

FORUM

Advertising: the right to choose

The right to choose... Yes, but...

Advertising is a subject that can generate considerable passions and one that most people readily associate with marketing. However, advertising is only one of a number of tools available to marketers. The fear of many is that advertising can somehow manipulate our minds and we lose our free will. There is no doubt that exposure to advertising campaigns results in learning by audiences. This is achieved through, among other things, frequent repetition, association and highlighting the implied consequences of certain behaviour.

I do not think that advertising creates needs. Each individual has a diverse variety of needs. What advertising can perhaps be accused of is that it triggers off certain latent needs that can be met by buying the advertised product. However, in reality no single product can ever hope to meet the particular need entirely and there is always space for other product alternatives in a market economy. For example security is a basic human need. Realisation that this need is not completely met may be triggered off after hearing that your neighbour has been burgled, or just as easily,

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through 'fear advertising' showing a house being burgled.

There are a number of products in the market that seek to meet this need: locks, security bars, weapons, alarm bells, security personnel and whatever. None can provide complete security leaving the possibility of new product entry, competition and consumer choice.

Perhaps one type of advertising that has caused considerable sensationalism and charges of 'mind control' is that involving subliminal persuasion where the flashing of messages on a screen at speeds below threshold level. The audience would be receiving messages it is not aware of but which determine purchase behaviour. However, studies have shown that such claims were groundless. The freedom of firms to operate in a competitive market and to advertise need not be restricted unnecessarily, but this freedom should be balanced with certain controls over such activities as the advertising of addictive products. Many argue for industry rather than state regulation. In a local context I am rather sceptical of industry self-regulation.

Like in many other Western countries it may indeed be time that an entity that oversees advertising standards is established in Malta. Rather than create a new organisation, this role could be taken on by the Broadcasting Authority. The industry has nothing to fear from this. It will ensure that the benefits of advertising continue to be enjoyed by all.

Marrying advertising and ethics on the media altar

Today advertising is vast, increasingly intrusive and more and more scientific in its methods. Its domination over the kind of programmes we watch, the contents of the newspapers and magazines we read, grows every year. It helps to determine the politicians we elect, the medicines we are offered, the toys our children demand, and the sports that are to thrive or to decline. Products themselves are no longer simply sold by advertising - increasingly they are the advertising.

As advertising men (poor misunderstood chaps) complain, in Malta and other countries the industry has been creating ads to try to convince that advertising helps you make the right choices or that without advertising even the best ideas take ages to catch on. The tagline reads: 'advertising - another word for freedom of choice.'

Freedom of commercial speech, like many other creative inventions of the advertising industry, does not exist. The idea of advertising as information is attractive, but alas fundamentally flawed.

In all countries, whatever the law of lack of it, what advertisers can say is obviously governed by what the media will allow them to say. The people who receive advertising have a right to examine and criticise it - TV viewers, newspaper readers, product buyers and parents who seek to temper its influence on children. Of course advertising can alter perceptions and behaviour otherwise the industry would be out of a

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job. Are we afraid of being influenced, or persuaded? The only real debate is over the purpose to which persuasion is put. Advertising professionals have not reached a true consensus about the subject of ethics and advertising, and how the two shall be married at the media altar.

One leading press commentator has said "...there seems to me no possible code, no firm guideline for the ethical conduct... other than the craft's age-old bywords: *fairness* and *accuracy*", to which I would also add emphatically *compassion*.

In its struggle against restrictions, the advertising industry has begun to argue that the ability to advertise is a fundamental human right (Article 19 of the United Nations Declaration of Human Rights, and Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms).

The central point of all advertising, after all, is for a message to be seen and heard. All restrictions impede that process. I am still pro advertising. However, to use a comparison, you do not have to be against the motor car to believe in speed limits, seat belts and a prohibition on drinking and driving.

Advertising is a human institution and no human institution ever conforms precisely to a consistent aesthetic, ethical or philosophical theory.

Elevating a discussion of restrictions in advertising to that of international information flow and human rights has shifted the terms of the debate and placed the burden of justifying restrictions on those seeking to erect barriers to advertising. But far from having limited freedom advertisers already have more than most people in that they can buy space and time on any media. And they want a lot more. Beware!

Addressing the International Advertising Association (IAA) Malta members recently, Dr Digby Anderson, director of The Social Affairs Unit, London, has said:

"Most people pay lip service to the notion that we should be able to choose our own things and take responsibility for the choices that we have made. It is an unfortunate embarrassment to those who want to restrict and shackle advertising."

In this jolly season, The Malta Business Weekly gets serious and asks lecturers in marketing and communications, the chairman of a constituted advertising body and the managing director of an advertising agency, the following questions: "Do you perceive the advertising industry's claim that advertising promotes the freedom of commercial speech to be genuine? Are the critics justified in their attack against advertising on the grounds of it being persuasive, rhetorical, inarticulate and manipulative?"

Freedom of commercial speech falls within the fundamental freedom of expression

One of the most characteristic features of our age is the paradox that, while political, religious, artistic and cultural freedoms have expanded, the freedom of commercial speech has tended to shrink. In reality, the freedom of commercial speech, which is simply the way in which manufacturers and services providers talk to their customers, is being restrained by paternalistic and moralistic criteria whose relevance to politics, religion, and the arts would be at once denied and labeled as censorship.

The situation in a number of countries is that there are a number of people who wish to restrict advertising of a number of particular products such as alcohol and tobacco, but the list is growing longer and longer.

This is all happening within a worldwide regulatory movement where there are pressures being put on companies to be politically and government regulated for the cause of protecting the consumer, or protecting the environment, or protecting public health, or protecting the employees. The irony of the situation is that none of these proposed restrictions on freedom of expression has been perceived by opinion formers as constituting a significant threat to freedom.

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It has yet to be grasped that these proposals involve the same curtailment of individual choice, and the same limitation of freedom of information, that is rightly condemned by defenders of free expression in other spheres of social life.

It is curious that critics of moralistic censorship of the arts, and opponents of paternalistic interference in personal life, should fail to recognise these encroachments on freedom, when they come in the form of restraints on advertising.

Those who deny the importance of free commercial expression, whether they know it or not, commit themselves to devaluing free expression as such.

The critics attack advertising on the grounds of it being persuasive. We cannot deny and we would not apologise that advertising is a form of persuasive speech because it uses rhetorical manoeuvres, it sells images, associations, dreams, it presents one side of the case; but then so are in their own ways political speech, religious speech and artistic speech.

If the critics argue that advertising has to be restricted because it is persuasive then we might as well close down every parliament, every church, art gallery or theatre, because that is what they are up to do too.

The truth of the matter is that there is nothing wrong with persuasive speech, because politicians, priests and artists all engage in persuasive speech.

Advertising reinforces the urge to buy within a consumer

Advertising offers customers the opportunity to become aware of what is available in the context of their needs and desires. On the basis of a thorough knowledge of distinct individuals, advertising brings a myriad of products and services to their attention.

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Assuming that an advocate for a product has the money to create a presence, then advertising will give that promoter a voice in the tumultuous noise-ridden environment of the market place. There, one is competing with other promoters for the financial backing (vote of approval) of patrons who have a limited purchasing capacity.

Unfortunately in the past, an over simplistic understanding of advertising processes has attributed to advertising magical powers over

people to then become helpless citizens before a contemporary all-powerful artifact. Good advertising often results from meticulous research of specific populations, about their needs, their desires/aspirations, previous buying habits, and so on. Thus the urge to buy a product originates within a person and is then facilitated by the advertising processes.

This notion of advertising within a liberal market makes some fundamental assumptions about the

social context within which it operates. One assumes that the customer is free to make choices about products. It is also assumed that advertising operates within a legal framework that regulates fair and accurate advertising, punishing deceitful propagation of goods and services. A customer who feels cheated can therefore demand remedy from any enterprise not living up to its promise of performance. A discussion about advertising cannot be deprived of

the context within which it operates. The economic, social and political contexts offer to keep advertising within its defined role.

The ensemble of these different societal mechanisms offer the checks and balances required for advertising to maintain freedom of commercial speech. Within this larger framework, the notion that advertising is 'persuasive, rhetorical, inarticulate and manipulative' becomes a statement open for discussion.