand person, whoever that might be, whether it's the – here our CEO makes the final decision about the advertising.

C16: I would love for agencies to always present only the single most ethical truthful clear honest message possible and only give the clients those choices. But in the end agencies know their clients, agencies know the people that they're dealing with and clients are agency lifeblood and if you don't do what the client's asking for you're going to lose their business. So you, it's a fine line. That's why I don't think it's the agency's (responsibility), I would like the agency to do something as, everything as ethically as possible and do everything to only the benefit of the consumer even more so than the client, but in the end the agency's job is to make the client happy, not an easy thing to do.

C14: In the best situations, they (agencies) say no when what you're trying to do runs against accurately reflecting your brand even if it means losing the business. I--because I think that's the unspoken part of it is, it's great to have ethics but will you follow them when something is wrong? Will you say no to a claim or a reason to believe or a benefit that isn't accurate? So that is what I think the agency's responsibility is. Is to push back and say no even if it means they might lose some financial compensation.

C10: You're saying who depending between the client and the agency? I think both parties are responsible. I think the client has the decision making, so the last word. Therefore with decision-making comes responsibility. It's the client's brand that is kind of the one who's speaking out for whatever the content is. I think the agency has a responsibility of having a point of view about it and making that point of view clear and heard. Then making a decision if they want to be part of that communication or not. At the end of the day, usually the decision making lies with the client; therefore, the responsibility lies with the client.

C13: Every person who touches the ad is responsible. Every person who is in some way accountable for the ad is responsible. Everybody on the team is responsible, so everybody to the junior art director to the, you know, the head of marketing is equally responsible. Now, the accountability is different, but the responsibility for ethics really for everything going on with an ad every person is responsible for the result, who created that ad.

C15: The client buys the ad, the client is the one who puts it out there. They are primarily responsible. I don't care if they agency came and presented someone pooping on a piece of paper, as awful of an idea as that is, if the client has bought it and decided to shoot it and produce it and put it on air, it is the client's responsibility even though I know the agency is the one that will get blamed. Listen (if) this is a true agency client relationship (it) should be a partnership, it really should. I think that's kind of gone to the wayside over the years, it's not what it used to be where the P&G's of the world had 50 years standing relationships with the agencies. I do think the agencies are responsible as well and I think that they should be vetting work on their end prior to coming to a presentation and trying to sell work.

What agencies should take away from these comments is that from the client's perspective while they may take ultimate responsibility for an advertisement's ethical content, it is not enough for an agency to just follow orders. In the event of a problem, clients will not go down alone. At the least, in vendor-style relationships, agencies will be held accountable and at most, in those closest to a true partnership, the client will see it as a shared responsibility and expect the agency to have their back.

C11: Yeah, so I think it's a shared responsibility. If you're clearly crossing the line and making inappropriate claims or subjecting your advertising to inappropriate groups, the government has made it clear they'll go after both the client and the agency. There not always clear about which one they go after or why. I don't completely understand the pattern, but I've seen them go after both. So it's a shared responsibility, just as we talked about, a partnership...

The above comment seems to sum it all up. Clients want their agencies to be partners and partners share both the good and the bad.

RQ4: How does the client equate legal with ethical?

When clients were asked about the relationship between legal and ethical in advertising, none felt they were synonymous and all felt that of the two ethical was a much higher standard than legal.

C12: Ethical, for me, is a higher standard. Legal I would deem to be kind of...it's what's required whereas ethical is going above what's just required, but what operates at a higher moral compass. It's not just doing what's right because people tell you it's right or wrong, but what you feel is right or wrong.

C16: I wish they weren't (different). I wish they were one and the same. I think that in the end ethical is a higher standard than legal when legal should be the higher standard.

C4: It should be the ethical one. That should be the case. I've seen though that it's not always the one that has the final say, but it should be the ethical one.

C7: I think they are different bars and I think ethical is higher than legal. Legally they could say yeah you could make that claim and then ethically you could be like well I will make it up.

C1: Legal is complying with laws or what your legal department tells you their interpretation of the laws are. I think ethical is something a little bit higher order. I mean it's exactly the question you posed about marketing to kids. You could be in line with every legal guideline, but there could still be an ethical question there.

Legal was seen as something that was up to the lawyers but ethics were seen as being more personal and individual. Ethical was about values and the way you were brought up. In many ways, it was seen as the last failsafe, something that was owned by senior decision makers.

C10: It's weird. I see it different, again, very personal. I think legal is law. I think ethical is values. That's how I see it for myself as my own personal brand, right? Something can be legal that doesn't mean I feel okay doing it because it's unethical for me and based on what I was taught, based on the values that I grew up with. I think it's similar with brands. I think legal is very gray. There's always a lawyer somewhere that can show you how to go around the legality of something. Ethics are very personal from a brand perspective, right, and what you believe in. I think they're two very different things that kind of work alongside each other.

C14: Well, you can--you can behave in a legal way but still walk a tight rope in terms of being ethical so--I mean, legal is literally you follow the law, but following the law can still be visually deceptive. And so I think that that's where only experience is the best teacher. I mean, ultimately when you look at the finished product, you can easily say, "Yes, I've been legally accurate." But have you been ethically true? That's something where, as a client, again you've got the ultimate responsibility for that.

C9: Mostly my experience has been both, right? A review by legal, but also ensuring that the consumer impression is accurate, and believable, and doesn't stretch the truth in any way. The reason I say that is because generally the companies I've been with have had strong brands that have endured for decades, and didn't want to tarnish the reputations of those brands with one single incident.

At this point there was some equivocating where clients indicated that there were situations where decisions could be legal but not ethical, and at other times ethical but not legal. While these comments were not probed during the interview, upon reflection it

seemed that there would be very few situations in the U.S. where an advertising decision could be ethical but illegal.

C4: I think it's—they're related, but not exactly the same. I've seen a lot of times where something could pass the legal bar, but not necessarily clear the ethical bar and vice versa.

C9: I think that there are some things that are legal, that may not be ethical, and some things that are ethical, and they might not be legal. I laugh because it's complex. As much as you'd like to believe legal is going to guide you through some particular situations, ultimately people's knowledge of what the right thing to do is, comes in play.

C11: I think that they overlap. I think it is possible to be legal and unethical, although not necessarily probable. Ethical to me is about, "am I doing the right thing, do I feel like I'm misleading?" Whereas legal could be, "am I following the letter of the law?" So they're clearly related, but they could be slightly different. That's the most articulate answer... if you want to push that one harder.

C7: I think that people use legal to justify ethical. I think people use ethical to justify legal.

At the same time, they were asked which was more often used to make decisions - legal or ethical. Their response was a wistfully apologetic one which ultimately turned to a reluctant admission that legal was the most important determinant as to whether or not an ad would run.

C5: I think it depends on the company. My guess would be more often than not legality. But again, I think you'll have exceptions to that where you have a particularly strong culture of ethics.

C16: Legal. Legal says we can say it so we're going to say it.

C10: (For) corporate America, Legal. I mean it is what it is. I'm very humble about it because I understand that there's a bigger business world and things need to be done, people need to make money. Personally, I don't agree with it. It's very clear in my head.

C8: I think that comes down to the company. But my guess is there are companies that would just say if it's legal it goes. The companies that I think are doing the best job in the corporate and social responsibility would be more on the ethical side of that, but I'd say there are a lot of companies that would be just fine as long as it was legal.

C11: I think good companies ask themselves whether it's ethical. And if it's ethical odds are very high that it's going to be legal. But they're certainly always going to ask whether it's legal or not. I think there are companies who are just focused on, "Can I legally say this and not whether or not it's appropriate for the audience and whether or not it's completely honest and transparent and authentic.

And while legal was often the main determinant of whether an ad ran or not, there was a consensus that ethical was also an important consideration, one that became more and more important every year given the evolving relationship between companies, brands, consumers and society.

Although most of the concerns that came up in the interviews were legal rather than ethical, there were some ethical examples that did come up. Most of them were things that could legally be done but perhaps shouldn't be and focused on following the spirit of the law rather than the letter. Specific examples revolved around things like sampling energy drinks at events where children were present or showing a serving of food on a smaller plate to make it look larger and even the "look" of models chosen to represent the brand. There was also a sense for some that legal questions were discussed out loud in groups while ethical questions were often confined to private thoughts.

C12: Another example of that is on sampling. We would do sampling events at action sports events and there was a similar thing of can we go there? Can we show up? Sure. Should we show up there, knowing that probably 40% of the population was going to be kids under the age of 18, 16, 15, 12 year olds? We knew that that was going to be the case so that's an example where legally we can show up. Ethically there's a question of should we? The way that we handled it, we did show up there, but then we instructed all of our agency partners to ensure that they would not hand out an energy drink to anybody below the age of 18 unless they had parental consent. And that's not something that we were legally obligated to do, but something that, ethically, we felt we should do.

C7: An example would be for Brand X a 15 ounce can of Product Y is 2 servings. Legally we really only want to show, given childhood obesity rules, we really only want to show kids eating half a can with the product. From a message perspective we want to show the value of a can of Product Y. Do we want to show

a whole can? Even though it is not eaten (it) could be implied that it is a meal at the table for a kid, the whole can. Legally we can't really show that. We shouldn't show that. Ultimately it is a business decision.

C10: It comes up a lot, especially ethics. Legal as well. Legal things, again, it's more black and white because you can just send it to a lawyer. They'll tell you this, this and this. This you can, this you can't. This is why. It's your decision if you want to go ahead and do it or not, right? Ethics, I think it's because it's values, because it's more personal. I think that's where it's a little harder. It comes up a lot in my day-to-day because I have to choose the kind of models that are going to represent the brand and that the young girls and guys out there are going to kind of relate to and feel that they have to look like that. We make very clear decisions about not changing people's bodies and about not putting somebody's head on somebody else's legs.

In summary, while there are many examples like the ones above where ethical issues are discussed and appropriate decisions are made, legal clearance is still the main determinant of whether an ad runs or not. The good news is that these clients clearly see the difference between legal and ethical unanimously holding up ethical as the higher standard.

RQ5: What kind of ethical discussions do clients have about advertising and with whom?

On the subject of ethical discussions the consensus was that they didn't occur enough. While some said they happened at work, more said they happened away from work among family and friends they could trust and confide in. Some talked about their efforts to maintain transparency, consistency and authenticity in their work. Many however, volunteered that they had never had an ethical conversation at work -- ever.

C2: Honestly I don't know if I'd really call them ethical discussions. I discuss advertising all the time because that's what I do. So I'm sure I probably had discussions like Can you believe, that's such a crock of shit I can't believe they got away with that. I can't think of any specific examples. But I don't know if I've had serious discussions about ethics and advertising if that's what you're asking.

C6: I can't necessarily remember specific examples. Although even in talking, it's popped in and out of my mind. I think we did a lot of work on what kind of claims you could make on products for its efficacy versus competition. So the question is how can you be an effective competitor while still being legal and ethical?

C12: No, it's definitely not as much as you would think. It comes up for me...it usually comes up...would be with those individuals that I have a much greater rapport with, a level of trust and when we're kind of digging deep to understand whether or not we're feeling just amazingly good about what we do for a living? We'll kind of play the devil's advocate from an ethical standpoint, are there things that maybe we should be doing or not doing, but it's more in the context of...it's with those colleagues that are not as much colleagues but are becoming more friends and somebody that you can really trust in having those types of conversations.

C16: I never really have. I've sat through seminars and stuff before, I've sat through ethics classes, but never really had like an in depth conversation on ethics. Oh, that I've been in, on brands that I've worked on if I've ever had to question - which in general I haven't really had to question the ethics - I was never shy to bring up my opinions.

C7: It does when the conversation is warranted. I would say we are not an organization where we don't talk about it at all. On the same respect we don't over emphasize it either. We do not have a formal ethical advertising course that is required for employees to take on advertising specifically. We have an ethics course that every employee must take once a year. It is an online course, it is actually a test and you need to pass the test. I would say we are an ethically sound company and we talk ethics once a year minimally for all employees. We talk about that as business warrants it.

C10: Yeah. It usually isn't something that comes up a lot, because again, it's very political, so people try to stay away from it.

C15: I'm very sad to say that I don't minus maybe one off conversations on questionable work here and there, they don't feel like it's ever gotten to—it probably is something that should be discussed more and thought about more on a forefront kind of way but I'm sad to say that it's not. Sorry.

C8: We've had some conversations just with peers as cocktail type conversations, but most of the stuff around work has been about transparency. So consistency and transparency, when we get into work, when we get into both the brief as well as the shoot and who we're going to place and where, a lot of it has to do with... it's more the ethical part of it is more around consistency, I've said this word a thousand times.

When asked if companies should have a code of ethics, to encourage discussion around ethics, most interviewees thought it was a good idea and no one was actually against it, though a few thought it was unneeded. Of those companies that did have a code, none were specifically for advertising or referenced advertising except in the most general way. In terms of direct impact on how employees behaved and how decisions were made, a number of interviewees felt that the company culture was as important, or even more important than having a published code of ethics.

C9: I think they are valuable. I think if they help provide guidelines and markers for people who may be stuck in an ambiguous situation, or a situation they've never encountered before, I think it is always good to understand within a company what is acceptable behavior both within the industry and the society. It never hurts to review those kinds of things.

C9: I think a lot of companies have codes of ethics, I don't know that they have specific advertising ethical codes. The company I'm with right now has a code of ethics. We don't have a specific advertising ethics code but the code of ethics would apply in an advertising situation as well as it would apply in a customer engagement situation or a supplier engagement conversation.

C4: Is it important to have a written code of ethics? It's only- if it's just words on paper, it's meaningless from that standpoint, but having a leader or leadership that enforce that you should do what's right, not necessarily follow something to the letter, but doing what's right, I think is incredibly important. If you have somebody in a leadership position that makes it clear that they're willing to do whatever it takes to make a number, I think that's where it starts to get very dangerous in the world of advertising.

C14: I think it's a culture that then gets codified in a – in a code. So the culture is the – is the key piece. And then the important piece is that how do you make sure that that legacy is translated and consistently communicated to everyone?

C2: I've seen company mission statements, but when it has to do specifically about advertising, I can't say that I've seen it. You know when I've worked in marketing departments, I can't ever say that I've seen this is our code of ethics when it comes to communications. We will always tell the truth about our products and what they do but I've never seen that.

Most felt that these codes were often not communicated well and not consulted on a regular basis. The exception being after the fact, when there was a problem or something had blown up. A number of respondents felt that as long as legal was involved in the decision making, it was not really necessary to consult a code. On an unaided basis, Johnson & Johnson was the only company specifically called out by a number of respondents as a company that was serious about living their credo on a daily basis.

C4: The way that it's written, I don't think I've ever seen anybody say, "I'm going to go home tonight and read up on the code of ethics on that, but I do think that when it comes to-and I can think of a couple of different campaigns or executions that I've worked on, when you're making the tweaks and edits that you really have to think about, well what is this? And what are we really trying to say and is that true?"

C7: I think a lot of it depends on the company culture but I would argue I think most do consult them and most do use that as a guiding light for when they don't know what to do. I don't think it is something they start every meeting with, but I think it is something that they do look at.

C14: What extent? I don't – I don't think they consult them annually or consistently. My guess is that it's – like most things, a crisis probably raises it. I mean unless you're the agency that works with Johnson & Johnson. And there, everything is built upon their creed, so I think it's just inherent in what you do and you think about it more often. But I think for most agencies or clients, you don't because everyone's running so fast. It's sort of a, if it's not broke, don't fix it in that camp.

C15: I don't think often at all if ever and I think if it is ever it has to be something really controversial on a high level.

C9: The biggest issue I've seen is that they're not well-communicated internally, right? And so the awareness of them can be very low. And the companies can do a better job of making sure people are aware and know what's in them.

C13: Only when there's a problem and it's past. I think to me that's one of the big failings of codes of ethics. If they're not on the wall, if you're not living them every day if they're not like a part of you, often times they get forgotten in the quest to solve a creative problem a code of ethics often times gets put to the side.

In the case of advertising agencies themselves, the consensus was that a code of ethics was a very good idea. They felt that it would help to foster a better relationship with the agency and help reduce concerns regarding the agency dilemma. As such, it would be especially helpful and important during the pitch process when choosing an advertising agency.

C15: I do because I think that a lot of times having worked on both sides a lot of times from the ad agency perspective they just really want to do really cool work that wins awards and gets noticed and is in high profile areas so to speak. And I don't necessarily always think that they have the client's best interest at heart or the consumer's best interest at heart. They have their portfolio and their award case at heart.

C4: I think it's just as important as the client. At some point or another you could get asked to do something that you don't agree with and if it's going to always go off of what the client asks you to do, then you're going to get yourself in a lot of trouble. So I think it's important. Especially if you're involved in a pitch or you're trying to win a new client that you make it clear what your beliefs and your ethics are and make sure they are aligned with those of the client.

C7: Again I think it is equally important. The two go together. The company works for the agency, the agency works for the company. It goes back to my earlier statement. If you are not aligned on how to do business it is going to get messy.

In conclusion, it seems that ethical discussions out loud within a group are uncommon for these clients. Most ethical discussions occur offline, among only the most trusted friends and family. When asked if having a code of ethics would help, while not against having codes, they didn't see them as particularly valuable because they felt they are rarely consulted. When it came to agencies though, they thought it was a good idea for them to have an advertising code of ethics because it offered clients the opportunity to see how well their values meshed with their agencies'.

RQ6: In what ways does the client expect or even want their agency to question them on ethics?

When asked what would happen if an agency questioned the ethics of an assignment, clients were split. Some were deeply troubled. They seemed to take it personally, expressing shock and indignation with comments about having to find a new agency. Others felt that if handled the right way - offline and in a small group, it might be possible not only to survive the conversation but to garner new respect from the client and even strengthen the relationship.

C15: (How would it go?) Oh. Not well. Not well at all. Where I think it would be right to do it, I think—I guess for us it would be in the way of how it was questioned and presented and then I think it would depend on what happens with the assignment.

C14: Honestly, I think they'd be ticked off. I think they probably--I think they might lose the business. So I think--I think the human reaction would be anger and frustration, but it goes back to--in any relationship, I mean, if someone tells you no for a good and ethical reason, you should respect that. And you might--you might lose the battle but I think you'll win the war.

C2: I could see a lot of clients who wouldn't react very well. Yeah like I don't care what you think, just do it. I can see some clients being offended or holding it against the agency for questioning their ethics even if the agency was right.

C5: Not well, I can imagine. That has to be an incredibly difficult thing to do. It has to be done gently and carefully. I mean obviously, I think it has to be veiled in some other kind of question, but I think you don't want to be there. It's uncomfortable regardless. It's sort of a very personal thing. You know what I mean? Legal is easy, because OK it's not legal, let's not do it. But this we don't believe this is ethical is questioning my character almost, because it is such a personal thing. So I cannot imagine that any client would react terribly well to that. You tell me.

C11: Wow. That's a great one. I think part of it depends on the level of partnership and commitment and the relationship between the client and the partner. But frankly, most typically I think if there's an assignment that is largely unethical, you've probably got the wrong client.

C12: I think it would be a difficult conversation, but I also think it would be a matter of how...it's the what, and the how. Right? It's how it was being discussed. If it felt like it was being accusational, and then what the rationale would be in terms of what the logic would be for how it was presented. So

obviously it would be a very delicate conversation, but if I'm a client, I would actually welcome that discussion. I would just hope that what would be said and how it was being delivered was one in which it was in the context of trying to develop a good collaborative relationship as opposed to attempting to point out how low of a moral standard you have.

C4: I think that initially there would be some shock. If they had a good relationship I think that they would be happy about it and would ultimately wind up being grateful that the discussion had been raised.

C9: It depends on the client, but I would – the companies I've been with in my own personal experience – I would say with concern and with “I'm glad you brought it up,” a positive perspective on – and then curiosity about why.

C1: Yeah. If they're ethical people themselves, which hopefully they are. You would hope that they would be thoughtful about it. That they would stop and say, “Oh, we didn't consider that. Thank you for showing it to us in a different light.

Informants were then probed as to when the best time to have this conversation.

Not surprisingly, they replied that if an agency had a major ethical concern about a client, ideally, the time to discuss it was before taking on the business not afterwards.

In summary, it is apparent that this question touched a nerve. More than any other question asked, this one elicited a visceral response from almost all the clients. The rationale for including it was to try and get below the surface insights regarding the client/agency relationship. For every client that was willing to talk it over (admittedly offline) there were just as many who would come down hard on the agency for not knowing its place. Given these responses, it would seem that true client/agency partnerships will continue to remain an elusive goal for most agencies.

At the conclusion of the interview, informants were asked how they might encourage more ethical advertising in the future. Although one respondent was completely stumped by this question, most interviewees were full of ideas and suggestions on how to encourage more ethical advertising in the future. Although they

phrased it in different ways, most of the suggestions involved talking about ethics more and making it more of a priority. Specific ideas focused on: rewarding companies and executives for being ethical and promoting ethics, having more consistent training using case studies to point out the consequences of not being ethical and just having companies “go on the record” in terms of their commitment to ethics.

C3: And I think what you have to show is case studies or examples of --- this is what happened in the past. This is what it cost this company. You had a marketer that decided to make this decision at this point. You know, here is a reel. All of the negative media that we received, these are the law suits that we received, this is all because of this one decision, these are things that you can do in the future moving forward. Understand that every action that you take here has consequences to your job, other people’s jobs, the company as a whole, and most importantly, the consumer (equity) that we try to build.

C7: Training and development, discussion of it, examples, case studies. No different than talking about diversity inclusion. You look at the facts. You try to understand what is our current situation. Where do we need to go? Set a destination and put your ideas against it. Make it important. Social responsibility doesn’t just come to a company delivered in a FedEx package and we open it up and it all happens. It tends to be a mandate and [inaudible] by the senior leadership team. Particularly the CEO.

C14: Well, I think some things are tried and true. I think to award and reward ethical advertising is--can work. I mean, I think people just naturally gravitate towards awards and recognition, so I think that that--I think that that would--that that would work. I think...

C9: I think to drive awareness, to reward – employees, relationships and agencies that create great advertising that is highly valued and highly ethical and drives the business - so, to promote awareness and examples of when that occurs. And you know what, on the opposite side, when it doesn't occur, to appropriately drive awareness of those examples and to, I wouldn't use the word discipline, but to hold that in high enough regard where you're willing to take action if somebody has overtly violated a policy or standard.

C6: I think ultimately that companies ought to reward executives who are aware of what’s going on the world, today and are taking a viewpoint refining a way to balance short term needs with the longer term opportunities. If they reward those types of executives then I think companies will act ethically and reward agencies that are acting ethically, as well.

C2: Well, I guess companies can be more public about saying, and I think it can be a tall order, but about saying we're going to hold certain standards and what you see is what you get and we're not make promises we can't deliver on and our products are going to be up to the standards we're advertising. If you say it publically then you have to be held to it.

C4: I think making it clear to everybody, consumers as well, what the brand stands for and what the beliefs and values of the brand are. I think it makes it that much harder for people to twist or forget or go in a different direction of what the brand is and what it means to consumers. I think it does boil down to having leaders willing to make the tough decisions.

C10: I think like everything else, it's about having a few brave companies who make this a priority. Then having the consumer in today's world kind of acknowledge that and appreciate that. I think it's happening more and more.

Finally, one interviewee brought it back to the changing dynamic between companies and consumers. The sense that as consumers gain more power through social media they are demanding more from the companies that produce the products and services they use.

C6: I think the realization...this is about companies, you've asked, not agencies. The realization of today's world is that we're held to a different standard today than we were 10 or 20 years ago. I think there's certainly, you're rewarded for being a good citizen of the world and an authentic transparent brand of the world. You need to do that for the strength of your brand and the health of your brand.

At the end of the interview, most interviewees didn't have anything substantial to add without probing. However, a few seemed to hint that they were trying to do their best while working within an imperfect system. For them, it was clear that the objective was to sell as much as they could of whatever it was they were selling. So despite a few misgivings, the question then was not whether they should be advertising, but how they should be advertising in order to balance the need to grow sales versus the need to treat the consumer more fairly and honestly

C9: Yeah, I've made some mistakes in my life. But I think for me it comes with the experiences, as you've mentioned, 20 to 30 years in the industry, you start to

learn what works and what true north looks like, and how that really is tied to success. I think people who are making tradeoffs or taking short-term approaches, they'll eventually hurt them or their businesses in the long term.

C12: You could argue that we're living in a world where there's too much consumerism, too much waste, people buying on impulse rather than on need. And so there is that moral...an ethical dilemma about if you assert and you believe that we are living in an age of too much consumerism, there is that question then of...and if at the end of the day, advertising's role is to create consumer demand, there is that, for me, ethical... There is at the very macro level of that ethical dilemma of should there even be advertising given the heightened...the abundant hyper-consumerism.

C3: But again, when it comes to advertising, how harmful – the thing that I struggle with about this entire discussion are what are industry norms, right? What are industry norms like in terms of like the cosmetic industry, the type of models that they use, the type of products that they sell, the fast food industry, how they portray their food, how they target children, it's like what are industry norms that have been going on since the inception of these types of products and product categories and what can be done about that because it cannot be done at the individual company level. It cannot be done in the ... I'm just saying like I don't know what the answer to that is because the first agency that proposed it (changing the norms) would be fired. The first company that does it will lose sales. And it's a hard thing to do.

C13: Yeah, so the thing that I would just add is at the end of the day, it's like just to go back underscore... this is a human condition, right. How you are in your life is how you are in your advertising. Like how you are when you communicate with your family, your siblings, your wife, your relatives, you're no different in your personal life as you are in your professional life in the world of ethics, so for really wonderful people living wonderful lives doing wonderful work it's very ethical and sometimes it could be one person who, you know, is not as ethical and then that one person can bring down the entire, you know, the entire reputation of advertising and it's story that is made up and it's fake and we've got to get past that and we just have to get into a new era of honesty, integrity, responsibility in what we do

C15: I think that unfortunately—the only thing I'm going to say is ethics I do feel like takes a backseat to business and we all work for a reason and the reason is to make money and to live the life you live. And the biggest ethical question that ever ended up coming out is what people do for money. And so I think sometimes society or your commitment to consumers, to society gets put on the back burner because you want to turn a buck and you as the client want to make money, you as the agency want to make money and you kind of do whatever you have to do to do it. So I think ethics is very important and we do owe it to people, I just kind of feel like that's the last thing on people's minds when making these decisions to create advertising.

C2: I guess I just want to say first I don't want to sound too self-righteous or preachy because I love funny hilarious advertising. I love beer commercials. I think good advertising is good and even if the product itself isn't so good for you. But I'm an adult and I also can appreciate something for its humor and it doesn't mean I'm going to go out binge drinking next weekend. So I don't want to sound too overbearing or self-righteous. I'm in this business.. It's advertising it's not rocket science. We're trying to sell stuff, as David Ogilvy said, that's the purpose of advertising. But I do think there comes a certain amount of responsibility and you should just tell the truth.

C5: There's more there than you think. And even on going through these questions quickly and I think it's really interesting. And I think my biggest take away is understanding the objectives on both sides of the table and communicating this that the concept of ethics in advertising is not about being nice, it's not about being a better person, it's not about being a better company, it's not about giving back to society, it's about figuring out how smartly to get to your end goal of maximizing your sales because the difference between legal and ethical, especially in today's world with all these connected consumers and people who can gang up on you in a second is more important and more powerful than it's ever been. So I think that's really very interesting and not an easy thing to do, but a very powerful topic.

LIMITATIONS AND AREAS FOR FURTHER STUDY

As with every study, there were a number of limitations in this one. As a qualitative study, it offers richness and elaboration in understanding the issues, but the results are not generalizable. In addition, the optimal number of interviews for a qualitative study is always a concern. Baker & Edwards (2012) advised that when trying to determine the number of interviews needed that there was no set amount. This advice comes with an understanding that one measure of having sufficient interviews is “saturation” meaning the interviewer begins to hear repetitions of the same points. This saturation was achieved, though it is possible that additional interviews would have revealed new information.

Beyond the question the number of interviews, it is not certain how the clients' ages, genders, career stage or personal values impacted the conversation. As stated earlier, Davis (1994) found an age-related correlation, with the oldest respondents being most concerned about ethics. Given that most (though not all) of the informants were in their forties and fifties, this could have had an impact. Also, having seven out of sixteen respondents in food-related industries may have been less than ideal. Of course, there was no way to know if these clients were being completely candid or if they were trying to give the “right” answer. And, the fact that a number of the clients were past acquaintances may have also played a role when it came to their absolute “candidness”. Furthermore, there is a possibility that they were willing to participate because they are more ethical than other clients. Despite all those caveats, this study adds to the literature

by providing new insights regarding the client perspective on advertising ethics. It builds on the work of previous researchers and creates opportunities for further study.

As previously stated, the topic of advertising ethics is at once well-covered, yet ripe for further research. It is recommended to move forward on two fronts: First, expand the scope of these interviews to include everyone who is part of the ecosystem, going beyond practitioners and academics as Drumwright & Murphy did, beyond clients as this study did to include other ethical players involved in the process of advertising such as media professionals and publishers. Secondly, given that the AAF and the University of Missouri, School of Journalism have launched the Institute for Advertising Ethics, it would seem that the AAF is uniquely qualified and positioned to do a follow up quantitative survey of their members, to better understand the issues which have been raised. Once those two opportunities have been addressed, there is even more research to do among these groups in terms of developing and implementing a set of best practices for advertising ethics going forward.

CONCLUSION

For this study, the focus was on research questions that sought to better understand the client perspective when it comes to message ethics. Questions were asked about ethical responsibility and client expectations for both themselves and their agencies. Questions were asked about how advertising ethics fit into their daily work lives: the relationship between legal and ethical, what discussions take place, how decisions get made . Along the way, we gained insight into the status of ethics in advertising today and the enigma that is the client/agency relationship.

Returning to Drumwright and Murphy's work in 2009, it is interesting to see where Drumwright's findings on message ethics from agency practitioners differ from or were similar to the client findings of this study. Both these clients and Drumwright's practitioners felt that by and large the ethical problems associated with traditional media have been solved or at least have effective processes set up to deal with occasional "bad apples". And yet, while Drumwright's practitioners worried about "a host of ethical issues arising out of the internet and blogosphere we live in" (p.87), just three years later these clients saw the web and social media almost from a completely opposite perspective, seeing it as the consumers' best guarantee of transparency, honesty and ethical behavior from companies. In fact, they acknowledged a shift in the balance of power between client and consumer with some feeling that the consumer now had the upper hand.

On the issue of Corporate Social Responsibility, Drumwright's practitioners "...spoke enthusiastically of the power and impact of the pro bono activities that their

agencies undertake to promote social causes” (p.90). Whereas these clients were more pragmatic about CSR often talking about it as good for employee morale and retention, as an obligation to give back and even an expectation of consumers. In terms of ethical codes for agencies, while clients by and large thought it would be a good idea for agencies to have a code even when clients didn’t have them at their company, Drumwright’s practitioners “...expressed skepticism regarding whether it would even be possible to create a viable code of ethics, especially for messages” (p.98). In terms of acting on ethical beliefs, Drumwright talks about practitioners feeling helpless because they sense they must delegate responsibility for ethics to the client and operate from “the client is always right” perspective. And yet when clients were asked if agencies could question their ethics they admitted they wouldn’t like it, yet felt that if an agency approached it the right way (and it didn’t call into question something inherent in their product) they would respect them for bringing it up and it might even strengthen the relationship. Both Drumwright’s practitioners and these clients agreed on the importance of culture in terms of encouraging ethical behavior. However, the practitioners thought it was enough to have company leaders talk about ethics, while the clients saw greater value in a more formal approach such as: reviewing case studies on a consistent basis and rewarding employees for ethical behavior.

Turning now to Drumwright & Murphy’s 2004 study where they found “moral muteness” and “moral myopia” to predominate among agency practitioners, we see some differences among clients. To paraphrase from an earlier statement, Drumwright sees moral muteness as keeping silent on ethical issues when one shouldn’t or not making

clear your ethical beliefs. Moral myopia is a blurring of moral vision ranging from moderate to severe, which limits an individual's perception of a moral dilemma.

From the perspective of these client interviewees, there is bad news and good news. The bad news is that these clients seem to be as guilty of moral muteness as Drumwright's practitioners. By and large, ethical discussions never come up and when they do it is almost always off the record with colleagues they can trust or close friends and relatives. Their day to day actions and decisions are determined primarily by the legal discussions which occur with great frequency and seriousness. There are times when ethical issues are evaluated and even occasionally acted on, but it tends to occur on an individual basis from a personal perspective. While they talk about a company's responsibility to society, there is little sense of the distinction between professional and personal ethics among these clients which Shaver (2003) talked about. In other words, these clients do not have one set of ethics for home and one for work. For them it is all the same.

The good news is that these clients do not equate legal with ethical. They unanimously see ethical as the higher standard. By and large they also agree that regular ethical discussions about their advertising are needed and desired. In fact, it seems that all is required for them to lessen or even eliminate their moral muteness is for someone to bring up the subject of advertising ethics. Unfortunately, it is unclear whether they will be the ones to do it.

In terms of moral myopia, the results are a little bit more positive. While in most cases these clients continue to have difficulty finding fault within their particular industry, they do as a group seem to make exceptions for advertising that could

negatively impact someone's physical health. In particular, pharmaceutical advertising was found to be extremely worrisome and problematic for most informants with some suggesting that it shouldn't even be allowed. There was also a significant discussion of food advertising which was to be expected given the number of respondents who worked at food companies. While the overwhelming sense was that the food industry was greatly improved especially in regards to advertising to children, there was some acknowledgement of the industry's role in the current, undeniable obesity epidemic.

Finally, when it comes to the question of what clients expect, both from themselves and their agencies regarding advertising ethics, there is an important warning here, but also an important opportunity for agencies who want a better relationship with their clients. The warning to agencies is to stop using client demands as a way to abdicate responsibility for advertising ethics. These clients have made it perfectly clear that while they accept ultimate responsibility for the ethics of their advertising, they hold their agencies to be co-responsible or at the very least, accountable for their actions. At the same time, this statement of co-responsibility is just one manifestation of a strong and evident desire among these clients to have deeper, stronger, and more peer to peer relationships with their agencies. The opportunity then is for agencies to help their client relationships grow much stronger and hopefully longer, not by giving their clients better order-followers, but by giving them what they truly want - better partners. This can only be accomplished by building a higher level of trust. A true commitment to advertising ethics is surely the best way to accomplish this.

This study was worth doing for a number of reasons. For one, it can hopefully help to expand the conversation on advertising ethics beyond its current preoccupation

with advertising agency practitioners and go further upstream to include the true owners of the advertising product – the clients themselves.

Secondly, the exploration of these issues is important because it can help strengthen the client/agency relationship. In the current relationship, despite the client's desire for true partners, agencies more often act like vendors. While there are a number of reasons for this situation, the root problem is a lack of trust on both the agency and client sides. It is hoped that this study and others like it can help facilitate a dialog on advertising ethics between agencies and clients. Creating high-trust environments industry-wide would lead to improvements not just in the client/agency relationship but in the virtue, quality and efficacy of our messages, as well as the reputation of the industry as a whole.

Thirdly and most importantly, it is believed that this research will support the AAF and the Reynolds Journalism Institute in their quest to get the industry to take advertising ethics more seriously. Not only are ethics important for the reputation of the industry and critical for the success of all advertised businesses, but most importantly they guide us on how to treat each other as human beings. As humans, living in a digitally transparent world which demands it, there will be no other choice for advertising clients and practitioners going forward, but to work more closely and more purposefully toward establishing and maintaining trust and truth in their relationship with consumers, with society and with each other.

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APPENDIX A: Interview Guide

Thanks so much for agreeing to meet with me. I am very interested in learning your thoughts on advertising - specifically as it relates to ethics. The goal of our conversation today is to increase our understanding of the role and importance of ethics in advertising from a client perspective. I will be recording today's conversation. As you know, everything we will discuss is confidential. Also, I will share my study with you before publication to make sure that I have accurately represented your comments and opinions. During our conversation, I encourage you to be as candid and give as many examples as possible. At the same time, there is no need to identify specific individuals, agencies or even brands unless you want to. If you are ready, let's begin.

1. Describe the role that advertising plays or has played in your day to day job activities.
2. Tell me about an advertising experience that you are really proud of and why.
3. How would you describe the reputation of advertising?
4. How would you describe the ideal client/agency relationship?
5. What are the biggest enablers of a good relationship? What are possible barriers?
6. What is the ideal relationship between a company and its consumers, between a company and society?
7. In what way, if any has the development of new media technologies and the advent of social media changed that relationship?
8. What is the value of Corporate Social Responsibility efforts?

9. In what way, if any does Corporate Social Responsibility relate to advertising?
10. In your opinion, what is the current state of advertising ethics?
11. In terms of ads themselves and the messages they contain, what are the most important ethical issues?
12. In your opinion what is the value of a company code of ethics for advertising?
13. What is the value of an advertising agency code of ethics?
14. To what extent do agencies or clients consult these codes? What makes you say that?
15. Who is primarily responsible for the ethical content of an ad and why?
 - a. What is the client's responsibility for the ethical content of an ad?
 - b. What is the agency's responsibility?
 - c. What is your responsibility to the consumer?
 - d. What is your responsibility to society?
16. What is the relationship between legal and ethical in advertising?
17. Describe how either legal or ethical concerns factor into decisions that you have made about advertising?
18. What kind of ethical discussions if any, have you had about advertising and with whom?
19. How do you think a client would react if their agency questioned the ethics of an assignment?
20. In what ways can companies encourage more ethical advertising in the future?
21. Is there anything that I didn't ask you about advertising ethics that you would like to add? Anything we discussed that you would like to expand on?

Thank you for time today. I know it is very valuable. Your participation is greatly appreciated. Please don't hesitate to contact me if you have any questions or comments. Thanks again.

APPENDIX B: Consent Form

Please read the following in its entirety, sign and return to the interviewer.

You are invited to participate in a research study about Advertising Ethics. The name of the study is Advertising Ethics: A Client Perspective. You were chosen to participate because of your experience, stature and accomplishments in the area of advertising. Your opinion on this subject is of high value and will add significantly to academic learning in this area of study.

This and other interviews are being conducted with senior advertising clients as part of the Master's Thesis being written by Paul Reilly under the auspicious of the University of Missouri, Graduate School of Journalism. The Thesis committee is headed by Dr. Margaret Duffy of the graduate school faculty. The purpose of this interview is to get your thoughts on the subject of ethics in advertising specifically as it relates to responsibility for advertising content and your expectations of yourself and your agency partners.

The interview will take place within the next six months in your office or in a neutral public place such as a hotel lobby. The interview will consist of your verbal responses to some questions. The interview will take no longer than one hour. A copy of the questions to be covered is attached. The interview will be audio recorded and a written transcript will be created. Both the transcripts and the study will be shared with you prior to submission so that you may review your part. This interview will be used for this study and nothing else. The interviewer (principal investigator) has no financial interest in this

study and believes that no conflicts of interest exist. You will not be compensated for participation.

The desire is for you to speak freely and provide your candid in-depth opinions about this important subject. To that end your response to this study is completely confidential and will only be used for academic purposes. Your interview will be coded to prevent identification and all identifiers will be removed. Once you have reviewed the transcript, the audio tape of your interview will be destroyed. Your confidentiality is expected as well. Your participation is voluntary and you are free to withdraw at any time. The level of risk associated with this study is minimal.

If you have any questions at any time, please feel free to contact the principal investigator (Paul Reilly) at 914 671 3709 or email at pfrvw9@mizzou.edu. If you continue to have concerns or questions, please contact Dr. Duffy at the University of Missouri at duffym@missouri.edu. Please keep a copy of this form for your records. Thank you very much for your time and participation in this interview.

I have read the above information and agree to participate in the study under the conditions outlined above.

Print Name _____

Signature _____ Date _____

APPENDIX C: Client Interview List

- C1: Woman in Financial Services
- C2: Woman in Retail
- C3: Man in Financial Services
- C4: Man in Consumer Package Goods
- C5: Man in Consumer Package Goods
- C6: Man in Non-Profit
- C7: Man in Consumer Package Goods
- C8: Woman in Consumer Package Goods
- C9: Man in Consumer Package Goods
- C10: Woman in Fashion
- C11: Man in Consumer Package Goods
- C12: Man in Consumer Package Goods
- C13: Man in Pharmaceuticals
- C14: Man in Financial Services
- C15: Woman in Financial Services
- C16: Man in Fast Food Marketing