

**The Ethicality of Guerrilla Marketing  
And Subliminal Advertising**

**Advanced Writing in the Disciplines**

**Ross H Menia**

**Northeastern University**

**November 4, 2012**

### **Abstract**

Advertising and the marketing industry in general can often divide consumers and businesses. There are so many issues at hand that can be looked at from a multitude of angles, including: the ethicality of a marketing technique, professionalism in advertisements, the cultural value an advertisement holds, invasion of privacy, copyright infringement, and overall effectiveness of advertising campaigns. This paper focuses on the issue of ethicality in guerrilla marketing and subliminal advertising. The research documents are sourced from journals, newspaper articles, and online articles. Most of the documents took on a viewpoint that the described marketing techniques were either unethical or ethical. The overwhelming view of the industry experts seems to be that advertising will become bolder and more invasive as time goes on. From the direction these outrageous tactics have been moving recently one thing is clear: **guerrilla marketing and subliminal advertising is unethical and should be limited and regulated by a newly created governing body.**

## **Introduction**

The United States Marketing industry has played an essential role in American culture for many years. Starting with humble beginnings in the early 1950's, the industry has morphed and changed into what it is today. Marketing tactics are used to effectively communicate value to potential customers. Today, billions of dollars are spent every year on advertising and other marketing methods to target consumers. These costly tools are shown through television, newspapers, magazines, and the Internet. Celebrity endorsers and famous athletes have even been used in the past to market to the public (Svensson, 2002). Emphasis seems to have shifted from ethically sound advertising to using anything and everything that will create profits and revenue, and consumers have been paying for it. There are some particularly controversial marketing tactics that have been at the center of debate for years. While these topics may be controversial, their use has not slowed down in the past and do not look like they will slow down any time in the future. The way these tactics are dealt with could single handedly change the face of the marketing and advertising field as we know it.

## **Background**

Before deciding the ethicality of a debatable issue, it is important to fully understand the issues at hand. For many years, consumers have been exposed to a wide range of marketing methods day after day as they go about their lives. While some of these strategies have gained notoriety in the industry and are widely used, some are still seen as being problematic. Two of the most widely debated marketing tactics are subliminal advertising and guerrilla marketing.

Subliminal advertising uses subliminal (subconscious) images or sound to unconsciously influence the viewer. This abstract means of advertising was first used in a 1957 experiment by James Vicary. He declared that over forty-five thousand moviegoers who entered a New Jersey movie theatre were subjected to images flashed briefly across the screen stating "Eat Popcorn" and "Drink Coca-Cola". This ploy supposedly increased popcorn sales in movie theatres by 57%. Vicary later admitted that the results of the "test" were false, and there is no evidence that shows he actually conducted the experiment at all. Still, explicit subliminal advertisements were shown on television, movies, and heard on the radio years after the movie coke test ("Subliminal Advertising: Psychology," 2007). While the effectiveness of these unconscious messages is debatable, companies still use the tactic on occasion. Within the last few years, subliminal advertisements have been employed by multi-million dollar companies such as McDonalds and KFC. Its use by these massive companies has solidified subliminal advertising as a marketing strategy that could be used effectively.

Guerrilla marketing is a relatively new practice that has been around since the

## The Ethicality of Guerrilla Marketing And Subliminal Advertising

late 1970's. Before that time, advertising was characterized by big budgets, lots of exposure, and catchy jingles to entice consumers. According to Guido Baltes and Isabell Leibing, "The term "guerrilla marketing" describes unconventional marketing campaigns and/or strategies which should have a significant promotional effect – this at a fraction of the budget that "traditional" marketing campaigns would spend for the same goal" (Baltes & Leibing, 2008). It uses aggressive, unconventional methods to create a buzz or spread word of a product virally.

Guerrilla advertisements often use urban environments as ad space. These settings may include city streets, buildings, public transportation, street signs, or anything else that is viewed by a large group of people on a daily basis. It is often unexpected and surprising to the viewer, which makes it a more of memorable experience that they can remember. Marketers hope that this positive memory will, in turn, lead to a favorable attitude toward the product or brand. It is easy to understand why guerrilla marketing is widely used: consumers get to experience advertising as they never have before. It becomes a personal part of their day that they can tell others about. The inexpensive nature of guerrilla marketing allows it to be extensively used and reach many potential buyers. A good example of this type of marketing strategy was the Cingular "dropped call" sign in Times Square. It featured a bright orange sign that read, "Hate dropped..." and a hole where the word "calls" would be. Below the sign was another bright orange sign that looked like it would fit perfectly into the hole in the larger sign above. This smaller sign said "calls?". To someone on the street it looked as if the word "calls" dropped right off of the sign and came crashing to the ground. This dramatic, yet straightforward advertisement plays on a

## The Ethicality of Guerrilla Marketing And Subliminal Advertising

simplistic pun to grab consumer's attention. In contrast to traditional advertising that can be quite expensive and sometimes ineffective, guerrilla marketing gives businesses the means to creatively and inexpensively advertise their product or service.

### **Legal Implications**

In some European countries, the use of subliminal advertising has been banned with severe consequences. In the United States, however, there is no federal law against using subliminal messages in advertisements. Still, there are some regulatory policies that prevent its use on television, radio, and in movie theaters. These policies were put into place to protect individuals while upholding the right of free speech. The Federal Communications Commission, however, will now revoke a company's broadcast license if the use of "subliminal techniques" is proven. As for guerrilla marketing, companies and marketing performers are subject to any laws that protect property, privacy, and copyrighting. Basically restrictions any other marketing campaign must abide by. This type of marketing can sometimes be illegal, so marketers must exercise caution when implementing it.

### **The Ethicality of Guerrilla Marketing and Subliminal Advertising**

In a world where consumers are quickly becoming desensitized to marketing techniques, companies have had to change their tactics that get individuals to take interest in their product or service. While most of these tactics remain tasteful and creative, some have gotten more bold and outlandish over time. The invasive nature of these schemes has captured consumer attention, but at a cost. Citizens are being bombarded with every thinkable advertisement on a daily basis. Some of these advertisements may be offensive or too personal to some audiences. While it is acceptable to try new marketing techniques to reach consumers, it should not put consumers in a position that makes them feel uncomfortable. They may be emotionally harmed or their physical space may be invaded in some circumstances. For instance, a sticker that is placed on an individual's property (such as a car) should not be placed there if the individual does not want it there. That would be crossing the ethical line. According to a Journal of Consumer Marketing writer Sheri J. Broyles, "Part of the controversy of subliminal advertising has been fueled by the misuse of the word. By definition, a subliminal stimulus falls below the threshold – or limen in psychology terms – of an individual's consciousness. However, awareness and consciousness often are used interchangeably. For example, while a shopping cart with signage in the front might not be noticed by a harried mom who throws her coat over it before piling in groceries while also keeping tabs on two preschool-aged children, it certainly is not subliminal" (Broyles, 2006). Some advertisements may seem subliminal but really are not. These types of ads are very different than advertisements that are meant to be noticed by an individual's



## The Ethicality of Guerrilla Marketing And Subliminal Advertising

subconscious. The companies that put out these ads know that they are appealing to the customer without their notice or consent. These are the companies that should be watched closely and fined when they do not follow regulations. A crackdown on these types of advertisements would put consumers at ease while protecting them from unethical business practices.

Guerrilla marketing techniques can be looked at as a controlled chaos. They grab the consumer's attention whether they are ready for it or not and force them to take part in the advertisement. What may be a nice surprise for one person may leave a bad impression on others. Some experts in the marketing field believe that Guerrilla marketing and subliminal advertising are unethical and may even be hazardous to the public. In 2007 Sony Ericsson Company hired 60 actors to travel to different cities and pose as tourists. They asked passers-by to take their picture on the company's latest creation: the camera phone. The actor would then show the person taking the picture how to use the camera while describing the impressive features of the phone. The actors were specifically told not to tell the individuals that they were promoting a product and there were no marketing materials in sight (Weisberg, Pfeleger & Friedberg, 2004). While some may think this is an inventive and creative marketing ploy, others disagree. Their thought process was that consumers couldn't ignore marketing that they were unaware of in the first place. Force-feeding marketing to people who are unaware is unethical. Sony-Ericsson was essentially robbing the consumer of the choice to participate in the marketing demonstration. This choice is essential to consumers in the United States. Shoppers want to be able to choose where, when, and how they are being marketed to. A

## The Ethicality of Guerrilla Marketing And Subliminal Advertising

blatant deception such as this should carry heavy consequences for the company at fault. There has to be some point where advertising goes too far, and government regulation would set that threshold to an adequate level that corresponds with the current advertising industry. Consumers were able to express how they felt about deceptive advertising in a study conducted by Eric Zanot, David Pincus, and Joseph Lamp. There were 209 randomly selected respondents in the Washington, DC area who were asked about their views on subliminal advertising. Their findings showed that 101 (48%) of the respondents who were aware of subliminal advertising thought it was unethical, while just 39 (18%) of the respondents thought it was ethical (Zanot, Pincus & Lamp, 1983). These findings demonstrate that consumer awareness of this type of advertising is high, and that most people do not agree with it. When a large portion of the public believes that this kind of advertising is unethical, it should be strictly regulated or even made illegal. With a stand-alone governing body that focuses on advertising, consumer concerns could be handled more effectively. There is also a safety concern to consider when discussing the ethicality of these marketing tactics. According to Wilson Bryan Key, author of four books on subliminal advertising "Hidden words exist in marketing". In 1990, Mr. Key testified in a lawsuit claiming the heavy metal British rock group Judas Priest had encouraged two young men to commit suicide. The family members of the two men asserted that they shot themselves after listening to Judas Priest albums that contained subliminal messages such as, "Let's be dead" and "Do it." While the court found the rock group was not liable in the deaths, it ruled that the hidden words do exist, based on Mr. Key's expert testimony (Riley, 1991). While the music may have

## The Ethicality of Guerrilla Marketing And Subliminal Advertising

not been the cause of the suicides, it had the potential to cause harm. This song lyric example is quite different than typical marketing tactics, but it shows how advertising that uses subliminal messages in the same way could put public safety at risk when used in a setting that reaches millions of viewers. Taking that risk is unethical and should be avoided at all costs.

Many would agree that companies have a duty to customers: to market a product or service in an ethical way, truthfully describe the advantages of the product, and allow the customer to decide for themselves whether or not they want to learn more about the product. When this obligation is breached, an entity more powerful than a single individual is needed to justify the wrongdoing.

The Federal Trade Commission and the Bureau of Consumer Protection specifically, is the governing body that regulates advertising in the United States. While the FTC handles advertising regulation, it has many other responsibilities that spread its resources thin. This lack of resources creates overly flexible laws in regard to uncommon concepts like guerrilla marketing and subliminal advertising. Compared to a country such as China, our advertising regulation is lenient. As Zhihong Gao and Hongxia Zhang can attest, “The Chinese system is dominated by government regulation, and takes on a strong administrative dimension, as a number of government agencies are authorized to issue industry-wide regulations on advertising as well as monitor and punish violations (Gao, 2007).” He goes on to compare regulation in the United States by saying, “The USA relies on a combination of government regulation and self-regulation. Government regulation focuses primarily on unfair and deceptive issues, and is implemented through statutory

## The Ethicality of Guerrilla Marketing And Subliminal Advertising

legislation (Gao & Zhang, 2010).” While our economic system is characterized by little government intervention, it can cause companies to become unconcerned with self-regulation. An entirely new governing body that focuses solely on advertising should regulate potentially unethical practices. This body could concentrate on the marketing industry by creating guidelines as to what is acceptable and what is pushing the limits. While self-regulation in the United States is good, the FTC and Bureau of Consumer Protection should lean more toward stricter guidelines such as those set by China.

### **Summary**

The marketing industry, along with any other industry based around consumers, will go through drastic changes as time goes on. From the way current trends are moving, consumers will see more aggressive advertising in the near future. As these advertisements become bolder, consumers will start to see their rights being violated more and more. Without a newly created, stand-alone governing body, consumers will be helpless to these coming changes. Nevertheless, guerrilla marketing and subliminal advertising play important roles in the marketing industry, so they must be handled carefully by the government, businesses, and most importantly, consumers.

### **Reflective Note**

I think that I should include this research paper in my final portfolio because this is one of the few research papers that I have written in my college career. I spent a lot of time researching the current trends of my topic. I have also learned the opinions of leading industry experts concerning these practices. I think that I could take the information I learned from this research paper and apply it to other parts of my academic career. Overall I am very happy with the results.

## Bibliography

### Scholarly Articles

Zanot, E. J., Pincus, D., & Lamp, J. (1983). Public perceptions of subliminal advertising. *Journal of Advertising*, 12(1), 39-45. Retrieved from [http://0-www.jstor.org.il/sprod.lib.neu.edu/stable/4188431?seq=3&Search=yes&searchText=unethical&searchText=advertising&searchText=subliminal&list=hide&searchUri=/action/doBasicSearch?Query=subliminal advertising unethical&acc=on&wc=on&prevSearch=&item=1&ttl=50&returnArticleService=showFullText&resultsServiceName=null](http://0-www.jstor.org.il/sprod.lib.neu.edu/stable/4188431?seq=3&Search=yes&searchText=unethical&searchText=advertising&searchText=subliminal&list=hide&searchUri=/action/doBasicSearch?Query=subliminal%20advertising%20unethical&acc=on&wc=on&prevSearch=&item=1&ttl=50&returnArticleService=showFullText&resultsServiceName=null)

Weisberg, A., Pfeiffer, A., & Friedberg, J. (2004). *Undercover agency the ethics of stealth marketing*. Boulder, CO: Ethica Publishing. Retrieved from <http://www.ethicapublishing.com/5CH11.htm>

Broyles, S. J. (2006). Emerald article: misplaced paranoia over subliminal advertising. *Journal of Consumer Marketing*, 23(6), 312-313. doi: <http://dx.doi.org/10.1108/07363760610701841>

Baltes, G., & Leibing, I. (2008). Emerald article: guerrilla marketing for information services?. *New Library World*, 109(1), 46-55. doi: <http://dx.doi.org/10.1108/03074800810845994>

Svensson, G. (2002). Emerald article: efficient consumer response - its origin and evolution in the history of marketing. *Management Decision*, 40(5), 508-519. doi: <http://dx.doi.org/10.1108/00251740210430489>

Gao, Z., & Zhang, H. (2010). A comparative study of Chinese and us consumers' attitudes toward advertising regulation. *Asia Pacific Journal of Marketing and Logistics*, 23(1), 72-90. Retrieved from <http://dx.doi.org/10.1108/13555851111100003>

### Popular Articles

[Web log message]. (2007, March 4). Retrieved from <http://nvblog-business.blogspot.com/2007/03/subliminal-advertising-psychology-and.html>

Riley, K. (1991, June 13). Not-so- subliminal spoofs give truth in advertising a new twist. *THE WASHINGTON TIMES*, Retrieved from <http://www.washingtontimes.com/>