Chapter 6

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ECONOMIC CENSORSHIP AND FREE SPEECH

The Circle of Communication Between Advertisers, Media, and Consumers

RICHARDS AND MURPHY ARE AWARE THAT ECONOMIC censorship occurs in media, and that much of this comes from advertisers. However, they attempt to counter the conclusions of critics such as Bagdikian by arguing that consumers and media companies have significant influence in this process. Consumers, for example, can complain if they feel advertising is exerting influence, or can reject media content that does not meet their needs. Other arguments made by the authors center on the influence of special interest groups upon the media, and the resistance to advertiser influence that the media themselves exert. They discuss cases of advertisements being rejected by media as evidence for such influence.

> Private economic censorship occurs when an advertiser formally or functionally dictates to the mass media what the public shall or shall not hear.
>
> (Collins 1992a)

Advertising and its practitioners are criticized for causing a multitude of society's ills. Critics suggest advertisements manipulate consumers, make them materialistic, and encourage them to abandon traditional values, along with a litany of other unattractive effects (Pollay 1986). Recently, the ad industry has been characterized as a serious threat to our "free press," using its financial leverage to dictate media content and censor the information received by the populace.

The purpose of this article is to assess the advertising industry's responsibility in "economic censorship" (EC). We will begin by reviewing the relationship between advertising and the media vehicles in which it appears.

Using Money to Censor

Pressure from Advertisers

Advertising provides the primary source of revenue for most news and entertainment media in this country (Bagdikian 1992, p. 115). This is both the blessing and the bane of modern media management. Because it is advertising that pays the bills, managers of newspapers, magazines, television, and radio stations must keep their advertisers happy: a task not unlike feeding crocodiles. The inherent danger is that advertisers might use their economic influence to act as unofficial censors of "the press," thereby barring media from publishing or broadcasting certain material.

An illustration of this problem is found in an article by Wolf (1992), in which he describes a hypothetical fact situation:

> An explosion rocks a clinic that performs abortions. A reporter from the Los Angeles Times is sent to the scene, where pickets from both pro-choice and pro-life groups are present. He interviews both sides, determined to come up with a story that is both objective and thought-provoking.
>
> As the reporter is writing the article, the paper's publisher receives a call from not one, not two, but six of the paper's largest advertisers saying that they are pulling their advertising from tomorrow's edition if any story about the abortion clinic bombing, no matter how objective, appears. Their attitude is polite but firm — they do not wish to be associated with such an issue.
>
> (Wolf 1992)

The publisher has two options: (1) run the story and risk losing a large percent of the paper's revenue, or (2) accede to the advertisers' wishes and risk the possibility that many readers will never learn about this bombing.

While this particular situation is fictional, similar circumstances are relatively common. Wolf points out that when his television show, NBC's "Law and Order," ran an episode about the bombing of an abortion clinic, $500,000 worth of advertising was pulled from the show, and an episode about assisted suicide for AIDS victims resulted in a $350,000 pullout (Wolf 1992). All three of the major television networks have experienced advertiser pull-outs of this sort. Exhibit 1 includes a few of the situations, publicly attributed to advertiser pull-outs, where networks incurred financial losses.

Although the evidence is primarily anecdotal, and it is conceivable that in some cases the losses result from poor management rather than advertiser withdrawals. However, the sheer number of losses and the circumstances surrounding each are strongly suggestive of EC.

That EC is behind these losses is particularly likely in light of modern media buying practices. It is well established that advertisers now systematically avoid shows that deal with certain "hot-button issues," such as abortion and homosexuality (Silverman 1991; Du Brow 1991). In fact, many major advertisers employ outside firms to pre-screen advance tapes of programs in which their commercials are scheduled to appear (Carter 1990; Wolf 1992). One screener explains, "Basically, we look for what we call the Big Six: sex, violence, profanity, drugs, alcohol and religion" (Carter 1990).

Some of those companies maintain "hit lists" of programs they advise clients to avoid. One screening firm, Telerep, reportedly had a 36-page hit list in 1990, that included some of the most popular shows on television (Mahler 1990). For example, one of the most popular syndicated shows in America, "A Current Affair," appeared on Telerep's list and was avoided by 94 potential sponsors (Mahler 1990). Today, advertisers have contract stipulations that allow them to back out of a media purchase if, after pre-screening a network show, they are uncomfortable with its content (Wolf 1992).

While the most publicized advertiser withdrawals revolve around programs with controversial subject matter, pull-outs are not limited to controversies. They commonly result from stories or television scripts that reflect poorly on the advertiser. For example, a "Saturday Night Live" script, co-written by Phil Hartman and guest host Tom Arnold, poked fun at Ford and General Motors (GM) executives. When a GM subsidiary reviewed the script and balked, references to Ford and GM were replaced with fictitious names (Piccoli 1992). Reflecting similar corporate concerns, one media buyer admitted, "We had a problem with an episode of 'Little House on the Prairie' because wild dogs were chasing a girl and we had a Puppy-Chow ad. We have to pull cat food commercials out of 'Alf' because Alf is constantly trying to eat the cat" (Kleinfield 1989).

Neither are advertiser pull-outs (or threats to pull-out) limited to television. Exhibit 2 provides a list of some known advertiser defections from newspapers and magazines.

Again, many of these offer only circumstantial evidence of EC, and some advertisers deny punative intent. However, some of these cases leave little room for doubt. For example, Proctor & Gamble reportedly warned it would pull ads from any newspaper or magazine — as well as broadcast stations — to run stories that singled out its products in what it considered to be an unfair manner (Ramirez 1990). And when the Vice President of Advertising for Radio Shack became upset by a story that appeared in *InfoWorld*, he ordered his Media Department to cancel all contracts for ad placement in that magazine and 60 other publications owned by the same company. His letter of complaint, announcing that decision, was published in the magazine (Beckerman 1985).

There is little question that a great deal of pressure is being placed on media managers to modify (or eliminate) programming and editorial content that advertisers find objectionable. Whether media are obliging these requests is somewhat more difficult to determine, since they are unlikely to publicize such facts.

Media Acquiescence

Robert N. O'Neil, director of the Thomas Jefferson Center for the Protection of Free Expression, acknowledges, "There is increased evidence" that the media do censor news stories about advertisers (Riley 1992). Gloria Steinem states, "I don't think anyone questions whether or not advertisers influence the editorial content of most women's magazines. It's already taken for granted that they do" (Enrico 1990). And Richard Kipling, of the Los Angeles Times, admits:

> I get calls from reporters across the country who are fearful . . . about the increasing pressure to do stories pleasing to advertisers. They've questioned the journalistic value of these "stories" and have been told simply to

> find a way to make the "stories" work. They're panicked that their careers are in jeopardy, that they have only once choice — do the advertiser-friendly stories or join the burgeoning ranks of the journalistic unemployed.
> (Collins 1992b)

These allegations are supported by a recent survey of 147 daily newspapers that found more than 90% of editors have been pressured by advertisers and more than one-third of them claimed advertisers had succeeded in influencing news at their papers (Soley and Craig 1992). A recent study of almost 100 magazines, covering a span of 25 years, found that magazines relying heavily on cigarette advertising are far less likely than others to publish stories about the health hazards associated with smoking (Lipman 1992). And some of the examples in Exhibits 6.1 and 6.2 strongly suggest that media do, indeed, acquiesce to advertiser demands on occasion.

Exhibit 6.1 Examples of Economic Censorship — Television

- In 1973, CBS re-ran an episode of "Maude," in which the leading character obtained an abortion. No national sponsors purchased ad time, and approximately 39 CBS affiliates even refused to run the episode (Hoffman 1992).
- When "Jesus of Nazareth" was broadcast by NBC in 1977, General Motors withdrew its ads after fundamentalist religious groups — that had not even seen the program — protested. However, the program turned out to be a big hit (Rosenberg 1987).
- ABC claims its series "Soap," which ran from 1977 to 1981, lost $3 million per year as the result of advertisers refusing to sponsor it. "Soap" was subject to pickets, threatened boycotts, and a letter-writing campaign, mostly inspired by several religious organizations upset at early reports of sexual content in the series (Margulies 1985).
- McDonald's restaurant chain sent a memo to its franchise holders advising them to keep ad spots out of ABC's mini-series, "The Thorn Birds," in 1983. The series dealt with a Catholic priest involved in a love affair with a girl he had practically raised from childhood (Clark 1983).
- The ABC mini-series "Amerika," in 1987, depicted an America ruled by the Kremlin. It was subjected to heavy criticism by a variety of special-interest groups. Chrysler Corporation, while denying it was motivated by those criticisms, withdrew $5,000,000 worth of advertising from the show (Rosenberg 1987).
- In 1989, ABC's "Thirtysomething" lost over $1 million when an episode depicted two gay men in bed together, and lost another $500,000 when the gay couple appeared in a later episode (Weinstein 1990).
- ABC's "Geraldo" talk show, which frequently dealt with controversial issues, also met with advertising losses (Mahler 1990).
- Mennen Company withdrew advertising from ABC's "Heartbeat" medical drama because the show included a lesbian nurse (Blau 1989).
- IBM, Acura, Anheuser-Busch, Toyota, Sharp Electronics, and Spalding all decided to withdraw or reduce their advertising commitments to ABC and/or ESPN telecasts of the 1990 PGA Championship golf tournament when the founder of an Alabama country club announced that his club would not be pressured into admitting blacks (McManus 1990).
- A few years ago Domino's Pizza Inc. pulled advertising from NBC's "Saturday Night Live" because of its allegedly "offensive" skits (Blau 1989).
- More recently Mazda pulled its advertising from "Saturday Night Live" for ostensibly the same reasons (Du Brow 1991).
- Ralston Purina backed out of the same show because in one skit the word "penis" was mentioned several times (Carton 1989).

- A made-for-TV movie about a Chicago lawyer who dies of AIDS, "An Early Frost," cost NBC $600,000 worth of advertising revenue when it first ran in 1985, even though it garnered respectable ratings, and lost another $1 million when it was rerun about six months later (McDougal 1991b).
- NBC's "Quantum Leap," a show that has won many awards, also faced advertiser withdrawals amounting to $500,000 when an episode dealt with homosexuality in a military school (Rosenberg 1992).
- NBC incurred a similar loss when it aired an episode of "Lifestories" that discussed gay television reporter and his battle against AIDS (Weinstein 1990).
- NBC also lost advertisers when it ran a movie about the controversial "Roe v. Wade" Supreme Court decision on abortion (Rosenberg 1992).
- CBS, too, has lost advertisers as the result of "controversial" programming. For example, advertisers have pulled out of two of the network's most popular series: "Murphy Brown" and "Northern Exposure" (Du Brow 1991).
- An episode of "China Beach" that dealt with abortion also experienced advertiser pull-outs, and was not rerun (Carman 1990).
- Robert Iger, president of ABC Entertainment, claimed that research showed ABC lost $14 million in the 1989–90 season, $9 million of which was attributable to controversial programming. He claimed that ABC lost over $1 million in one movie about Rock Hudson that dealt with his homosexuality (Carman 1990).
- In 1994, "NYPD Blue" won more Emmy nominations than any series in history (Pergament), won both People's Choice and Golden Globe awards, and consistently ranked in the "top 20" shows on television. But, because of controversy surrounding the show's occasional depictions of nude rear-ends and use of salty language, ABC was unable to attract major advertisers and consequently lost money on the show (Miller 1994).

Exhibit 6.2 Examples of Economic Censorship — Print Media

- A few years ago R.H. Macy & Co., one of *The New York Times'* three biggest advertisers, told the *Times* to remove a reporter from Macy's beat after the reporter published a book critical of the retailer (Dorfman 1989).
- The *Seattle Times* experienced a sharp reduction in advertising for Nordstrom stores after it published a series of articles about the retailer's labor problems (Zachary 1992).
- *Ms.* magazine closed its doors for failure to attract sufficient advertising. One reason: Advertisers were concerned about appearing in a magazine that took a strong stand on issues like abortion and sexual preference (Enrico 1990).
- After a bad review of "Patriot Games" appeared in *Daily Variety*, and a series of articles questioning exploitative marketing for "Juice" ran in the *Hollywood Reporter*, Paramount Pictures decided not to place its traditional congratulatory ads for "Patriot Games" in those publications (Welkos 1992).
- The *Arkansas Democrat* was chided for telling a columnist not to criticize advertisers. John Robert Star, managing editor of that paper, declared, "Our policy is no different from every other paper I know about: People hired as columnists by the paper don't trash advertisers" (Horowitz 1992).
- *Omni* magazine lost two of its top editors in 1990. They quit because the magazine's management acquiesced to the desires of an advertiser and ran an ad on the front cover of the publication (Donaton 1990).
- In 1993, Mercedes-Benz of North American warned 30 magazines not to print its ads in any issue containing an article that portrayed Germany or Mercedes-Benz in a negative light (Associated Press 1993).

- In the late 1980s, Reverend Donald Wildmon's American Family Association began a campaign against *Playboy* magazine — because of what Wildmon felt was obscene content — encouraging a boycott and letter-writing campaign targeted at the magazine's advertisers. Chrysler received hundreds of letters, and subsequently pulled its ads from *Playboy* (Farhi 1991).
- In the early 1980s, a major advertiser insisted that a press release concerning its financial problems be published exactly as written in the *Trenton Times*. A reporter who re-wrote the release was subsequently fired (Shaw 1987).
- Several years ago the *Atlanta Journal* published a story about Eastern Airline's baggage handling system at the Atlanta airport. The paper lost an estimated $100,000 in advertising by Eastern as a result (Shaw 1987).
- In the mid-1980s the *Wall Street Journal* ran a some stories about Mobil Oil Company and its executives. The company stopped advertising in the *Journal*, even though it had run $500,000 worth of ads in the paper the prior year (Shaw 1987).
- The *UmpquaWeekly Examiner*, in Oregon, was forced out of business after running a series of stories critical of the timber industry and others. The publisher blamed ad withdrawals, resulting from the efforts of Douglas Timber Operators urging advertisers to pull their ads dollars from the paper (Robertson 1993).
- WFLD-Channel 32 general manager Stacey Marks-Bronner was the subject of a critical article that appeared in the *Chicago Tribune* in 1994. The station pulled $42,000 worth of ads in protest (Feder 1994).
- In 1992, the Duluth, Minnesota, *News-Tribune* published a column that advised readers how to sell their home without using a real estate agent. As a result, the paper lost nearly half of its real estate agency advertising (Cox 1992).
- More than 40 automobile dealers cancelled their ads in the *San Jose Mercury News* when an article titled "A car buyer's guide to sanity" appeared in the paper. The dealers objected to the tone of the article, which they felt implied car sellers should be considered unethical adversaries in the negotiation process (Simon 1994).
- When the Hartford *Courant* newspaper ran an article that urged "buyer wariness" of car dealers, local dealers began an advertising boycott (Zachary 1992).
- When the Ogden, Utah, *Evening Standard* ran a full-page story that featured an auto dealer in another city, dealers in the Ogden area were outraged and withdrew their advertising(Stein 1992).
- In December 1985, the Federal Trade Commission charged 105 automobile dealerships, including some in the Detroit area, with antitrust violations. When the *Detroit Free Press* reported the story, several local dealerships cancelled their ads (*Washington Post* 1986).

Advertising can, of course, be used as a vehicle for free speech. Businesses and citizens, alike, can use it to voice opinions and convey information that the editorial content of media omits, assuming these same media will publish the ad. In years past, such ads were called "advertorials" (Rotzoll, Haefner and Sandage 1976, p. 134). But today the term "advertorials" represents yet another sign that advertiser influence is growing, because the word has taken on a new meaning: commercial advertisements that masquerade as editorial content (Fahri 1992). Media companies seem to have no objection to advertisers disguising promotional messages as "news." "Informercials," "documercials," product placement in television shows, and commercial video news releases all represent instances where media allow advertisers to hide a marketing message in the clothing of non-advertising content (Collins and Skover 1993, p. 718).

It also has become commonplace to find special advertising sections of newspapers and magazines: automotive, real estate and travel sections of newspapers that run only "positive" stories about those products and services (Topping 1992). For example, the *advertising* department of the *Houston Chronicle* reportedly provides all the "news" for the following sections of the paper: home, townhouse, apartments, travel, technology, livestock, and swimming pools (Bagdikian 1992, p. 165).

This is not to suggest that all vehicles do advertisers' bidding. Indeed, when Macy's confronted *The New York Times* (see Exhibit 2), the *Times* refused to give-in (Dorfman 1989). NBC went forward with its made-for-TV movie, "Roe vs. Wade," in spite of anticipated advertiser pull-outs (Graham 1989). In fact, most of the television series episodes mentioned in Exhibit 1 were run, even though the networks incurred significant losses. Undoubtedly many, if not most, media vehicles resist all or most attempts by advertisers to dictate news and entertainment content.

To date, it appears that television networks and magazines are more prone to such EC than newspapers (Goerne 1992), and women's magazines are especially susceptible (Henry 1979). However, even where there are no tangible signs that media are giving-in, pressure from advertisers may be resulting in a less visible form of censorship: a chilling effect (Baker 1992; Baker 1994; Kurtz 1991). That is, reporters and producers may avoid stories critical of advertisers or about controversial topics — consciously or subconsciously — even where media owners and managers make no such demands on them. One producer remarked, "This kind of climate alters the way you think. You find yourself censoring yourself. You start to edit yourself around controversial areas you might want to be examining" (Silverman 1991).

Whether because of direct pressure from advertisers, or as a result of self-censorship by editors, reporters, and producers, clearly some editorial and entertainment content in today's media has been filtered or even biased. The ultimate consequence is that consumers of those media are receiving limited information.

The Danger

The impact of pocketbook censorship on the citizenry is no less pernicious than government censorship. As Baker recognized:

> Anything preventing the press from effectively providing information and commentary that the public would want or that an "independent" press would conclude the public needs, is a serious threat to sound social policy and a properly functioning democracy.
>
> (Baker 1992, p. 2153)

While the First Amendment holds no sway over non-governmental censorship, any practice restricting public viewing, listening, or reading options — regardless of who initiated that policy — directly conflicts with the fundamental democratic principle on which that Amendment is predicated: to encourage public debate and diversity of ideas. This is evident in judicial recognition of "a profound national commitment to the principle that debate on public issues should be uninhibited, robust and wideopen" (*New York Times v. Sullivan* 1964). Our democracy is predicated on the idea that objective "truth" can be found only through the exposition of an unhindered variety of subjective opinions (*United States v. Associated Press* 1943; Mill 1859).

This principle may be especially important where, as is frequently the case with EC, controversial matter is screened from public consideration. The Supreme Court has noted that "a function of free speech . . . is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger" (*Terminiello v. Chicago* 1949).

EC, therefore, is a serious threat to this cornerstone of our society, and should not be taken lightly. An obvious solution, of course, would be to prohibit such activity just as the First Amendment forbids government-instituted censorship. In fact, some commentators recently have suggested that regulatory response is needed, and that the primary target of those regulations should be advertisers (Collins 1992a; Baker 1992; Baker 1994). The remainder of this article will discuss the propriety of this approach.

Regulating Economic Censorship

Placing the Blame

There is a tendency to blame much of this censorship on advertisers. A renowned observer of advertising, Sid Bernstein, once commented that there are people "who are absolutely certain that advertisers, individually and collectively, have a strangle-hold on the neck of all advertising media, both print and broadcast" (Bernstein 1991). If advertisers are in control, clearly they are to blame for this EC.

Television producer Richard Kramer decried, "I'm really sickened by this and feel we're being censored by advertisers who are not equipped to make this judgment. At this point in history, it's up to organizations like ABC to show they will not be victims of advertisers' whims" (Rosenberg 1990). Radio Moscow commentator Vladimir Posner criticized American media for lack of diversity in its news broadcasts, concluding that the sponsors ultimately were responsible for this "political and social desert" (Colford 1990).

Law professor C. Edwin Baker also pins most of the blame on advertisers. He declares, "[P]rivate entities in general and advertisers in particular constitute the most consistent and the most pernicious 'censors' of media content" (Baker 1992). As a solution he recommends a special tax on advertising, designed to shift the power from advertisers to readers.

Communication professors Soley and Craig (1992) seem to agree that the ad industry is responsible. They note, "The assertion that advertisers attempt to influence what the public sees, hears, and reads in the mass media is perhaps the most damning of all criticisms of advertising, but this criticism isn't acknowledged in most advertising textbooks." They suggest this is an ethical issue that should be taught to advertising students.

Even reports that do not explicitly name the guilty tend to imply the ad industry is the root of the problem. One news story refers to "the taint of advertiser influence" (Topping 1992), one discusses TV network attempts to "withstand advertiser pressures" (Silverman 1991), and yet another talks about it being counterproductive for networks to "knuckle under to the pressure of sponsor defections" (Weinstein 1990). And one media ethics book refers to the "advertiser onslaught" facing the press (Day 1991, p. 184). The clear message is that advertisers are in control, and consequently bear the responsibility.

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Exhibit 6.3 Top-de

A recent report published by the Center for the Study of Commercialism (CSC) placed this blame more squarely on the shoulders of advertisers (Collins 1992a). That report stated:

> Who controls the press? The answer should be apparent — ultimately, those who control the purse . . . . In contemporary America, advertisers wield much of this monetary might, meaning that much press independence is potentially surrendered in their name. (p. 1)

It concluded that "[s]elf-censorship represents a victory of advertising influence over editorial integrity, of commercialism over content" (p. 31), and recommended several actions to rectify this problem, including laws aimed at (1) prohibiting advertisers from exerting influence, and (2) protecting journalists who blow the whistle on such influence. That report received considerable media attention (e.g., Goerne 1992; Horovitz 1992; Collins 1992b), leading to additional negative publicity for the advertising industry.

Most of these commentators, including the CSC report, acknowledge that advertising is not solely responsible. After all, advertisers would have no power if the media refused to cooperate. Yet the picture being painted is that economic realities are placing media at the mercy of advertisers, if they are to survive (e.g., Silverman 1991; Rosenberg 1990).

The model implied by this process is top-down and linear, from advertisers to consumers (see Exhibit 6.3). Under this model it is consumers who are the victims of advertiser force and media acquiescence. Advertisers are seen as imposing their collective will upon media, thereby infringing on the "freedom of the press," and limiting the free flow of information to consumers. This viewpoint, however, idealizes media as an altruistic endeavor to provide citizens with news, art, and entertainment, without respect to its free-market nature.

The relationship between these three parties is much more symbiotic than suggested in Exhibit 6.3. To the contrary, each party has the power (whether or not that power is exercised) to influence the other two, as illustrated by the "circle of communication" in Exhibit 6.4. Communication, in this model, encompasses all means of persuasion, by which the three parties influence the actions of the others. This includes,

Exhibit 6.3 Top-down Model of the Communication Process

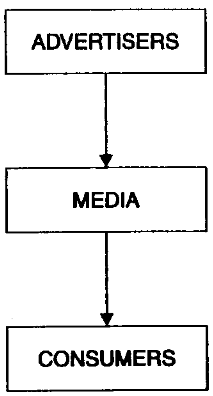
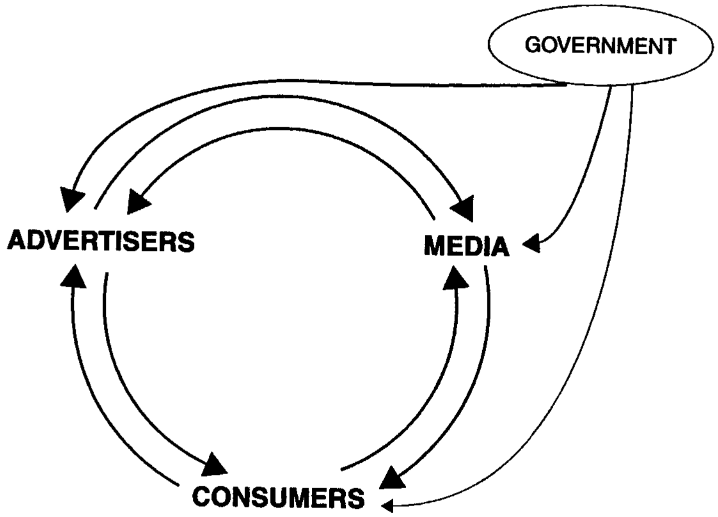


Exhibit 6.4 Circle of Communication Model of Influences on Media Content



among others, the choice of editorial and entertainment matter in the media, the advertisements, the products sold by the advertisers, consumer complaints, and consumers' actions when buying or refusing to buy products.

The role that each of these parties plays in so-called "economic censorship" is discussed below. We will begin by considering the alleged victims of this censorship: consumers.

Vocal Consumers

It is indisputable that consumers often receive sterilized, biased, information from some media. But, in large part, this is a condition of their own making. Advertiser withdrawal from, or avoidance of, media virtually always results from feared consumer response to those media. And in many cases, consumers are actively petitioning advertisers to avoid certain media content.

Conservative consumer groups, collectively dubbed the "New Puritans," have bombarded advertisers with threats and complaints (Elliott 1989). "I call it advertising terrorism," says Jack Trout, of Trout & Ries. "A lot of folks have realized they can get their point of view across by jumping on the phones and threatening a boycott [of advertised products]" (Farhi 1989).

One conservative consumer group, Christian Leaders for Responsible Television [CLeaR-TV], was established by a Methodist minister named Donald Wildmon in 1986. Since then CLeaR-TV has spear-headed numerous boycotts — or threats of boycotts — against advertisers that sponsor television programs the organization identified as "un-Christian," sinful, or otherwise objectionable (Mahler 1990; Cox 1989). Wildmon says, for example, that he does not want to see homosexuality on television (Enrico 1991).

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been involved in writing to advertisers about sponsorship of shows its members feel contain excessive violence, gratuitous sex, and Satanistic overtones (Mahler 1990). Americans for Responsible Television (Silverman 1991) and Concerned Citizens for Quality Television (McDougal 1991a) are yet two more such organizations. Each of these groups claims many victories in convincing advertisers to avoid buying time on certain shows (e.g., Fahey 1991, p. 657).

Conservative groups are not the only vocal consumers. There are, for instance, a variety of special interest groups that champion "politically correct" media content (Kurtz 1991). One example, the Nurses Association, successfully took on Chrysler and Sears for advertising on the show "Nightingales," because of its depiction of nurses as "boy-toys" (Clark 1989). Peter Tortorici, executive vice president of CBS Entertainment, admits that some things "All in the Family" used to do — especially the racist and sexist comments of its main character, Archie Bunker — might not get on the air today (Du Brow 1991).

In at least one instance an entire industry threatened an advertiser. Stroh Brewery withdrew sponsorship of an environmental program, *Ancient Forests: Rage Over Trees*, when the timber industry planned to boycott the company (Fahey 1991).

This proactive approach of consumers is not a new phenomenon, but has become more popular in recent years. In the distant past consumers relied heavily on government regulation to block "offensive" communication content, but a series of First Amendment cases have placed limits on government's ability to restrict material that offends some people (Schechter 1992). The result has been an increased popularity of advertiser boycotts. Reagan Administration deregulation of broadcast media may have been an additional catalyst for groups feeling they must rely on their own initiative rather than on government action (Hill and Beaver 1991).

Even where consumers are not *actively* trying to affect media content, they may well play a *passive* role. Advertisers, like politicians, want to alienate no one. Where they suspect consumers will be offended by media content, advertisers will avoid placing their ads in that context, even if no one threatens a boycott.

Consumers clearly do have a voice in EC, by expressing their desires to advertisers. They also have the power to actively voice those preferences directly to the media, but that approach is rare (Hill and Beaver 1991). They tend to declare their opinions to media passively, through rating points. If they dislike a program or a vehicle, they simply choose a different one.

The reason why consumers reserve active protests for advertisers rather than media is subject to speculation. It has been suggested this is because advertisers hold the purse strings (Collins 1992a), but this ignores the fact that an effective boycott of the medium or program would reduce ratings and therefore make the medium less attractive to advertisers. Consequently, the same effect could be realized by communicating directly with media rather than advertisers.

A more logical explanation is that boycotters are not trying to change the media *they* use, but rather to restrict what *other people* see and hear in the media (Fahey 1991, p. 654). After all, if boycotters are bothered by the content of media they use, they have the option of simply changing media. But if those protesters are not regular viewers of a particular program, their refusal to watch that program will have no measurable effect on program ratings. In this case, they have no leverage with which to control media content. Boycotting the advertisers, on the other hand, permits them leverage over such content.

Of course, these vocal consumers do not represent all consumers. So one might argue that the silent majority has no voice in this circle of communication, and that it is these silent consumers who are victimized by EC. In reality, if they were to take a more active role and collectively demand that media address controversial issues, both advertisers and media would readily comply. Alternatively, if these "victims" are sufficiently upset about the lack of information caused by EC, they can send a message to advertisers and media by giving preference to those media that accept no advertising. If they neither protest nor switch to alternative media, we can assume that most consumers are willing to accept the limitations of their current media.

Contrary to representations of advertiser-as-dictator, consumers command significant power in this process. Indeed, much of the recent EC is a direct result of consumers exercising that power. But it would be unfair to place the full blame for EC on consumers, because media also hold a share of power.

Free-Market Media

Collins (1992a; 1992b) and Baker (1992; 1994) claim that, as a result of advertiser pressure, the press is no longer "free." But the press *is* free. It is free to sell to advertisers, or solely to consumers. If a medium wishes to avoid advertiser influence, it could avoid selling ad space and finance its efforts strictly through consumer subscriptions. A "free press" refers to the rights of the press, not the rights of the audience. These commentators seem to confuse the right of the press to publish what it wants with the right of consumers to get untarnished information. To think these two rights coterminous is to romanticize media. What most media want to publish is whatever will make the most money.

Media companies are businesses. Most contemporary media have chosen to finance their businesses by selling ad space or time. And that space or time is worthless without readers, listeners, or viewers, which means these businesses serve two groups of customers: advertisers and consumers. While individual vehicles have complete freedom to print or broadcast whatever they desire, and to refuse the requests of advertisers and consumers, the principles of business require that they serve the wants and needs of those customers. This may not be what many envision as the ideal "free press," but it is good business.

In their efforts to remain fiscally strong, media sometimes find it advantageous to avoid certain content. But advertisers' demands are not their only concern. At times media alter content for the benefit of their other customers, the readers or viewers. In fact, even advertisers — who pay the bills — sometimes find their interests subjugated to those of the readers and viewers, when media choose to censor *ad* content. Quintessence, for example, recently ran afoul of NBC and CBS with an ad for its Jovan fragrance. The ad was a spoof of network censors, and the networks saw little humor in it (Hume 1992). Such content could reflect poorly on viewers' attitudes toward the networks.

Benetton Services, which has built a reputation for controversial advertising, recently had similar problems with *The New Yorker*. A Benetton ad scheduled to run in an issue of the magazine depicted an albino Zulu woman among a large group of other Zulu women. The albino woman looks embarrassed, and the others seem to be shunning her. Tina Brown, editor of *The New Yorker*, rejected the ad for the issue in which it was to appear: an issue containing an article about Malcolm X. She explained, "This ad is seeming to address the same issue, but obviously in a very punchy, advertising way. We wanted to make sure we didn't seem to be mixing advertising and editorial" (Elliott 1992). Again, it was readers rather than the advertiser that Tina Brown felt compelled to keep happy.

In 1991, Fox became the first and only network to accept condom advertising. In spite of national concerns about AIDS, other social diseases, and teenage pregnancy, the three established networks held fast to a universal policy against accepting these ads. The reason, of course, was a fear that the public would be offended and, hence, stop watching that network (Kitman 1991).

Another, particularly notable, instance of advertising being censored was the recent flurry of debate over whether or not college newspapers should publish advertisements by Bradley R. Smith (Bishop 1991). What makes this case especially important is that the ads in question were not "commercial" in nature, but rather were paid "editorial" or "opinion" ads. In late 1991 and early 1992 two full-page ads were sent by Smith to college newspapers around the country, in an attempt to publish them. The first ad was entitled, "The Holocaust Controversy: The Case For Open Debate," and the second was labelled, "Falsus in Uno, Falsus in Omnibus . . . The "Human Soap" Holocaust Myth." Both ads argued that popular historical accounts of Jews being executed en masse during World War II are exaggerated. On virtually all college campuses where the ads were considered, heated disputes resulted. In the end, several campus accepted the ad and several rejected it (Oshinskky and Curtis 1991; Warlick 1992; UPI 1992; Brooks 1992).

The debate at the University of Texas was particularly heated. Following a series of decisions that went back and forth, regarding whether to run the ads, students and faculty associated with the newspaper were called names, received death threats, and warned of potential lawsuits. Clearly, many readers did not want the ad published. Leaders of the campus Student Association even threatened to withhold the newspaper's funding if it should run the ad (Brooks 1992).

Further evidence that media business decisions adversely affect advertising — rather than just news and entertainment — content is the existence of advertising acceptability departments at many newspapers, magazines, and broadcast companies. Though some of these acceptability standards reflect legal concerns, many are designed to avoid offending readers or viewers.

Like consumers, the press clearly shares the power in this triad. That power is used to determine how best to serve all its customers, which sometimes requires limiting content desired by either consumers *or* advertisers. It has been suggested that advertisers have disproportionate power in this relationship, but the fact that ad content is also subject to EC seems to disconfirm that hypothesis. To substantiate this disproportionate power, critics point to such things as the special ad sections (e.g., real estate) that are commonplace in newspapers and magazines. But these special sections are not the result of advertiser demands; media offer them to create new opportunities for ad sales.

These are all reasonable (if not sound) business decisions, and media companies are businesses. Since advertisers are also subject to the rules of the marketplace, their decisions are very much like those of the press.

Advertisers

Baker (1992; 1994) argues there is an imbalance of power. He contends, "Of course, the medium's attempt to obtain advertising revenue leads it to tilt media content toward what advertisers, not readers or viewers, want" (p. 2180). However, these two wants are not mutually exclusive. A medium is only beneficial to advertisers if consumers use it, and consumers will not use a medium if they are unhappy with its content. Consequently, a smart advertiser will never make demands of a medium that will reduce audience satisfaction.

Quite the contrary, advertisers seek to attract the largest possible numbers of consumers. In addition, they want those consumers to like their brands. A Coca-Cola spokesperson explains, "We are in the business to make friends" (Hill and Beaver 1991). Consequently, it is not surprising that advertisers tend to avoid content that might cause some consumers to either change vehicles or develop negative attitudes toward the sponsor. Betsy Frank, of the Saatchi & Saatchi advertising agency, explains:

> When we use TV, we're not using it to support First Amendment rights or artistic freedoms, we're using it because it's a good business decision for our client, and nobody wants the result of a business decision to be loss of customers rather than gains.
>
> (Silverman 1991)

If placing their ad in a vehicle will cause them to lose money, it makes no sense for them to buy that particular ad space. Consumers are not forced to buy products they do not want, and neither should advertisers be coerced to buy undesired ad space. But that is precisely what would happen if, as Collins (1992a; 1992b) suggests, advertisers were prohibited from engaging in pull-outs or expressing their likes/dislikes to publishers and producers.

Media purchases frequently are made before content is known, based on expected ratings. When the content is known, the advertiser may anticipate a loss of value and decide to pull out. This is no different than consumers agreeing to buy an automobile on the basis of an inspection, then when they go to pick it up they discover the engine has been removed. Advertisers should have the same right to back out of a deal that individual consumers enjoy.

Normally, there are literally thousands of media buys that can fulfill their needs, so if one vehicle becomes unattractive it is both easy and sensible to switch to another (Baker 1992, p. 2161). Because advertisers seldom sponsor an entire television show the way they did 40 years ago, but simply purchase time, they have no commitment to the shows (or magazines, etc.) in which they place their ads (Hill and Beaver 1991).

There are two types of content that may reduce the value of a vehicle: (1) material that is offensive to viewers and therefore indirectly reflects on the sponsors, and (2) stories that directly, negatively, reflect on the company or product. In both cases the obvious fear is bad publicity, which can quickly damage a product's reputation (Schechter 1992). Since advertising is an investment in a positive reputation, the potential costs outweigh the minimal benefits offered by any specific vehicle.

And consumer boycotts have made advertisers feel that consumers will desert them if they support certain content. John McNulty, General Motors' vice president of public relations, claims that even a single offended viewer may represent a loss of car sales for years to come (Mahler 1990). In 1989 a lone housewife, by writing letters to sponsors, convinced several advertisers to pull out of the Fox network's "Married . . . With Children." She complained the show was replete with "soft-core pornography" (Stein 1989; Clark 1990). It appears advertisers fear that if one viewer is sufficiently upset to write, there probably are many more who were equally angry but did not act on those feelings.

This places advertisers in a precarious position, since attack can come from groups of consumers with conflicting agendas. For instance, it is not inconceivable for a television show to be boycotted by the gay community for negatively portraying homosexuals, and by conservative forces for any positive aspects of that portrayal (Fahey 1991, p. 678). Advertisers are in jeopardy no matter how homosexuals are depicted. They seem to be in a "no win" situation.

For many advertisers the benefits offered by a particular vehicle are few. They see the vehicle as simply an audience, and rarely is that audience unique. However, the potential costs, whether real or imagined, are great. Under those circumstances, it is easy to understand why advertisers might readily engage in EC. When consumers refuse to buy an advertiser's product it is called an economic *boycott*, but when advertisers refuse to buy a media vehicle's product it is deemed economic *censorship*.

Like the press, advertisers have the freedom to ignore the other two parties, but that would not be a good business decision. Advertisers are merely trying to operate at a profit. But, as compared to consumers, neither advertisers nor press are completely free to engage in unrestricted expression, because both are subject to some governmental intervention.

Government Restrictions on Advertisers and Media

All participants in this society — individuals and businesses, alike — are subject to some limitations on their expressive freedom. For example, "obscene" programming can be prohibited even if consumers, advertisers, and media want it broadcast (*Miller v. California* 1973). But businesses are generally subject to regulations not imposed on individuals, and those restrictions can make their ability to communicate less "free" than individuals.

Advertisers communicate with consumers through their advertising, sales promotions, sales force, packaging, product instructions, and even the product itself. Yet all of these are subject to varying degrees of government control. Unlike the expression of the consumers, who are free to write what they desire in letters of complaint and to engage in boycotts, "commercial speech" by advertisers receives limited protection under the First Amendment (*Central Hudson Gas v. Public Service Commission of New York* 1980). Indeed, advertisers' marketing communications are scrutinized, and frequently regulated, by the Federal Trade Commission, the Food and Drug Administration, the Securities Exchange Commission, and others. In addition, in response to the threat of regulation, many of those communications are reviewed and altered by the advertiser's legal counsel.

The advertised product, too, is subject to some limits imposed by government. State and federal authorities dictate safety and environmental standards for products and their manufacture. Toys must be safe for children to put in their mouths and must not be flamable, wireless transmitters must be licensed for a given radio frequency, insecticides must not poison their users, bedding materials must meet several composition standards, etc. Thus, the ability of advertisers to communicate through the medium of their products is severely constrained by government.

Media are somewhat less encumbered by regulation, because their product is communication and their speech generally is not considered "commercial speech." Quite the contrary, information flowing from the media typically is considered to fall squarely under the protection of the "press" clause of the First Amendment (e.g., *Miami Herald Publishing v. Tornillo* 1974). However, broadcast media are subject to several restrictions, under the auspices of the Federal Communications Commission. For example, bearing directly on the "controversial issues" involved in EC, "indecent" language that is not "obscene" is nonetheless subject to limitation by that agency (*F.C.C. v. Pacifica Foundation* 1978). And even print media are restrainted in ways individuals are not, including regulation of the ink and paper on which they print, the employees they hire, and distribution through the mails.

Although within the circle of communication each of the three parties is free to express themselves, in their own best interests, that freedom is neither absolute nor equal. Consumers are subject to far fewer limitations than either media or advertisers. Indeed, among these parties, the most consistently and heavily regulated are the advertisers.

Conclusions

That EC occurs is beyond dispute. The question is where to lay the blame. Advertisers are popular targets of social critics, so it should come as no surprise that advertisers are charged with responsibility for EC. In fact, two of the most vocal commentators who blame advertisers for EC also have criticized the ad industry for other societal ills. Collins (1992a) is a co-founder of the CSC, an advocacy group that explicitly "exposes and opposes commercialism" (Ibid.), and has charged advertising with subjugating rational consumer decisionmaking to the service of selling (Collins and Skover 1993). Baker (1994) elsewhere has argued that the profit motive behind advertising makes it unworthy of First Amendment protection (Baker 1976).

If one starts from the premise that the chain-of-events leading to EC begins with advertisers, the conclusion that advertisers bear primary responsibility is a *fait accompli*. But it is equally arguable that this process starts with consumers or with media. As with any circle, the process of EC has no definite beginning or end; it is a continuing and complex dynamic among all the participants. Consequently, they all bear some blame for EC.

But is EC really a cause for *serious* concern? Today consumers have a wide choice of media vehicles, and the number is expanding at a breath-taking rate. Since not all advertisers and media vehicles engage in EC, and probably none of them use it frequently, it is doubtful that great collective harm results from this process. Especially in light of new electronic data communication technologies, it is hard to imagine that a newspaper or broadcast station decision to avoid a topic will severely handicap an audience member's ability to obtain that information.

Finally, EC should never become too pervasive. When currently passive consumers become sufficiently unhappy about EC and more actively exercise their rights

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(e.g., change vehicles or boycott advertisers), media bias should be diminished. In short, the dangers of EC seem somewhat overstated.

Questions

1. Where do the authors feel that blame for EC (Economic Censorship) is usually unfairly placed?
2. What are the differences between the Top-down and Circle Models of Influence, and how do they reflect the different views of advertiser influence?
3. What influences do the authors feel that media companies, interest groups, and consumers have upon media content?
4. Are there additional advertising influences upon the nature of media content that the authors do not address in this chapter? For example, how might some audiences be given more influence than others by ad-supported media, and why?

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