

# Advertising Ethical Case Study

## To Beat ‘em or Join ‘em?

Nancy, the owner of the L.A. ad agency for which you work, has just called you into her office for an exciting announcement. “What’s the good news?” you ask expectantly. “A potential new client –a big one!” she exclaims, coming out from behind her desk to join you at the conference table, “And after the downturn in the economy lately, we sure could use it!” She plops down a fast food bag from Carl’s Jr. and asks if you want a fry. “No thanks,” you say, “Shouldn’t we be celebrating with something a little fancier?” “Not in this case,” Nancy replies as she pops the fry in her mouth, “because the client up for grabs is Carl’s Jr.!”

You know Carl’s Jr. as a major fast food chain in the Western U.S., and with the amount of advertising they do, particularly TV commercials, you agree it would be a needed money-maker for the agency, and your new largest client. Yet they are infamous for their outrageous and over-the-top advertising, aimed mainly at males. In fact, you and many others have been offended by some of their more sexist and insensitive ads – like women eating burgers while riding mechanical bulls, Paris Hilton seductively washing a car in a leather bikini, and showing live chickens with the statement that all they are good for is eating. As a creative director, you immediately begin having concerns over how to pitch to this kind of client.

“So should we come to the pitch dressed up like Paris Hilton?” you ask sarcastically, “If we eat their food, we certainly wouldn’t look good in a bikini!” “Well, we can’t let our feminist political views get in the way of getting this account,” Nancy replied seriously. “If we expect to win them over, our campaign needs to match their playful style and appeal to masculine interests.” “Some might say *sexist* or *insensitive* and not *playful*,” you add, wrinkling your brow, “and that’s not our agency’s style.” “True,” Nancy admits, “It is a concern. But I’m afraid if we try a campaign pitch that’s too moderate or toned-down from their normal style, we’ll lose the account. After all, they left their other agency because of some personal disagreements and a merger, not because they were unhappy with the campaigns, from what I understand.”

“Well, should we pitch an over-the-top campaign to win the account and then as we form a closer relationship with them, try to engage them in discussions of another direction?” you ask. “That’s a possible strategy,” Nancy says thoughtfully, “I suppose that is better than them ending up at an agency with less integrity, but how honest is that? What they likely enjoy about their current strategy is that it generates a lot of water-cooler conversation and some free publicity, albeit often critical. Their first objective is to make money in a competitive market, and if their current image is successful at gaining attention and appealing to men and young people, then who are we to pass judgment and tell them it’s wrong. Besides, not all women hate it. After all, Paris Hilton apparently eats there,” She says with a laugh. “But seriously,” she concludes as she walks with you out into the hall, “Why don’t you mull it over with your team and let’s talk again tomorrow about how we’re going to play this pitch so we can get started on design ideas this week.”

“Will do,” you reply confidently. But as you walk back to your office, you are filled with anxiety over the right way to proceed. You decide to think it over for an hour before you assemble your creative team for input.

#### QUESTIONS:

1. Who are the concerned parties in this case, and what amount of loyalty or consideration do you owe each one? In answering this question, mention which approach might be “right” or preferable for each party.
2. Is freedom of speech the main issue here or social responsibility? Do they have to be opposites?
3. How much should your own values be imposed on a client’s account? What level of responsibility do you have for your client’s choices?
4. If you tried to get Carl’s Jr. to take a less offensive approach and they refused, could you then feel okay about representing them, having given them a more “ethical” or “responsible” option?
5. List three possible basic approaches to this pitch, and explain the ethical pros and cons of each, taking into consideration consequences and all parties’ perspectives/interests. Defend one of these approaches as your favorite.

# Advertising Ethics Case Study:

## Infomercial Uncertainties

You are assigned to the creative team working on a 30 minute infomercial for a wrinkle-reduction face cream, Smoothinelle, owned by one of your cosmetic company clients, Cosmelle Corp. Everyone is happy to hear that TV actress Patricia Heaton, the wife on *Everybody Loves Raymond*, has agreed to be the paid spokesperson for the cream.

The plan for the infomercial is fairly standard for the genre – Patricia will be the host in front of a live TV audience, having some scientific info given by a male dermatologist, complete with testimonials from users with before and after photos. Four of the testimonial women will appear in a cozy living room setting sharing “girl talk” with Patricia about how much they all love the product. The audience will be encouraged to ooh, aaahhh, laugh, and applaud at appropriate moments. It sounds straightforward enough, but it turns out there are a lot of gray areas when it comes to the honesty and integrity of the infomercial. Consider the following examples:

- Upon reading the script, Patricia is concerned that no mention is made that she has had a **face-lift**, and she is afraid it might be seen as dishonest. Your creative director explains to her that some people already know about her penchant for plastic surgery since she was upfront about it years ago in her book, but to focus on the face-lift in this commercial might unfairly take away from the benefits of the product. After all, Patricia has been using Smoothinelle now for three months, so it responsible for her current skin complexion.
- You happen to know that a line in the text is also misleading, but Patricia hasn't mentioned it because she probably doesn't realize it. It is a line where she says “It's the only cream **I know of** that has been clinically tested to reduce fine-lines and wrinkles by 20% over a 4-week period.” While it is true that the clinical tests did show that, it is possible that other creams can also boast that, however the term “only cream I know of” gets Cosmelle out of any legal trouble.
- During the photo shoots for the “**before**” and “**after**” photos, one of the women pictured was concerned that the “before” photos looked worse because of the poor lighting that cast shadows on her face and chin, where the “after” pictures are lit in a more flattering way. While this is true, the creative director explained that the viewers can clearly judge this for themselves, and it is not abnormal for “before” pictures to be unflattering. Consider all the weight loss or makeover “before” pictures where people are shown slumping, with a sullen expression, with unkempt hair and a frumpy outfit. This adds a bit of drama to the reveal and is standard for the genre. At least the Smoothinelle photos weren't as overly dramatized as that, since their hair and clothing were not that frumpy.

- Another issue is that the infomercial briefly mentions that Smoothinelle is not tested on animals, but an intern at your agency asked why Cosmelle Corp wasn't on any list of cruelty-free companies produced by animal protection groups. The creative director explained that the text on the jar states **“this finished product was not tested on animals.”** While it is true that Smoothinelle was not smeared in rabbits' eyes, Cosmelle is not considered a cruelty-free company by animal protection groups because some of Cosmelle's ingredient suppliers do conduct animal testing. However, what is written on the product is not a lie.
- As the commercial comes together, you begin to notice that overall it makes women look shallow, silly, and insecure about their looks and the natural aging process. As a feminist, you know that perpetuating this image of women does not help women gain status in society to command leadership roles, such as President of the United States.

Due to some of the complaints and its possible affect on morale, the creative director calls a meeting with all staff to discuss these issues.

#### QUESTIONS:

1. Rank these issues in order of your concern, assigning #1 to your biggest ethical concern down to #5 as the one you consider the least troublesome.
2. Does the fact that this is an infomercial mitigate some of these ethical concerns, as the genre is known for being slightly exaggerated and entertainment/drama-oriented? This isn't the news, after all. In general, viewers already make fun of infomercials for this reason and only admit with embarrassment when they are sucked into buying something they saw in an infomercial. Cosmelle is using this format because it allows enough time to fully explain the benefits and share true success stories.
3. If the infomercial ran as is, would there be any negative consequences for involved parties? If so, what and how important are they?
4. Should any part of this infomercial be redone, and if so, what solutions do you propose and why?
5. If you were a creative director assigned to do any infomercial, what would be your biggest ethical concerns going into the project? In what way might you be innovative with the genre?

# Advertising Ethics Case Studies:

## Social Responsibility for SUVs: an Oxymoron?

Your agency has had the Lexus auto account for a year now – which is your pride and joy. As a young copywriter, you consider yourself lucky to be working on such a prominent account. You are involved in the roll-out of the launch of their latest SUV. One of the creative concepts that is most beloved by the account execs and your creative director is a humorous campaign featuring people who bought the new Lexus SUV going out to buy more upscale items to match the luxurious style of their new vehicle – like a bigger house, designer clothing, and a pedigree dog. The campaign slogan is “everything else is going to have to step it up a notch.” We see their old clothing being put in the dumpster, their smaller house being demolished, and their new shitzu turning his nose up at their orange tabby cat.

You have a good rapport with your boss so you go ahead and express your concern that this campaign seems to promote environmentally-unfriendly, over-consumptive lifestyles and shallow, materialistic values. He reminds you that the campaign is meant to be light-hearted but portray the new SUV as the most luxurious and stylish thing a person owns. “At least they aren’t replacing their kids,” he jokes. “But seriously, the only values we are worried about are making this product valued as a hot new item to buy,” he states pragmatically. “Come on, you know it will appeal to the middle to upper middle class urban and suburban demographic Lexus is targeting,” he goes on to explain, “and besides, people who are buying SUV’s aren’t die-hard environmentalists anyway, so the campaign won’t upset them.” “Yes, but they aren’t the only ones who are exposed to this national campaign,” you counter cautiously, “nor are they the only ones affected by the extra greenhouse gases the car emits or the pet overpopulation problem.” “Well you know that Lexus is currently working on an eco-friendly hybrid SUV that will be launched in a few years,” he explains, “when that comes out we can worry about less consumptive values at that time, when it is more appropriate to the product’s USP. For right now, you should remain focused on the fact that we are selling a luxury SUV, kiddo.” Recognizing the concern still showing on your face, he softens and offers you a chance to pitch an idea to him next week that you think is more responsible but still meets the client’s needs for premier image and sales. You thank him and head off to your cubicle to figure out how to make an expensive SUV promote responsible values – perhaps what you are asking for doesn’t make sense after all.

### QUESTIONS:

1. What are the specific ethical problems you see with the “step it up a notch campaign” as it stands (consider interested parties, values, means, and ends)?
2. Explain how Kant, Aristotle and John Stuart Mill might have felt about this campaign.
3. What points, if any, did your creative director make that make the “step it up a notch” campaign seem more ethically sound than you might have originally thought?

4. If the product is not environmentally sound, and it is a luxury product aimed at people who like luxury, what obligation, if any, do ad agencies have to make the campaign more socially responsible than the product itself?
5. What solution do you see for the launch of this new vehicle, and what ethical improvements (or totally new concept) would you end up proposing to your boss?