
Toward a Pragmatic Understanding of the Advertising and Public Policy Literature

Herbert Jack Rotfeld and Marla Royne Stafford

Research on advertising and public policy has been both plentiful and cross-disciplinary. Despite the vast knowledge base on the topic, an understanding of this body of research from different perspectives has not been achieved. This paper examines all articles on advertising and public policy that were published in five primary journals over a 24-year period. Categorical descriptive information on these 130 articles is presented along with a conceptual model that serves as a framework to understand the existing literature from the different disciplines and to provide a perspective on the pragmatic potential for the role of that literature in actual decision making on public policy. The literature is reviewed and perspectives on the future are offered.

Advertising and public policy remain two critical and interrelated topics. Despite their importance to businesses, consumers, and regulators, there has yet to be an integrated understanding of the current knowledge base on advertising and public policy. This may be due partly to both advertising and public policy considered as two different sub-fields of the marketing literature (e.g., Wilkie and Moore 2003; Myers, Massey and Greyser 1980). However, advertising has a long campus history as an academic discipline distinct from marketing, usually within schools or colleges of mass communication and journalism, and its strong relationship to public policy is an important one, if not a core concern, for both scholarship and educational programs within that discipline.

The paper presented here assesses the current literature on advertising and public policy, by offering a perspective on the advertising and public policy articles published in the five primary journals devoted to either “side” of the topic: *Journal of Advertising* (JA), *Journal of Advertising Research* (JAR), *Journal of Current Issues and Research in Advertising* (JCIRA, formerly *Current Issues and Research in Advertising*), *Journal of Public Policy and Marketing* (JPPM, published in its first volume as *Journal of Marketing and Public Policy*)

and *Journal of Consumer Affairs* (JCA). In doing so, a descriptive categorization of the articles including article type, the protected group of interest and the method(s) used is provided. A framework for understanding the key conceptual areas that have defined the discipline is then presented, followed by a discussion of the key issues within the context of this conceptual framework.

Public Policy as a Specialization of Advertising Scholarship

Wilkie and Moore’s historical review of marketing research (2003) provides a potentially useful perspective on marketing scholarship in journals and textbooks, and they provide a strong context for understanding developments in the field. As with any historical review of an academic discipline, however, perspectives are influenced by the background of the reviewers, and in their review, Wilkie and Moore – marketing academics – consider both advertising and public policy as two separate sub-fields of marketing, and as two distinct sub-disciplines, advertising and public policy may not be viewed as having a natural and important alliance as they reviewed the literature.

In colleges of communications where advertising is an independent academic discipline, the advertising scholars and educators have had a different view of applied public policy research than those from a pure marketing background. In contrast to the college of business’ marketing perspective that advertising and

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public policy are two distinct (though sometimes related) specialized areas for marketing applications, advertising education has always been envisioned by its academic founders to include a view of advertising in society as a core area for study (e.g., see Sandage 1998).

However, during advertising's earliest years as an academic discipline, advertising regulation and public policy issues received only limited research or classroom attention, because it was just one of many areas covered by studies of advertising in society. Academic publications and textbooks of the time gave greater attention to economic or institutional criticisms of advertising as a social force, as can be seen in the first edition of an original textbook of advertising in society (Rotzoll, Haefner and Sandage 1976) or the speeches of the man generally credited as the "founding father" of advertising education, Charles H. Sandage (1998). This changed, however, as the government organizations involved with advertising regulation became more activist, making advertising and public policy an important focus for scholarship.

The "public policy" label alone does not designate a body of courses or textbooks in advertising education, nor does it in marketing. However, as a topic for courses and study, the label has a broader meaning beyond just regulatory or legal issues per se, extending to the advertising research used for regulatory decisions and the influence of regulation on business practices. It is within this context that the literature could be reviewed. Moreover, a review of the literature on advertising and public policy provides an opportunity to integrate the different perspectives into one unified model that can be used for discussion, understanding and enrichment of the subject.

The Period and Journals for Study

Journal proliferation in recent decades, both domestically and internationally, could make for an extremely broad realm to review studies; therefore, it seems best to focus on the most established and most cited journals. The three oldest advertising journals—JA, JAR and JCIRA—are considered the three leading journals in the field of advertising (Henthorne, LaTour and Loraas 1998), and these journals have always included public policy research in their pages, increasingly so in the years that government regulations directly involved advertising concerns. At the same time, JPPM and JCA are the most cited journals for business and public policy concerns (Spratt and Miyazaki 2002; Zinkhan and Leigh 1999)—at special editor meetings or doctoral student sessions for marketing and public policy conferences, these two jour-

nals are represented along with some general marketing or advertising publications—and these journals have always published advertising-based studies.

With the increased specialization of business journals (Wilkie and Moore 2003), more general marketing journals or those devoted primarily to other topic areas have published few papers on either advertising or public policy. This does not imply that other journals have completely ignored advertising and public policy. However, a focus on these five primary journals for the topics allows us to review all of the articles that they published on the topic area, instead of attempting to sample a wider range of journals that would, by their nature, include fewer relevant papers on the topic area. More importantly, the primary intent of this study was not to compile a list of the most productive universities or the most prolific researchers in the area, nor was there an attempt to summarize all existing studies. With a research goal of a descriptive perspective on the nature and inter-relationships of different types of advertising and public policy research, this review of the five top journals devoted to the topic provides thorough details of the most visible, and potentially most-cited, advertising scholarship activities.

This article compilation begins in 1980, a date that coincidentally matches Wilkie and Moore's (2003) Era IV, or the modern era of marketing research and "a time of specialization." Yet there exist several other and more significant forces that support 1980 as a starting point for a review. The round-number U.S. election year is a time when many forces were changing and shaping the future perspectives for research, with a general starting point for two journals of major influence on the field.

CIRA officially started two years earlier and was getting established as a solid refereed publication from University of Michigan. The other publication effort from the UM College of Business that eventually led to JPP&M had its first call for papers in 1981, resulting in its first volume published in 1982. Pertschuk (1982) wrote of the "pause" of the consumer movement just prior to Reagan's election as president in 1980; he noted that scholarly review of advertising-related public policy issues seemed to be taking a new and important energy at that point in time.

For this time period, all articles on public policy issues were drawn from the advertising journals (JA, JAR and JCIRA), and all articles on advertising issues were drawn from public policy publications (JPPM and JCA). Advertising issues were defined as paid time in mass media. Public policy articles were selected based on the criteria that they focused on pub-

lic interest concerns or criticisms that constrain various business' advertising decisions. Papers that use regulatory terms or issues to study questions whose relevance is, in reality, unrelated to actual public policy interests were dropped from the review (e.g., for an expanded explanation of this distinction, see Rotfeld 1991), as were advertising management papers that were "inspired" by current news events of potential public policy interest. Examples of the latter would be articles that followed court and regulatory decisions that removed restrictions on advertising by professionals (e.g., doctors or lawyers), and studies that surveyed or studied practitioners who might use that new freedom.

A total of 130 articles were identified through this process. All articles were coded in three areas: 1) Who—protection of whom, identifying the specific group that is the public policy or consumer-protection focus of the research; 2) What—the type of article, noting the focus of study; and 3) How—the method used, recognizing that many approaches can answer as well as ask different important questions.

The "who" and "how" categories were identified through the coding process based on the content of the articles. Three categories were predefined for the type of article (what): 1) Regulatory—articles where government agency or court regulatory rules/decisions are the key points of discussion (e.g., discussion of puffery; evaluation of DTC advertising); 2) Organizational—articles that address how organizations are dealing with their regulatory environment, including self-regulation and other related activities (e.g., surveys of businesses; reviews of business efforts at self-regulation); and 3) Consumer—articles that address advertising questions (affecting consumers) that were raised by the first two categories (e.g., How does DTC advertising affect consumers? Are children being manipulated?).

Article Assessment

Journal Overview

Nearly 54% of the articles appeared in the three advertising journals, with JA publishing more than 31% of all of the articles. Among the 70 articles that appeared in the three advertising journals, JA published 58.6% of them, followed by JCIRA with 21.4% and JAR with 20%. JA has always been quarterly and the currently semi-annual JCIRA was only an annual publication for about its first decade. While JAR published six issues per year for most of this period, the editorial orientation of pragmatic materials for advertising management minimized its editorial interest in

social issues to a smaller percentage of the content compared to the other two journals. Despite being only an annual publication prior to its purchase by the American Marketing Association, JPPM had over 29% of the articles, ahead of the semi-annual JCA which published just 16.89% of the articles. As was said at the outset, public policy is an important component of advertising research, while advertising is itself but one area of public policy research within marketing or studies of the consumers' interests as covered in JPPM and JCA.

The Who

This category identified the specific group that is the public policy or consumer-protection focus of the research questions. As noted, this category was opened to ensure that all potential groups of people were included. As indicated in Table 1, most of the articles (nearly 77%) addressed the protection of adult consumers, with a number of articles focusing specifically on one particular type of consumer. For example, pharmaceutical consumers were of concern in over 8% of the studies with over half of these published in JPPM, and the others in JA and JAR. Two other specific consumer groups include food consumers and television viewers who were of interest in 5% of the studies. Young adults were of concern on just over 3% of the studies, and women and the environment were the group of interest in just 2 studies each. Just over 2% of the articles were interested in businesses/competition as the protected group. One study in JPPM focused specifically on disabled consumers which tied policy reform to include Internet ads to ADA coverage. In addition, a wide range of different types of consumers were the protected group in just one study. These groups included wireless consumers, Internet consumers, and weight loss consumers, among others.

The What

The "what" category assessed the key focus of each study. As shown in Table 1, nearly half (47.7%) of the articles were categorized as consumer studies. The topics in these consumer studies were quite diverse and included such subjects as ethical and deceptive advertising, puffery, smoking, price issues and online privacy. Nearly 28% of the studies were organizational in nature, examining diverse topics such as standards for acceptable advertising and media clearance practices as well as how self-regulation influences business practices, either through business efforts of the self-regulation organizations or activities of indi-

Table 1
Article Categorization

<i>Type of Article (What)</i>	<i>JCIRA</i>	<i>JCA</i>	<i>JA</i>	<i>JPPM</i>	<i>JAR</i>	<i>Total</i>
Regulatory	3	2	12	10	5	32
Organizational	4	5	11	11	5	36
Consumer	8	15	18	17	4	62
Total	15	22	41	38	14	130
<i>Method (How)¹</i>	<i>JCIRA</i>	<i>JCA</i>	<i>JA</i>	<i>JPPM</i>	<i>JAR</i>	<i>Total</i>
Conceptual	7	7	14	17	3	48
Survey	4	7	13	3	5	32
Content Analysis	2	3	4	3	2	14
Experiment/Quasi-Experiment	1	1	3	1		6
Case Studies		1				1
In Person Interview	1	1	3		1	6
Meta-Analysis				1		1
Legal Case Analysis (Secondary Data)		1	3	8	2	14
Mortality Rates (Secondary Data)		1				1
Critical Analysis			1		1	2
FDA Letters (Secondary Data)				1		1
Advertising Advisory Board Data (Secondary Data)				1		1
Stock Market Returns (Secondary Data)				1		1
FTC Policies (Secondary Data)				1		1
Market Share from Advertising Age(Secondary Data)				1		1
MRI & SMRB (secondary data)		1				1
Total	15	23	41	38	14	131
<i>Protection of Whom (Who)</i>	<i>JCIRA</i>	<i>JCA</i>	<i>JA</i>	<i>JPPM</i>	<i>JAR</i>	<i>Total</i>
Adult Consumers	12	16	29	32	11	100
Children	3	3	7	4	1	19
Young Adults			2	1	1	4
Women		1	1			2
Disabled Consumers				1		1
Environment		1	1			2
Business Competition		1	1		1	3
Total	15	22	41	38	14	130

¹Some studies contained multiple methods.

vidual business organizations. The 24.6% of the articles that focused on regulatory issues included analyses of such topics as the first amendment, deception, corrective advertising, puffery, advertising law, the FTC and current regulation literature.

The How

The "how" category focused on the methods used to study the research questions or hypotheses. Inter-

estingly, 36.6 percent of the articles were conceptual in nature. In general, these articles either compared and contrasted perspectives, offered a conceptual framework or identified specific issues and policies. Two articles utilized critical analysis and one used a case study. Nearly eleven percent used legal case analysis, while 4.6 percent used in-person interviews. One article used a mail survey for part 1 and in-depth interviews for part 2. Surveys were the most popular method (24.4%) among the more quantitative ap-

proaches. One article utilized meta-analysis to assess the information content of advertisements.

Just under 11 percent of the studies used content analysis, several of which examined the advertising geared toward children (e.g., Bang and Reese 2003; Kolbe and Muehling 1995; Shanahan, Hermans and Hyman 2003). Less than 5 percent reported the use of experiments/quasi-experiments, with half of these experiments published in JA. Here, advertisements were tested to understand what is perceived as deceptive (e.g., Barbour and Gardner 1982) or misleading (e.g., Andrews, Burton and Netemeyer 2000) and what contributes to attention to and effectiveness of warning labels in beer and cigarette advertising (e.g., Fox et al. 1998). The balance of the articles utilized secondary data from a wide range of sources.

A Conceptual Framework for the Research Literature

Advertising scholarship has generated the development of a variety of academic journals with contributions from both business and communications perspectives. In addition, the academic American Academy of Advertising and the more practitioner-oriented Advertising Research Foundation have members from both business and communications areas of expertise. Moreover, like marketing, advertising scholarship draws broadly from a variety of research perspectives such as economics, law, history, psychology, sociology and anthropology.

Clearly, each researcher's individual education and vocation experiences bring important and unique perspectives to the studies. And by its very nature, public policy research requires the application of conceptual approaches and research methods of a variety of disciplines, from the experiments and surveys that are most popular in marketing and psychology, to depth interviews, case studies, legal analysis, historical reviews and simple descriptions of business or regulatory practices. In short, understanding the research or its implications might require insight from multiple conceptual paradigms (e.g., Preston 1982; Rotfeld 1991; Shimp 1983).

The works published in the five journals during this period, therefore, included a wide range of articles that offered differing perspectives. It is from these different directions and topics for research on advertising and public policy, as well as how they interrelate, that allows for the development of the conceptual model illustrated in Figure 1.

Unlike Gundlach and Wilkie's (1990) broader model of the marketing literature, this model serves the nar-

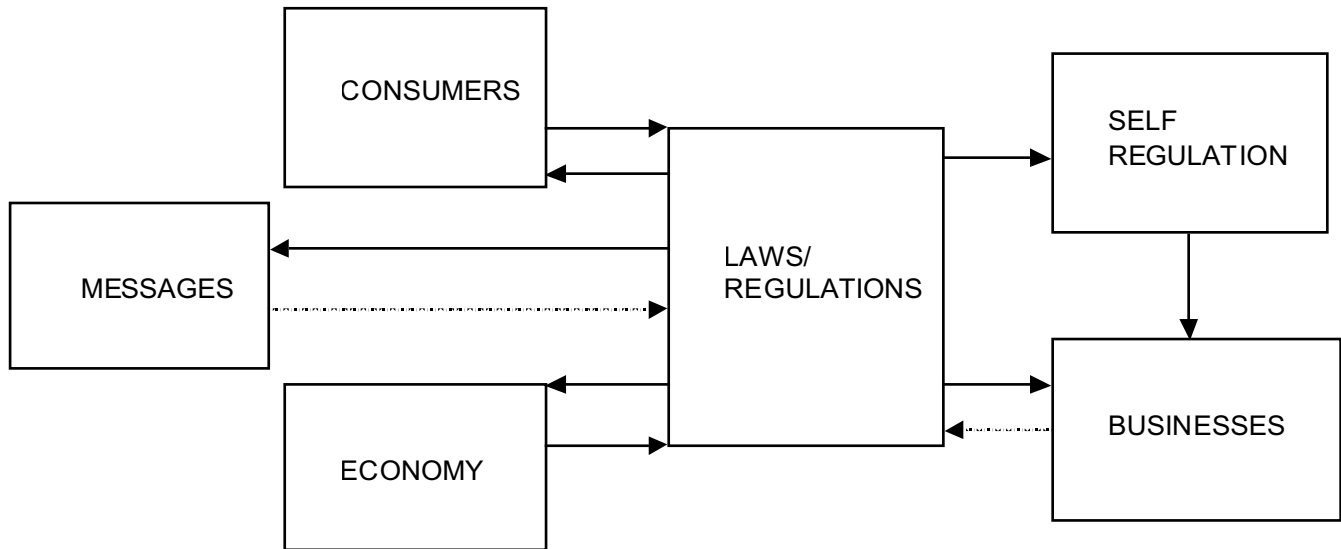
rower focus of a review of research topics and approaches for advertising and public policy issues. Each box represents areas of research and subject matter; research can also assess how the different boxes are related or influence each other.

The model begins with the largest center box, "Laws and Regulations," because this topic is the foundation of government-based consumer protection that is the primary focus of pragmatic concerns of public policy. Public policy research can involve many different areas of concern, utilize a variety of different research approaches and focus on many different topics of study. "Laws and regulations" can be reviewed in legal research, case analysis and/or philosophical explanations of recent decisions by the FTC, Food and Drug Administration (FDA) or Federal Communications Commission (FCC). For example, Petty (1999) analyzed tobacco marketing restrictions, while Preston (1997) compared developments from the Uniform Commercial Code (UCC) and the FTC on the legal treatment of puffery claims. It should also be noted that the research perspectives used for political science or cultural studies could be applied to studies of the people working at regulatory agencies or the decision-making procedures for resolving cases, though no such papers were found in these journals for the period of this review.

Studies of advertising message strategy, consumer behavior or economic assessments of regulatory issues can provide information to guide public policy decision and can also address key issues raised in the public policy debate. The three boxes on the left side of the model represent these three areas of research. For insight into the marketplace, lawyers readily turn to "economic analysis," since economics is the academic discipline with a lengthy tradition as the predominant basis for legal-regulatory analysis of advertising and marketing. Many of the advertising issues, especially at the FTC, are phrased in economic terms; in fact, the FTC has a Bureau of Economics.

For many, an important public policy question is to examine the advertising itself, including the message or information content or the images portrayed. These studies take varying degrees of impetus from current or threatened regulatory actions, or may be an analysis born of presumptions of current laws and regulations, but there is little evidence that such studies have an influence in the other direction on current government actions (hence the regular arrow to the left but only a dashed arrow to the right). For instance, Armstrong, Gurol and Russ (1980) reported that the FTC began using corrective advertising as a major weapon to combat deceptive advertising,

Figure 1
A Conceptual Framework for the Advertising & Public Policy Literature



though it dropped out of use in the following decades. More recently, Macias and Lewis (2003) speculated that the strict FTC guidelines for prescription drugs may be easier to deal with online because of the ability to provide additional information to the consumers. Changes in content over time might be presumed to be related to changes in regulations or regulatory activity; this is also given as rationale for some information content studies (e.g., Abernethy and Franke 1998; Preston 2002, 2003).

It is important to note the role of consumer research in public policy decisions by the FTC and other agencies. The FTC has a large staff of economists providing that form of analysis for many cases and trade regulation rules, and even has a specific organizational unit devoted to this research in its Bureau of Economics. Yet in many ways, the presence of marketing or advertising experts on consumer psychology is much more limited. In the early 1970s, the FTC and other agencies began to hire marketing/advertising consultants to provide evidence or other case assistance, and some full time advertising experts on staff have worked full or part-time in staff positions; yet unlike economics, there is no "Bureau of Marketing (or Advertising) Research." The Division of Advertising Practices of the FTC's Bureau of Consumer Protection has hired the aforementioned experts, but the absence of a full Bureau-level has kept marketing perspectives at a secondary role of providing specific evidence but keeps the expertise from being "institutionalized" in Commission perspectives. (For a more

detailed discussion of this organizational constraint on the uses of evidence and the potential internal conflicts it can engender, see Preston 1995.) Commissioners have almost all been lawyers, with a few economists appointed since 1981, but an advertising or marketing expert has never held such a position, with a result that marketing perspectives are not expected to be a core view to policy or case decision making (Preston 1995; Rotfeld 2001).

Another more conceptual problem facing the marketing experts is that they had to provide evidence to fit within the confines of legal definitions – just because a case dealt with a mass communications or marketing issue did not mean the law would be changed to fit the common definitions of consumer research found in academic business journals (e.g., Brandt and Preston 1977; Preston 1976, 1980b, 1983). This becomes relevant for understanding the model because not all published research that purports to be on advertising and public policy is necessarily relevant to public policy decisions.

Consumer psychology experts on advertising's actual influence in the marketplace can observe when lawyers might make statements that seem borne of some strong misunderstandings of how advertising works as a business tool (e.g., as was done in Clarkson and Muris 1981). Similarly, some academic business journals or mass communications books publish research that ignore legal definitions for what advertising scholars feel is a "better" approach instead of a legal perspective (e.g., Crable 1991; Burgoon, Newton and Birk 1991).

For this reason, the two-way relationship between the boxes on the left on “consumers” and “messages” and the central box on “regulations” in the model is limited. Content studies might hope to influence public policy, but their potential use or meaning to the regulators has not been established. The general topics or issues raised in public policy debates give rise to consumer studies that can best be described as “inspired by” regulatory concerns (e.g., Garfinkel 1983; Harris, Dubitsky and Bruno 1983; Olson and Dover 1978). Some of the research to the left of the central “regulations” box might be done with an eye to public policy concerns. To have any actual impact on decisions, consumer researchers cannot ignore the laws, legal definitions or stated public policy focus of government bodies, and they should not tell regulators to redefine terms in a way acceptable to advertising scholars; rather, they need to pose the issues in terms of the actual public policy concerns (for more discussion on this, see Preston 1976, 1980a, 1980b, 1982; Richards 1990; Rotfeld 1978, 1983, 1991).

The laws and regulations also influence “self-regulation” activities, illustrated by the one-way influence from the center box. Self-regulation is not an arm of the government, yet government activity does influence self-regulation activities as a collective set of business decisions (Rotfeld 1992, 2001), hence the one-way nature of the line from government to self-regulation. Government regulations—actual or threatened—provide a context and comparative for viewing various self-regulation activities. At a basic level, these can involve reviews of various self-regulation practices, descriptions of cases, or possibly assessments of the relationship between laws and self-regulation practice. For instance, Boddewyn (1991) pointed out that the government prefers to leave sex and decency issues to the industry, while Wicks and Abernethy (2001), Rotfeld and Parsons (1989) and Rotfeld (1992) noted that broadcast stations or magazines self-regulate through their own decisions or internal business guidelines.

In the end, both laws and regulations influence actual “business practices,” and advertising researchers can assess the pragmatic influences these constraints exert on business decision making, as reported in surveys, depth interviews, or at a more macro level, through assessments of the economic effects of regulatory actions. These influences can be as simple as having a legal department proof all advertising copy to ensure a defensible legal position (e.g., Morgan and Stoltman 1997) or making sure that advertising is created and communicated in a manner consistent with regulations (e.g., Rotfeld, Abernethy and Parsons 1990). In fact, Rotfeld (1992) and Rotfeld et al.

(1990) suggested that the mere existence of advertising regulations has a positive effect on pragmatic message decisions because such regulations generate a strong incentive for advertisers to tell the truth.

As noted, the building of an integrated understanding of advertising and public policy requires a variety of approaches to research, and sometimes a review of the areas *between* the boxes requires a scholar to understand multiple perspectives or research paradigms. A quantitative mass communications scholar might be impelled to learn legal analysis and case reviews to compare the history of an issue under common law rules of *stare decisis* (e.g., Preston 1996). The ability to understand other processes and methods can enhance the research by resulting in a “true interaction of behavioral science with law, with innovative results” (Preston 1976, p. 54). Moreover, a combined perspective might help a researcher review the law and applications and generate conclusions about better ways to assess policy (e.g., Preston 2002, 2003), or call upon the government to improve regulatory activity to better serve the consumers’ and societal interests (Preston 1994).

Perspectives on the Existing Literature

As noted, this paper is not an all-encompassing literature review of every published article on advertising and public policy. Rather, based on a review of all articles in a fixed time period from the five leading journals where such research is most likely to be published, the proposed conceptual model provides a context for integrating the literature to understand how the different types of papers relate and what they could tell us about the primary research questions for advertising scholars. The following section explains how many of the articles from this study fit into the model, as well as how other articles or future research would fit into this same schema.

Laws and Regulations

In studying regulatory agencies or legal activities, the articles in these journals have dealt with the law and case reports, not the decision makers. While Peltason’s (1955) monograph on the importance of political context for judicial decision makers once had a major impact in political science thought, the methods or analyses of political science have not found their way into these journals. For the most part, studies of these decision makers in the regulatory agencies have been relegated to news reports, magazine personality profiles, books by reporters (e.g., Skrzycki 2003) or, in rare instances, personal reports of experi-

ences by former regulators (e.g., Pertschuk 1982). The field, however, is not devoid of unusual or innovative looks at regulatory activities, such as Sheehan's (2003) analysis of FDA activities for dealing with violations in a particular area and Abernethy and Franke's (1998) examination of the impact of more stringent advertising regulations by the FTC.

In law reviews, the legal analysis or case report is often used to make a particular point, such as to criticize recent case outcomes or to advocate a particular direction for legal decisions. This approach is present in these five journals (e.g., Galloway 2003; Jacoby and Szybillo 1995; Petty 1993, 1999, 2003). Currently JPPM's "policy watch" and JCA's "Bits Briefs and Applications" actively seek position papers of this type. But since few readers of these journals possess legal expertise or education, the articles could be more commonly characterized as "educational" reporting. These papers mostly describe and explain the legal issues or perspectives (e.g., Beales 2003; Dahringer and Johnson 1984; Honigwachs 1987; Johnson and Spilger 2000; Petty 1997; Preston 1997) or the legal requirements for use of research evidence (e.g., Maronick 1991; Owen and Plyler 1991; Richards and Preston 1992; Preston 1992; Stewart 1995; Zoler 1983). Others describe the advertising issues that may arise in different types of court cases, such as product liability (e.g., Morgan and Stoltman 1997). Some papers report on developments in regulatory remedies and their applications (e.g., Armstrong, Gurol and Russ 1983; Scammon and Semenik 1982, 1983) or compare the laws or regulations of different countries (e.g., Greer and Thompson 1985; Petty 1997; Pridgen 1985). In two papers, efforts to explain legal philosophy or thinking on advertising regulation while giving it free speech protection provided a context for understanding and even predicting several future Supreme Court case decisions (Preston 1980c; Rotfeld 1982).

It is relevant to note that some of the authors have a legal education, instead of, or in addition to, their Ph.D. (e.g., Galloway, Petty, Richards or Simonson). Preston is the rare case of a self-trained legal scholar who has also published in law reviews (e.g., Preston 1990) and whose books are respected in the legal community (e.g., the *Harvard Law Review's* positive review of the first edition of *The Great American Blow-up*). More commonly, however, the authors have doctorates in business and communications and limited background in legal analysis.

Moreover, the legal expertise of the editorial boards of the advertising journals is generally limited, although the public policy journals have had lawyers on their editorial boards during the time period of

this review. This does not imply that the legal studies published in advertising journals are poorly done; rather, they are aimed at a different audience. In fact, that is why the previously cited criticisms by Preston (1976, 1982) noted the importance of seeing marketing as evidence in a legal process. With varying degrees of "respect" for laws, regulations and legal definitions, some papers described how the law could make better use of consumer research in decision making (e.g., Armstrong, Gurol and Russ 1980; Barbour and Gardner 1982; Gardner and Leonard 1989; Richards and Preston 1992; Rotfeld and Preston 1981).

In the end, considerable research on laws and regulations does not, per se, study law. Rather, it applies the perspectives of consumer psychology in a legal context.

Consumer Research, Economic Analysis and Message Content

Given the inter-disciplinary but non-legal basis of the journals, it is not surprising that most of the advertising and public policy research does not study laws or regulation. Rather, advertising and public policy research primarily studies consumers, the economy, or message content that is influenced by regulations, sometimes to criticize public policy cases or decision making, and sometimes to advocate the different regulatory approaches.

Although JCA's origins are with consumer economics, the number of economic studies of advertising and public policy published were limited, and mostly historical (Scheraga and Calfee 1996; Schultze 1981) or case examples (e.g., Wolburg 2003). There are also a few limited works on anti-trust issues related to advertising regulation. With advertising part of the marketplace for information, public policy could be reviewed by how well it improves that market for consumer information (e.g., Koford 1983), whether the introduction of advertising into a new area lowers prices (e.g., Maurizi, Moore and Shepard 1981) or whether regulation or competition could best serve the interests of protecting children (e.g., Enis, Spencer and Webb 1980). On the other hand, a number of economists' who criticize advertising are criticized themselves for failing to understand how advertising works, either as a marketing force or a consumer decision-making tool, and these broader issues have been discussed significantly in books (e.g., Albion and Farris 1981; Ekelund and Saurman 1988). This could explain the limited use of economic analysis in the journals from the time period of this review.

It is intuitively obvious that consumer research could assess the effects and effectiveness of various regula-

tory programs, such as how corrective advertising impacts a company's image (e.g., Armstrong, Franke and Russ 1982), the effectiveness of regulations on certain types of products (e.g., McAuliffe 1988), or whether FTC activities are providing desired levels of consumer protection (e.g., Kinnear and Root 1988). Since regulations direct advertisers to provide information, an important research issue is to determine whether consumers believe advertising (e.g., Beltramini 1988) or even understand it (e.g., Andrews, Burton and Netemeyer 2000; Bennett and McCrohan 1993; Calfee and Pappalarado 1991; Ippolito and Matthios 1991; Mazis and Raymond 1997; Murphy and Richards 1992). An unusual question is whether truthful advertising, as directed by regulatory interests, could result in advertising itself being less persuasive (e.g., Koslow 2000). As direct-to-consumer (DTC) prescription drug advertising is permitted, researchers have started to assess consumer impact (e.g., Alperstein and Peyrot 1993; Calfee 2002; Lexchin and Mintzes 2002; Mehta and Purvis 2003; Menon et al. 2003; Roth 2003).

In the late 1970s, the FCC, FTC and U.S. Congress all held hearings to contemplate a ban on child-oriented advertising, and this advertising has been a continuing focus of research attention (e.g., Armstrong and Brucks 1998). More specifically, this research has assessed how or if children can be deceived (e.g., Barry 1980) or if they can be manipulated by certain characters as often asserted by advertising's critics (e.g., Van Auken and Lonial 1985). Since the hearings were repeatedly criticized as a quest for government to serve as a national nanny, the mothers' view was highly critical (e.g., Laczniak, Carlson and Walsh 1999; Walsh, Laczniak and Carlson 1998).

In the quest to protect children, alcohol and cigarette advertising are a perennial focus of attention; messages that the advertisers claim are targeted toward adult consumers are restricted. The ongoing public policy debate gives rise to several pragmatic research questions: 1) What is the role of advertising or other information sources in "causing" those under-aged to purchase the product and develop a habit (Albaum et al. 2002; Beltramini and Bridge 2001; Goldberg 2003; Henke 1995; Kelly, Slater and Karan 2002); 2) Do teens pay attention to warning labels (e.g., Fox et al. 1998), and 3) What is the level of advertising exposure to those under-aged (e.g., Lancaster and Lancaster 2003)?

The legal definitions, or even legal presumptions, can present valid research questions for consumer research to assess, with the clearest example being puffery. Based on court precedents and traditions of *stare decisis* going back through hundreds of years of British common law, it was legally decided that no

consumer believes those advertising claims that a court decision would designate as puffery (see Preston 1996). Of course, empirical research reports that consumers can and often do believe puffery claims as facts (Rotfeld and Rotzoll 1980, 1981; Vanden Bergh and Reid 1980). Rotfeld and Preston (1981) conceptually analyzed the law and consumer research to indicate how puffery could just as easily be legally defined as a question for consumer research instead of an *a priori* conclusions on literal content (also see Preston 1996; Richards 1990; Simonson and Holbrook 1993).

In addition, there are numerous studies that have examined the information content of advertising, with various ties to regulatory issues, such as directives for information disclosures (e.g., Hoy and Stankey 1993), requirements for health claims (e.g., Caswell et al. 2003; Parker 2003), regulatory desired disclosures on pharmaceutical web sites (e.g., Macias and Lewis 2003) or in DTC print advertising (e.g., Roth 1996), and the advertising-provided information on product risks (e.g., Ford and Mazis 1996). Television "fine print" has been analyzed (e.g., Kolbe and Muehling 1995) as has the information content of their disclaimers (e.g., Stern and Harmon 1984). Almost every relevant journal has published studies on the "quantity" of advertised information (e.g., Abernethy and Franke 1998), using a basic method that has been repeatedly referenced, reused, and therefore, generally accepted. While these various studies all assert ties to regulatory concerns, there seems to be little assessment of what this literal content actually means as information for consumer decisions, and Preston (2002, 2003) questioned whether such *de facto* standardized counting schema give a true picture of the quantity of information that might actually be contained in the advertising messages under scrutiny.

Under the heading of protecting children, we find content studies driven more of consumer-protection criticisms of advertising, such as stereotyped portrayals by race, gender or ethnicity (e.g., Bang and Reece 2003) or violence (e.g., Shanahan, Hermans and Hyman 2003). In terms of general advertising criticisms, some look at content to review advertising's implicit definitions of being a beautiful woman (e.g., Stephens, Hill and Hanson 1994), while others review the images in car advertising that supposedly encourage unsafe driving practices (e.g., Cosse and Swan 1981).

These advertising content analyses are driven by criticisms of advertising as a social force, and they claim to raise public policy issues in both the study conceptualization and research implications. And yet, while they might hope to influence regulatory decisions, there is no evidence to suggest that these content studies can spur a change of regulatory rules or

cases. They might in the future, particularly with the growing concern for the television broadcast of sexually offensive images. But the current evidence of such studies' pragmatic utility for public policy decisions has been weak to this point, hence the dashed line from content studies to "laws/regulations" in the model.

While most of the studies hope to influence regulatory decisions, these decisions do sometimes have a direct impact on self-regulatory activities and business practices. In fact, that is exactly what the regulators hope to accomplish.

Self-Regulation and Other Business Practices

Self-regulation does exert some influence on business practices, but its only real "power" is the willingness of the businesses to cooperate with various self-regulation mechanisms. And under U.S. antitrust laws, a group of businesses cannot force any competitor to cooperate (Boddewyn 1989; LaBarbera 1981a; Rotfeld 1992, 2001). The primary factor that encourages business to follow self-regulation standards are government activities (LaBarbera 1980, 1981a; Rotfeld 1992). LaBarbera (1980) reviewed advertising self-regulation activities of many trade associations, but the most common focus is on the Better Business Bureau's National Advertising Division (NAD) and its National Advertising Review Board (NARB). These studies describe, review and categorize the NAD/NARB cases (e.g., Armstrong and Ozanne 1983; Miracle and Nevett 1998; Zanot 1980). In a similar vein, some studies report on self-regulation practices in other countries (e.g., Boddewyn 1985), and with different government concerns and focus, self-regulation in other countries can exert control and influence on issues other than advertising veracity and consumer deception (e.g., Boddewyn 1991; Wyckham 1987).

This is not to denigrate the effects and effectiveness of self-regulation efforts in any country, because any advertising they influence positively means some level of reduced concern for the government. With this in mind, regulators would like to encourage self-regulation (e.g., see Galloway 2003; Rotfeld 2001). Another business activity credited with influencing self-regulation is a media vehicle's standards for acceptable advertising. Considerable research on different vehicle practices has been conducted, in some cases producing descriptive articles that are admonishing the businesses and criticizing them for what is not done (e.g., LaBarbera 1981b). More commonly, quantitative surveys and manager interviews produce descriptions of common practices by media vehicle managers (e.g., Lacher and Rotfeld 1994; Wicks and Abernethy 2001), sometimes generating in-

sight into the relationship between common business decision-making practices and the managers pragmatic business constraints (e.g., Parsons and Rotfeld 1987, 1990; Rotfeld, Lacher and LaTour 1996; Rotfeld and Parsons 1989; Rotfeld et al. 1990).

Finally, a few important articles investigated the direct changes that public policy regulations might cause in business decision making. Some of the above cited content analyses of label or advertising information indirectly assessed regulatory effects by examining changes or directions in message content, as did some of the studies taking an economic or historic perspective. More directly, some studies reviewed Internet privacy requirements (e.g., Sheehan and Gleason 2001), or regulatory requirements for substantiating advertising claims (e.g., Watkins 1984).

Perspectives for the Future

The normal inclination in a review such as this is to suggest specific topic areas for the future. However, that is virtually impossible to assert here because the exact subjects would be driven by the subject matter of new public policy proposals, cases or problems. For example, it might be easy to suggest that advertising's impact on children is a continuing concern, but specific studies would refer to new emerging public policy issues (e.g., see Fall 2005 issue of *Journal of Public Policy and Marketing's* special section on "Marketing and Advertising to Children" or, similarly, the Winter 2004 *Journal of Consumer Affairs* colloquium on identity theft).

More important, this review and resulting model indicate that what is most often lacking in the research is an inter-disciplinary perspective for the studies. Instead of just being *inspired by* public policy topics, public policy researchers more commonly need to understand the actual evidence needs for public policy decision making. Marketing, with its myriad of potential research paradigms, needs to understand first that the research with the greatest pragmatic utility will first start with an understanding of the best evidence to serve legal or public policy interests.

That said, this review and model serves as a means of understanding where that pragmatic utility might begin. As new policy issues are raised that would ultimately affect regulatory decisions (the center box) researchers would be directed toward one of the four boxes (consumers, messages, economy and businesses) that may directly impact those decisions. At the same time, the ideal research will examine one or more of those four boxes—as well as the relationship between the boxes—from an interdisciplinary perspective so

that the policy issue at hand is more fully understood from multiple contexts.

On an overall level, however, this review provides some direction where policy issues may be dictating future investigations. For example, specific groups of consumers (one of the boxes in the model) might warrant future research by virtue of the questionable nature of some products (e.g., tobacco, alcohol) which are constantly the focus of regulatory attention. Here, the current research has mostly addressed or denigrated a basic idea of regulatory activity, in terms of vulnerable consumers, maybe with a need to better understand just what is meant by the word "vulnerable" (e.g., see Wolburg 2005, or in a related vein, Rotfeld 2005). Similarly, current regulatory interest in issues related to health claims in advertising may suggest a need to research messages that may be susceptible to regulatory influence. At the same time, however, multiple research perspectives should be used to better clarify and understand the nature of the issue at hand, particularly because each study we identified in our review appeared to be tied to the training and perspectives of the researchers. Moreover, several articles espoused a tinge of advocacy for certain points of view in policy debates.

In some ways, this is a strength of the pan-disciplinary nature of research on advertising and public policy, but it can also be a weakness. The studies end within the boxes, and are somewhat limited in their ability to examine the relationships *between* the different boxes.

And therein lays the greatest challenge for the future of research on advertising and public policy. Many researchers pick up the "hot" issues or topics from the headlines—many studies from the advertising journals reference a recent news story in opening paragraphs—and not enough have incorporated other views or research paradigms. What might be needed are more inter-disciplinary partnerships, or questions and studies designed from multiple points of view. This model provides a perspective for seeing how different areas of work can inter-relate. And the relationships, themselves, provide a solid basic for integrating and understanding the use or abuse of research for public policy concerns.

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Endnote

- ¹ In the text discussion of the articles reviewed, some articles are cited as examples of types of research, or types of papers that fits into the model, but not every article reviewed that fits the example is cited. This reference list does not provide an all-inclusive list of every article from the five journals that were in the study, but only lists those used for illustrations in the text discussion and articles or books cited elsewhere in the body of the paper.