

# Framing Ethical Decisions in UK Advertising Practice

## Introduction

This article reports on a qualitative study into the way in which UK advertising practitioners make decisions with potential ethical implications. The UK advertising industry is an interesting context in which to study how practitioners deal with ethical issues in practice. Advertising is one of the most pervasive and powerful phenomena in the modern world. It has wide-ranging social, economic and ethical impacts on culture, lifestyles, consumption and choice. The creation of artificial needs, conflation of advertising and education, targeting of vulnerable consumer groups, and emulation of dangerous behaviours are only some of the criticisms directed at advertising practice. The volume of advertising to which consumers are exposed has increased steadily over recent years. As advertisers have increasingly used controversial tactics to make their message stand out, there has been an increasing volume of complaints to the industry regulator, the Advertising Standards Authority (ASA). How practitioners deal with ethical questions raised by advertising practice is therefore an important question to address. This paper contributes to research on marketing and behavioural ethics by focusing on practitioners' own understanding and sense-making of controversial advertising campaigns; their perceptions of societal and regulatory norms pertaining to advertising practice; and the way in which they made advertising decisions with ethical implications. Specifically, this paper focuses on the nature of practitioner ethical decision making in terms of the decision frames on which UK advertising practitioners draw when making decisions with ethical implications.

## Literature

## Review

Beltramini (2003) describes advertising ethics as the ultimate oxymoron in view of the vehement criticism around the ethics of advertising practice. Advertising ethics has been examined largely in the form of moral-philosophical considerations (Drumwright and Murphy 2004) and from a "macro" perspective of the effects of advertising on society rather than from the perspective of practitioners working in the industry (Hunt and Chonko 1987;). The literature has covered topics such as the application of ethical theory to advertising practice (e.g. Pratt and James 1994) investigations into the ethics of advertising to particular audiences such as children (Bakir and Vitell 2010). Few authors have examined the ethical reasoning or practice of advertising professionals. Murphy (1989) found that advertisers were aware of the socially and ethically controversial aspects of their trade, Drumwright and Murphy (2004) found advertising practitioners rarely considered ethical issues in either their own practice or advertising in general. They exhibited "moral myopia"- not perceiving issues as moral ones, and "moral muteness", not usually talking about ethical issues. Reasons for moral myopia and muteness included practitioners assuming great astuteness on the part of consumers, blaming others for the social failings attributed to advertising, compartmentalising work from other life situations, or arguing they were only acting on the instructions of clients or that ethics was bad for business. Subsequent research by Drumwright and Murphy (2009) showed little change as the temptations of unethical behaviour still often out-weigh any ethical concerns. The ramifications for better understanding controversial advertising are now considered. Ethical issues in advertising can arise because of the product itself, the message content, its targeting, or its social consequences (Prendergast et al., 2008; Christy, 2006; Waller, 2005); promoting products like alcohol, tobacco, pornography, violent videogames or weapons; using shock tactics (Dahl et al., 2003) or fear appeals (Hastings et al. 2004), deception (Mittal, 1994); racism, stereotyping and objectification (Spence and van Heekeren, 2005). Morally problematic campaigns can have unanticipated or unintended but potentially harmful consequences (Pollay, 1986) such as over-consumption, environmental damage and materialism (Alexander et al., 2011; Bailey, 2011); harm dangerous behaviour (Bushman and Bonacci, 2002), sexual stereotyping or objectification (Reichert, 2003; Wyckham, 1987). Behavioural ethics examine how people deal with ethical issues in practice, rather than in reaching philosophically underpinned conclusions on how they *should* behave (cf. Tenbrunsel and Smith-Crowe 2008; de Cremer et al. 2010; 2011. Comprehensive reviews have been published in the last decade, e.g.

O'Fallon and Butterfield (2005), Treviño et al. (2006) and Tenbrunsel and Smith-Crowe (2008). This paper focuses on decision framing and moral awareness of both marketing and advertising practitioners as Tenbrunsel and Smith-Crowe (2008) suggest that moral awareness is closely linked to the decision frame which has been activated by a particular issue or the type of decision that individuals believe they are making or how they categorised the decision (Tenbrunsel and Messick 2004). They argue that an ethical decision frame, i.e. classifying the decision as an ethical one, will activate moral awareness leading to moral decision making; whereas other decision frames, e.g. a business or a legal frame, will not activate moral awareness and will lead to amoral decision making. It is important to note that Tenbrunsel and Smith-Crowe (2008) consider that both moral and amoral decision making can lead to either ethical or unethical decisions. The frame within which individuals perceive they are making a decision is influenced by the situational context and can be susceptible to quite small changes in that context, such as the order in which information is acquired (Messick 1999). Recent work has stressed that most individuals do not engage in extensive rational reasoning processes when faced with ethical (or indeed most types of) decisions (cf. Sonenshein 2007; de Cremer et al 2011). Haidt (2001) argues that moral judgements and decisions are often made quickly and intuitively, with post event rationalisations being made to justify decisions. Tenbrunsel and Smith-Crowe (2008) suggest that situational factors have a greater impact on moral sensitivity and ethical decision making than individual factors, such as gender, nationality, cultural background, personal values, education and cognitive moral development. However, situational factors can play an important role in individuals' ethical decision making. There are, however, two aspects of the situational context which have not been thoroughly explored. Firstly, while Pruden (1971) posits three ethical frames of reference for marketers, namely: individual/self, organisational/employer and professional/industry; and while models such as those proposed by Jones (1991) or Hunt and Vitell (1986) include industry as well as organisational context as influences on ethical decision making. Most of the literature seems to focus on organisational context, rather than on industry sector, professional or other wider contexts. Secondly, while the influence of social and situational factors is acknowledged in various models of ethical decision making, these are mostly considered as external factors that influence individual cognitions and behaviour.

### Methodology

To addresses calls in the literature for more research with industry practitioners, rather than student samples (O'Fallon and Butterfield 2005; Treviño et al. 2006; Tenbrunsel and Smith-Crowe 2008); more use of real cases rather than artificial ethical dilemmas (Tenbrunsel and Smith-Crowe 2008; de Cremer et al. 2011; Barraquier 2011); and more qualitative work that aims to uncover the meaning that practitioners themselves attach to the ethical dimensions of their practice (Loe et al. 2000; Barraquier 2011). Extensive secondary data was collected to gain a background of the advertising creation and regulation process in the UK and to build up a database of controversial advertising campaigns in the Advertising Standards Authority (ASA) complaint archives Primary data was collected through in-depth, individual interviews. 33 interviews in 23 marketing, advertising agencies, clearance organisations and regulators organisations (Table 1). The sample focused around actual advertising campaigns that had caused controversy. The interviews lasted an average of two hours, were digitally recorded transcribed and analysed using NVivo software. Data from different interviews and the archival data helped to identify inconsistencies between what participants said and did and gained a deeper insight into how different participants work through ethically challenging decisions. From secondary and primary data, a new model of the UK advertising and regulation process was developed, is shown in Figure 1.

### Findings & Discussion

Nearly all decisions taken throughout the advertising creation and regulation process have potential ethical implications, ranging from the choice of message and creative treatment, to the choice of media, timing and positioning of the advertisement and any eventual complaint investigation and control measures. As shown in Figure 2 below, at all these stages multiple actors within and across organisations may work together or be involved in negotiations. Client and agency practitioners will work together at the creation stage. When it comes to clearance, clearance bodies will often request further information or justification of claims from the client and the agency. This may also involve expert views, for example on the accuracy of scientific claims made in an advertisement for cosmetics. When complaints arise and are formally investigated, the onus is on upstream practitioners to fully verify in writing how they acted, their intentions and the precautions they have taken to stay within the spirit and letter of the advertising codes. This re-constructing of their decision making often involves a collective effort by creative practitioners, account directors, clients and their internal experts to corroborate their version of events to the regulatory authorities. Our findings relating to participants' framing of decisions with ethical implications also clarify the location of ethical decision making within the structure of the wider advertising creation, communication and regulation process. There was a link between participants' decision framing and their construction of ethical decision making as located in and dispersed throughout the process. Practitioners used different frames when making decisions about advertising. Mostly they seemed to employ regulatory/legal or commercial decision frames rather than explicitly ethical ones, even when decisions had evident moral implications and hence the potential to attract controversy and adverse regulatory attention. One of the noticeable features of both the documentary evidence and the interviews was that there seemed to be little overt moral discourse. Some practitioners even felt that there were risks in having any explicit moral debates as they could draw regulatory attention to sensitive or controversial advertising. The following quotes illustrate reluctance on the part of agency practitioners to engage in explicit moral discussions and a tendency to push moral responsibility onto their clients. *I think we are reactive, an awful lot of what we are allowed or not to do is driven by our client and I think we tend to react to a debate rather than engage in it. We tend to keep our mouths shut (a) because we don't want to get our clients into hot water and (b) whatever you say as an advertiser you are going to be demonized....you are sticking your head above the parapet and ...defend what you are doing and ... you are never going to win.* (Account Executive – Advertising Agency Interview 13). *From an advertising agency point of view, they are the servant of the client. That's fundamentally their role...the client can go anywhere. In agencies we don't have to put on a moral hat, because the moral hat should sit with the client, it's their issue.* (Managing Director - Advertising Agency Interview 9).

The absence of moral language in the ASA adjudications, campaign documents and interviews does not necessarily mean that ethical issues were non-existent or unimportant. When probing interviewees it was evident that controversial campaigns and their consequences created moral issues. For example, marketers and regulators understand advertisements cumulative effect on society and potential undesirable consequences. They were conscious of stakeholder concerns over both individual advertising campaigns and advertising practice as a whole. However, when creating and communicating advertisements, client, agency and to some extent clearance practitioners tended to focus on pragmatic efforts to get advertisements through the clearance system. Moral questions were addressed if complaints arose. Agencies and clients would tend not develop potentially risky advertising copy to gain such a reaction but considered the possible repercussions carefully at an early stage. Yet when doing so advertising agency practitioners mainly considered regulatory commercial risks rather than ethical ones. Making decisions about potentially controversial or ethically problematic advertising campaigns was frequently framed in terms of getting the advertisement through the regulatory process, avoiding complaints or – in the case of complaints – averting negative ASA rulings. The regulatory process was defined in legalised terms, as encompassing 'court case' scenarios, expert representation, investigation and adjudication. Trade

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associations, Advertising Copy and Code Clearance Committees or the ASA Council experts were described as ‘sitting in judgement’ over other practitioners to gauge if their advertising breached the spirit and letter of the professional codes and society’s expectations. *The codes of practice [...] set out quite strictly the way that you use [product] information and what can and cannot be extrapolated, and I suppose we take that on board; but we [Agency] also have our own personal way of working I think, especially if scrutinising fact, to be able to say something that has a really firm foundation and even before you submit something it goes back to the client and back to their regulatory people.* (Creative Director - Advertising Agency Interview 11).

While some agency staff felt that the principal-agent relationship between clients and agencies implied that the moral responsibility was really the client’s, mostly agency practitioners did not want to ‘get the client into hot water’ (Advertising Agency Interviewee 2) or risk that the broadcasting or printing of an advertisement would be disallowed at clearance or by the regulator after complaints. *Ultimately it regulates itself because it doesn't want to end up with something that gets pulled, because then you are in a financial argument, so for most agencies it's not in the agency's interest, ethically either, to get the client to run a very risky ad that's pushing some boundaries and having spent a lot of money on it, then it be pulled, because you will end in a triangle, that will have the regulator telling you can't run it anymore, then the client telling you have got to pay for it because 'I said I didn't want to do it and you told me to do it, so it kind of regulates itself.* (Senior Account Planner - Advertising Agency Interview 5) Regulatory decision frames were also frequently employed by marketers and by clearance and copy advisory practitioners. Marketers of potentially controversial products or services were concerned to have legal safeguards to defend their advertising decisions against questions from clearance and regulatory organisations via product licensing, classification certificates, parental and age controls. A marketing professional in a company producing and marketing video games: *[Two of our popular violent video games] are rated 18 BBFC<sup>i</sup>, it's down to parents at the end of the day to be looking after what their kids are watching and playing.* (Marketing Manager Interview 1) Clearance practitioners also tended to see their decisions in terms of compliance with technical clauses in the media regulations or advertising codes rather than in explicitly ethical terms whereas the ASA as complaint investigators were more likely to express the stakeholder interests and use ethical framing particularly around deceptive advertising and the protection of consumers’ rights and the reduction of macro-societal harm. Practitioners also frequently employed commercial frames when talking about decisions with potential ethical implications. This approach worked at two levels. At one level, practitioners stressed the importance of commercial considerations and allowed for the possibility that economic pressures could lead to ethically problematic decisions. Several interviewees (Clearance Regulator Interview 3, Marketing Client Interview 4, ASA Regulator Interview 2) expressed a view that economic pressures and ever increasing competitiveness in the market could push some marketers and agency staff to consider more controversial content, provocative messages or doubtful product claims in order to raise awareness and cut through the mass of advertising that consumers are exposed to. By using such tactics the advertisement was expected to stand out more and thus give the client a better return on the money spent. The need for advertisements to make an impact was also recognised by clearance practitioners. This led to a certain role conflict for them as they realised that stopping potentially controversial advertising at the clearance stage had implications not only for advertisers but also for the financial viability of media owners. *You've got to get the ad noticed because advertising is seen as wallpaper by a lot of people. So you've got to make an impact and if you've got a strong message you will make an impact, maybe by shock tactics. We regularly clear commercials knowing that a complaint will be whistling its way to our door, but at the end of the day you've got it going on air. But that cannot be a reason for us not to clear commercials because otherwise we wouldn't be doing our job properly.* (Clearance Regulator Interview 2). The repercussions of making poor decisions and producing a controversial advertisement were often considered in commercial rather

than in ethical terms. When practitioners considered the consequences of problematic advertising they talked more about financial repercussions than harm done to individuals or society. There were immediate financial implications if a campaign was amended at the clearance stage or withdrawn complaints. These costs included loss of pre-booked media space and extra costs to create new material. *To be honest the way the agency reacts to this [controversy], it's panic, over costing the client money or having to stand a lot of cost yourself as the agency . losing the client or losing money.* (Managing Director – Advertising Agency Interview 15). Despite a preponderance of regulatory and commercial frames of reference, some practitioners talked about advertising decisions, particularly those involving vulnerable or sensitive consumer groups, in more explicitly moral terms. A campaign with the potential to harm children because they emulated behaviour shown in the advert was viewed with concern. Such concern was evidenced by practitioners in all groups but perhaps most by clearance and regulator professionals. The next quote from a regulator gives an example of such concerns about harm to vulnerable viewers of the advertisement. *Kids playing in concrete pipes rolling down the hill; well meaning members of the public felt it was a bit of a dangerous thing to show on television, but we also had complaints from people who had seen accidents happen to young people playing on building sites. And somebody saying 'that's how my son died, doing that sort of thing'.* (Advertising Regulator Interviewee 4). While this quote and similar examples are not explicitly couched in the language of moral reasoning, they seem to show a clear concern for the welfare of others compromised by advertising was a moral concern. When some marketers engaged more pro-actively with stakeholders to pre-empt complaints, the discussion could trigger moral awareness. Some agency practitioners take explicit account of ethical considerations in their practice and put ethical concerns over regulatory or commercial ones; some disengaged from clients or practices that did not fit with ethical and sustainable values. One agent disillusioned with his clients decided set up as an 'ethical agency', they *'had been poor but less miserable ever since'* (Managing Director - Advertising Agency Interview 12).

### Conclusions & Implications

The decision frames invoked by respondents when talking about past controversial advertising campaigns and whether they showed evidence of moral awareness; practitioners were not entirely unaware of the moral implications of their decisions but with few exceptions they more commonly framed their decisions in legalised/regulatory or commercial terms than in ethical ones. This was evident on two levels: what they said about their decision frames at the time of making the decision and how they talked about the consequences of problematic advertising campaigns. Many practitioners saw ethical considerations enshrined in the advertising codes and an advertising campaign compliant with the codes was ethical. Practitioners recognise advertising decisions had ethical implications but did not necessarily assume moral responsibility for them. Moral responsibility seemed to be abdicated not so much to individual other actors but to the regulatory process as a whole. Under the current regulatory status quo, it seems unlikely that individuals will take greater responsibility for compliance. Future studies of individual responsibility for ethical decision making in advertising could examine the behaviour of practitioners from the various stakeholders under different regulatory systems. Research questions could focus on the extent to which ethical decision making is less dispersed or whether individuals take greater responsibility, and could shed light the ability of such regimes to improve ethical outcomes. The design of longitudinal studies could enable the ethical decision making associated with particular brands to be monitored over a longer period, enabling deeper insights to be gained into how individual practitioners rationalise and take responsibility (or not) for their decisions over time. Such research might examine in detail the relationships and exchanges between individuals from the different stakeholders. There is also scope to extend the research to other sectors where ethical arise, and where regulatory compliance relies on a collaborative approach involving multiple stakeholders.

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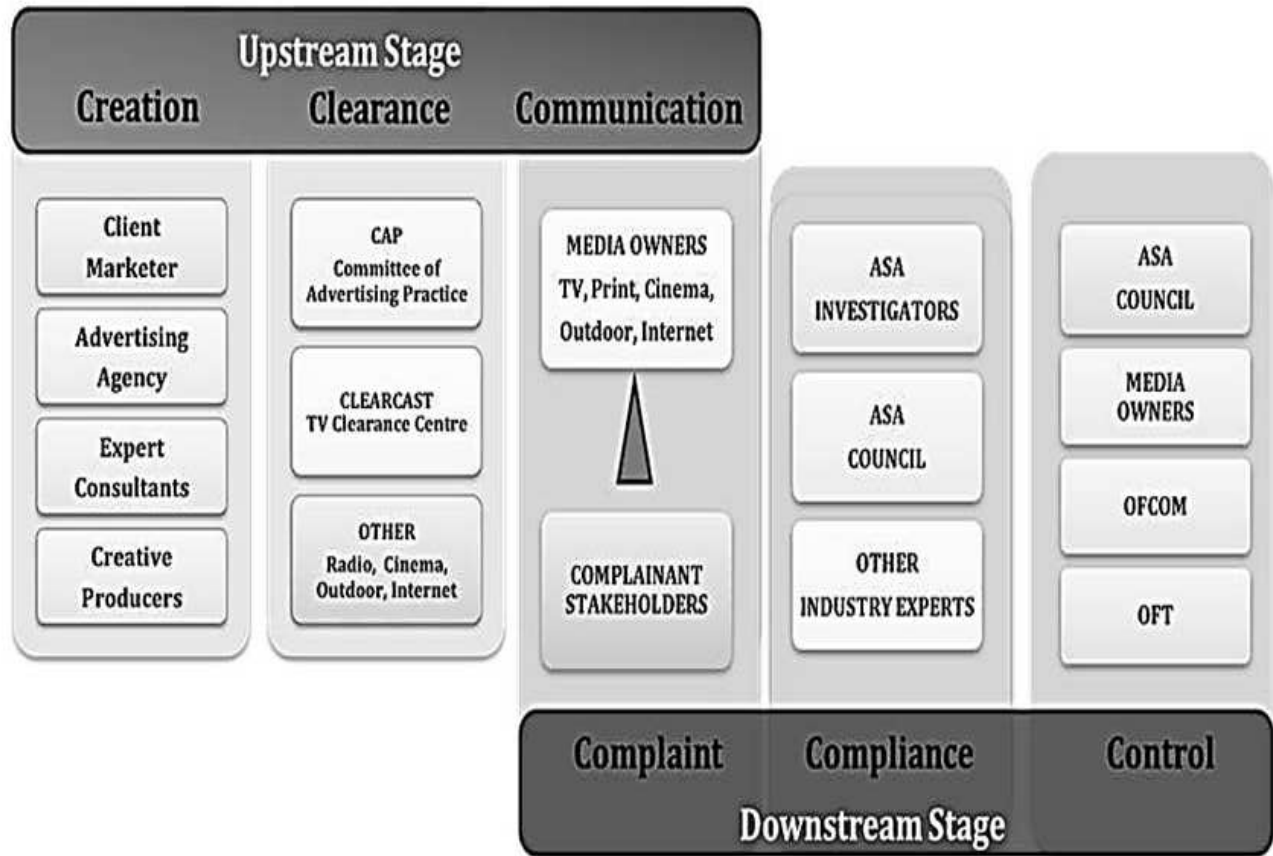
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**Table 1: Participating Organisations and Individuals**

<b>Summary of Participating Organisations</b>	
<b>Total Participating Organisations</b>	<b>23</b>
Advertising Agencies	<b>15</b>
Regulatory Organisations	<b>3</b>
Marketing Organisations	<b>5</b>
<b>Summary of Participants and Their Roles</b>	
<b>Total Participants</b>	<b>33</b>
Advertising Agency Practitioners	17
Advertising Regulation Practitioners	7
Clearance Practitioners	4
Marketing Practitioners	5
<b>Advertising Practitioner Role Levels</b>	
<b>Advertising Practitioner Role Levels</b>	<b>17</b>
Chief Executive, Directors	7
Senior Planners	3
Account Executives	4
Creative and Production	3
<b>Regulator Practitioner Role Levels</b>	
<b>Regulator Practitioner Role Levels</b>	<b>7</b>
Chief Executive, Directors	3
Managers	1
Operations Investigations	3
<b>Clearance Practitioner Role Levels</b>	
<b>Clearance Practitioner Role Levels</b>	<b>4</b>
Former Executive	1
Specialist Managers	3
<b>Marketing Practitioner Role Levels</b>	
<b>Marketing Practitioner Role Levels</b>	<b>5</b>
Directors	2
Manager	1
Specialist	2
<b>Total Participants</b>	<b>33</b>

**Figure 1 – The Advertising Creation and Regulation Process in the UK and Key Industry Participants**



**Figure 2 – Interactions between Key Participants at Various Stages of the Advertising Creation and Regulation Process**

