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Reader Categorization of a Controversial Communication: Advertisement Versus Editorial

J. B. Wilkinson, Douglas R. Hausknecht, and George E. Prough

Using a disguised, structured technique, the authors collected consumer judgments regarding an editorial advertisement entitled “Of cigarettes and science” sponsored by R. J. Reynolds Tobacco Company. Respondents were shown an actual newspaper section that contained different types of editorials and advertisements, including the “Of cigarettes and science” item. After the respondents indirectly classified each item as either an editorial or advertisement, they were asked to list at least two characteristics about the appearance or wording of the “Of cigarettes and science” item that caused them to classify it as they did. The majority of respondents thought the item was an advertisement because it looked different from editorial items, was sponsored by R. J. Reynolds Tobacco Company, and seemed to have a persuasive or promotional content. Over one-fourth of the respondents, however, identified the communication as an editorial because of its lack of direct sales information and its extensive wording. The authors contend that legal and regulatory bodies should consider the effects of both source and intent of the message when arguing consumer impact.

Recent innovations in advertising and creative adaptations of certain advertising formats continue to blur the distinction between commercial (i.e., advertising) and editorial speech. For example, advertorials are able to masquerade successfully as editorials—especially when executed as unlabeled “inserts” in magazines (Crossen 1986). Program length commercials in children’s programming sell toys successfully (Weinstein 1989). In addition, the practice of preparing canned video news stories for distribution to television stations effectively disguises commercials as news reports (Consumer Reports 1986).

The problems created by these advertising forms and executions transcend mere definitional issues, such as description and classification. Commercial speech is subject to the Federal Trade Commission’s (FTC) jurisdiction and can be regulated to prohibit unfair, false, or deceptive content. Editorial speech is fully protected by the First Amendment to the Constitution of the United States. What is or is not fully protected speech has become a significant legal issue, as is demonstrated by the recent resolution of a jurisdictional problem involving R. J. Reynolds Tobacco Company (RJR).

On October 3, 1989, the FTC announced RJR had agreed to settle charges that the company made false and misleading advertising claims regarding the health effects of smoking, thereby ending a legal controversy involving FTC jurisdiction over an RJR communication entitled “Of cigarettes and science” (Colford 1989; FTC News 1989). Under the terms of the consent order, RJR agreed, not to misrepresent in future advertisements the purpose or results of the MR FIT study [Multiple Risk Factor Intervention Trial—a long term scientific study funded by the National Heart, Lung, and Blood Institute of the National Institutes of Health]. In addition, the consent order prohibits Reynolds from misrepresenting “in any manner, directly or by implication, in any discussion of cigarette smoking and chronic or acute health effects” the results, design, purpose or content of any scientific test or study explicitly referred to concerning any claimed association between cigarette smoking and chronic or acute health effects (FTC News 1989).

The Commission voted three-to-one to accept the consent order, with Commissioner Mary L. Azcuenaga dissenting. In a separate dissenting statement, Commissioner Azcuenaga said that the “Commission’s decision to end this proceeding by accepting an order that is conspicuously weak demonstrates a modicum of interest, at most, in important issues related to smoking and health” (FTC News 1989). Throughout the proceedings and even at the time of the settlement, RJR contended that “Of cigarettes and science” constituted an exercise of free speech protected by the First Amendment to the U.S. Constitution—a view that had been supported by FTC Administrative Law Judge (ALJ) Montgomery K. Hyun and FTC Commissioner Chairman Daniel Oliver (Werner 1987, 1989).

Background

“In the Matter of R. J. Reynolds Tobacco Company, Inc.”

The case involved an advertisement entitled “Of cigarettes and science,” which interprets results of the MR FIT study.
The copy-only advertisement appeared in leading newspapers and magazines from March to June 1985 (Figure 1).

On June 16, 1986, the FTC issued a complaint against RJR, alleging that "Of cigarettes and science" falsely and misleadingly represents, that the purpose of the MR FIT study was to determine whether heart disease is caused by cigarette smoking; that the MR FIT study provides credible scientific evidence that smoking is not as hazardous as the public or the reader has been led to believe; and that the MR FIT study tends to refute the theory that smok-

Figure 1. "Of cigarettes and science."

Of cigarettes and science.

This is the way science is supposed to work. A scientist observes a certain set of facts. To explain these facts, the scientist comes up with a theory.

Then, to check the validity of the theory, the scientist performs an experiment. If the experiment yields positive results, and is duplicated by other scientists, then the theory is supported. If the experiment produces negative results, the theory is re-examined, modified or discarded.

But, to a scientist, both positive and negative results should be important. Because both produce valuable learning.

Now let's talk about cigarettes. You probably know about research that links smoking to certain diseases. Coronary heart disease is one of them.

Much of this evidence consists of studies that show a statistical association between smoking and the disease.

But statistics themselves cannot explain why smoking and heart disease are associated. Thus, scientists have developed a theory: that heart disease is caused by smoking. Then they performed various experiments to check this theory.

We would like to tell you about one of the most important of these experiments.

A little-known study

It was called the Multiple Risk Factor Intervention Trial (MR FIT).

In the words of the Wall Street Journal, it was "one of the largest medical experiments ever attempted." Funded by the Federal government, it cost $115,000,000 and took 10 years, ending in 1982.

The subjects were over 12,000 men who were thought to have a high risk of heart disease because of three risk factors that were statistically associated with this disease: smoking, high blood pressure and high cholesterol levels.

Half of the men received no special medical intervention. The other half received medical treatment that consistently reduced all three risk factors, compared with the first group.

It was assumed that the group with lower risk factors would, over time, suffer significantly fewer deaths from heart disease than the higher risk factor group.

But that is not the way it turned out. After 10 years, there was no statistically significant difference between the two groups in the number of heart disease deaths.

The theory persists

We at R.J. Reynolds do not claim this study proves that smoking doesn't cause heart disease. But we do wish to make a point.

Despite the results of MR FIT and other experiments like it, many scientists have not abandoned or modified their original theory, or re-examined its assumptions.

They continue to believe these factors cause heart disease. But it is important to label their belief accurately. It is an opinion. A judgement. But not scientific fact.

We believe in science. That is why we continue to provide funding for independent research into smoking and health.

But we do not believe there should be one set of scientific principles for the whole world, and a different set for experiments involving cigarettes. Science is science. Proof is proof. That is why the controversy over smoking and health remains an open one.

R.J. Reynolds Tobacco Company
In addition, the complaint charged that the advertisement failed to disclose that the men in the MR FIT study who quit smoking had a significantly lower rate of heart disease than men who continued to smoke.

On June 26, 1986, RJR filed a motion to dismiss the complaint on the ground that “Of cigarettes and science” represents editorial speech, expressing opinions on issues of social and political importance. Such speech is fully protected by the First Amendment and therefore not subject to the FTC’s jurisdiction. Complaint counsel opposed the motion to dismiss, and the case was heard by ALJ Hyun, who ruled on August 6, 1986 that the advertisement was fully protected noncommercial speech and thus outside the jurisdiction of the Commission. According to ALJ Hyun, “Of cigarettes and science” is correctly classified as an editorial advertisement, because it does not present any brand name or prices, discuss desirable attributes of the product, show where the product might be purchased, or contain any promotional language. Thus, because the advertisement is editorial or noncommercial speech, it “does not lose the full protection of the First Amendment simply because it contains inaccurate or incomplete information, or some language which may arguably be construed or misconstrued to imply a promotional language” (FTC News 1986; R. J. Reynolds Tobacco Co., Inc. 1986). Hyun also stated that the advertisement is easily understood by a reasonable reader to be an opinion-editorial piece that presents the speaker’s opinion or represents a hyperbole by someone who may have an ax to grind.

Complaint counsel appealed the ALJ’s initial decision to the Commission. On March 4, 1988, the Commission (4 to 1) reversed and remanded the case to the ALJ for trial. In the course of that trial, the ALJ should determine whether application of the facts to appropriate legal standards supports a finding of jurisdiction.

The Commission found that the ALJ erred when he concluded that “Of cigarettes and science” was an editorial without considering the various messages, means, and motives of the advertisement. According to the FTC, “Of cigarettes and science” is commercial speech and subject to its jurisdiction for the following reasons:

- **Message Content**—The advertisement refers to a specific product (cigarettes) and discusses an important product attribute (the alleged connection between smoking and heart disease). A message that addresses health concerns faced by purchasers or potential purchasers of the speaker’s product constitutes commercial speech.

- **Means**—The advertisement was disseminated through paid-for advertising, which is typical of commercial speech.

- **Motive**—RJR sells cigarettes and has a direct, sales-related motive for disseminating the advertisement. Economic motivation is indicative of commercial speech (R. J. Reynolds Tobacco Co., Inc. 1988).

Chairman Daniel Oliver dissented with the majority opinion of the Commission:

The RJR publication is, without doubt, a direct comment on a matter of public concern—the link between cigarette smoking and heart disease. Any commercial effect of the RJR communication is inextricably intertwined with RJR’s participation in the contest of ideas. Accordingly, the RJR publication is fully protected by the First Amendment, even if one of the consequences of the publication is to affect cigarette consumption. R. J. Reynolds cannot be disqualified from questioning scientific certitude merely because its potential success in persuading the general public that the question remains open could also have an effect on sales of its product (R. J. Reynolds Tobacco Co., Inc. 1988, p. 3).

**Legal Standards for Determining FTC Jurisdiction**

The Supreme Court has not established a “bright line” between editorial and commercial speech. Instead, disputes involving FTC jurisdiction must be judged independently through application of legal precedent to specific facts surrounding a case. Based on previous commercial speech decisions by the courts, the following characteristics constitute guidelines for determining commercial speech.

1. **Content of the speech**—(a) reference to a specific product or service (Bolger v. Youngs Drug Products Corp. 1983); (b) a message that promotes demand for a product or service (Central Hudson Gas & Electric Corp. v. Public Service Commission of New York 1981); (c) information about product or service attributes, such as type, price, or quality (Friedman et al. v. Rogers et al. 1979); and (d) information about health effects associated with the use of a product (Bolger v. Youngs Drug Products Corp. 1983; National Commission on Egg Nutrition v. FTC 1977).


3. **Economic or commercial motivation**—speech that is persuasive, promotional, and beneficial to the economic interests of the speaker, because it affects purchasing decisions (Bolger v. Youngs Drug Products Corp. 1983; National Commission on Egg Nutrition v. FTC 1977).

Extrinsic evidence also is permitted to resolve jurisdictional issues. Extrinsic evidence might include facts about the dissemination of the message (e.g., paid-for communications, media/specific vehicles, placement in editorial or advertising space, message recipients), evidence regarding the promotional nature of the message (e.g., targeted audience, motive or purpose of the message, impact on product demand), and market share of the advertiser’s brand (R. J. Reynolds Tobacco Co., Inc. 1988, pp. 17–22).

Unfortunately, few, if any, of these “guidelines” are determinant of commercial speech. For example, paid-for does not distinguish between commercial and noncommercial speech. In his dissenting opinion regarding RJR, Chairman Daniel Oliver noted that under a controlling Supreme Court precedent, corporations have a “fully protected” right to engage in public debate and do not lose this protection under the First Amendment simply because they pay to make their views known (New York Times Co. v. Sullivan 1964, pp. 254, 266). Mention of a product in the message also is not determinant of commercial speech. The Supreme Court makes a distinction between direct comment on public issues and advertising that links a product to a current public debate. Citing several Supreme Court decisions (Bolger v. Youngs Drug Products Corp. 1983; Central Hudson Gas & Electric Corp. v. Public Service Commission of New York 1980; Consolidated Edison Co. v. Public Service Commission of New York 1980), Chairman Oliver explains,
Finally, assessing the persuasive or promotional qualities of a message is difficult in the absence of message content that clearly does no more than promote sales—for example, quotes a price or describes a product in favorable terms. Without evidence about the purpose or motive of the speaker, categorizing speech as either commercial or fully protected noncommercial on the basis of its persuasive or promotional qualities may be simply a matter of opinion.

The Academic Perspective

Criteria for categorizing speech as either commercial or noncommercial (i.e., political or editorial) have been proposed by several advertising and marketing scholars. Compared to legal standards, the academic schemes tend to be prescriptive or idea-oriented, multifaceted, and complex, rather than operative. Several are highly inconsistent with legal precedent.

Using tax deductibility as a criterion, Sethi (1979) suggests a classification scheme that makes a distinction between institutional/image advertising and idea/issue (advocacy) advertising. Institutional/image advertising encompasses goodwill, name identification, and activity identification advertising and is treated like product/service advertising—subject to FTC regulation and tax deductible as ordinary and necessary business expenses. Idea/issue advertising is considered protected, First Amendment free speech (noncommercial and nondeductible) that is designed to "tackle controversial social issues through information, education, and dissemination of a corporation’s position on such issues" (Sethi 1979, p. 75). The strength of this approach is its simplicity; however, it is dependent on voluntary compliance by businesses (e.g., categorization of nonproduct advertising efforts and no tax deductions taken for idea/issue advertising). Under current tax law, the type of advertising expenditures that are not deductible as a business expense include expenditures for lobbying purposes, the promotion or defeat of legislation, political campaign purposes, or propaganda.

From the perspective of the Internal Revenue Service (IRS), nondeductible advertising expenditures represent only a small subset of idea/issue advertising, and its identification relies on interpretation of the sponsor's purpose, effect on the audience, and type of message (i.e., information or persuasion). Voluntary nondeduction of all idea/issue advertising is acceptable to the IRS. The larger issue is whether the judicial system would grant full protection under the First Amendment to all idea/issue advertising simply because expenditures are not deducted for the purpose of determining taxable income. Clearly, much of what passes for idea/issue advertising is motivated by commercial or economic interest.

Meadow (1981) devised a typology of corporate political advertising on the basis of whether advertisements (1) are explicitly political, (2) discuss economic benefits, (3) establish an identifiable position, (4) consist of diffuse or specific detail, (5) exhort, (6) are simple or complex, (7) provide several perspectives, (8) are testable, or (9) take offensive or defensive positions. Using these dimensions, he identifies ten categories of nonproduct advertising: image, informative, public interest, participation, patriotic, free enterprise, controversy, equal time, advertorial, and recruitment. However, because Meadow does not indicate which categories should be considered commercial or noncommercial speech, the scheme cannot be used in practice. Also, as Heath and Nelson (1983) explain, Meadow's typology relies on content analysis of an advertisement by scholar/critics to determine its apparent purposes—an approach that ignores the advertisement's actual effect on an audience, as well as the intent of the source. Without access to the proprietary advertising and evaluation programs of companies or other organizations, categorization is dependent on a judge's attributions and perceptions of intent. In addition, nonproduct advertisements tend to be complex, having more than one purpose and producing multiple effects. Categorization of these complex communications into numerous discrete categories increases validity and reliability problems. To illustrate this problem, Heath and Nelson (1983) ask how a "judge" would categorize an advertisement that provides information, recruits people to participate in the political process, and praises them for patriotic achievement, while also enhancing the reputation and image of the sponsoring company. At best, Meadow's typology provides insight into nonproduct advertising and may be useful for research purposes.

On the basis of a review of advertising case law and relevant FTC, Federal Communications Commission (FCC), and IRS regulations, Heath and Nelson (1985) identify five factors that offer promise for defining regulatory limits: (1) content (mention of product or brand, logos, tag lines), (2) purpose (economic), (3) context (pending legislation and current level of controversy), (4) audience (size and characteristics), and (5) channels or media. The importance of any one of these criteria differs, depending on the regulatory agency or body in question (e.g., Supreme Court, FTC, FCC, or IRS). In general, Heath and Nelson (1985) provide interesting insights into regulatory situations, and their five factors are the end result of careful analysis. However, their factor-based scheme does not offer a solution to current regulatory problems, such as prediction and consensus.

Cutler and Muehling (1989) propose that nonproduct (i.e., advocacy) advertising be viewed along a continuum based on the entities it is most likely to affect or benefit. Advertisements primarily benefiting the advertising sponsor or a select few in the industry should receive greater regulatory attention than advertisements promoting broader causes. Advertisements that address issues affecting the business community and/or society in general should be granted full protection under the First Amendment. According to Cutler and Muehling (1989, p. 46), the issue of potential benefit appears to agree with the court's interpretation of the "public interest" and the general public's perception of free speech
rights; it is also consistent with the FTC’s mission to ensure an equitable competitive environment. However, Cutler and Muehling’s continuum is not consistent with the Supreme Court’s need for a dichotomous classification to resolve jurisdictional issues. Also, the use of a competitive impact criterion to determine the extent of regulatory control does not relate well to current Supreme Court guidelines (Middleton 1991). In defense of their scheme, Cutler and Muehling (1991) suggest that factors used to determine competitive advantage could also be used to assess economic or commercial motivation (e.g., topic, sponsor identification, advocacy efforts of other industry members, tax deductibility of campaign expense, competitive position of sponsoring firm, media vehicles, spending levels).

Petty (1993) argues for an audience impact model based on the definition of commercial speech stated in Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council (1976, p. 785), namely, speech that does no more than propose a commercial transaction. A recent Supreme Court decision (City of Cincinnati v. Discovery Network, Inc. 1993) indicates that the Court is trying to simplify its analysis by emphasizing the importance of the proposal of a commercial transaction test. Petty’s audience impact model is, thus, a practical application of this test.

Under the audience impact model, speech would be deemed commercial if the audience is influenced predominantly in its capacity as consumers. If a communication exerts greater influence over the audience in its capacity as members of the electorate, or in some other nonconsumer capacity, then speech should be fully protected. Petty (1993) also provides some guidance for making this determination: (1) an opinion by judges or communications experts based on message content, (2) an assessment of speaker intent based on documented objectives and evaluation measures, (3) audience testing to determine how people are influenced by the message, and (4) analysis of sales patterns.

Purpose and Objectives

The three year history of motions, findings, appeal, and consent in the case involving the FTC and RJR suggests that the delineation between fully protected and commercial speech remains controversial. To some, including FTC Commissioner Chairman Oliver, RJR was denied its First Amendment rights to express opinion on a matter of public concern, because RJR challenged the official position taken by the Surgeon General and the U.S. Congress. To others, RJR was guilty of a subterfuge designed to subvert the laws and regulations regarding cigarette advertising.

Without well-defined, generally accepted criteria for classifying speech, resolution of jurisdictional problems, such as those in the RJR case, may be only the “tip of an iceberg” that will plague consumer protection activities in the advertising arena for many years to come. Unfortunately, identification of fully protected, editorial speech is complex and likely to remain so for several reasons. First, several commonly accepted characteristics of advertising are not unique to commercial speech. For example, advocates of social causes pay for communications that persuasively support their views: the National Heart Savers Association advertises against tropical oils in processed foods, and the National Rifle Association advertises gun control (Reilly 1989). Second, many of the characteristics of commercial speech specified by the FTC require interpretation of the speaker’s intent or audience impact (e.g., promotional, economic motivation, content promotes demand). Thus, determining whether a communication is “persuasive” may elicit multiple, conflicting opinions. Third, some types of advertisements are designed to look like editorial matter, namely, advertorials and infomercials. Fourth, the FTC has used three sets of guidelines to distinguish between commercial and fully-protected noncommercial speech: message content, means used to publish, and motive of the speaker. These guidelines have been used individually or together, but are treated as though they are independent of each other. In reality, they are not independent, nor are they equally important.

Both the means used to publish and the speaker’s motive can be treated as reasonably dichotomous variables: The means variable separates paid for from not paid for communications, and the motive variable separates messages with commercial intent from those with a social or political objective. However, the message variable is not inherently dichotomous. Instead, investigators look for the presence or absence of many elements of a message and use this information as indicators of the other two variables. For example, the presence or absence of brand name, price, product attributes, and store location for the product is used as an indicator of intent or motive. In the case of advertorials or infomercials, other message elements are used as indicators of means used to publish (e.g., headline, paragraph format, byline, border around copy).

Figure 2 illustrates the relationship between the means and motive variables. Motive, or why the message is being presented, is shown on the horizontal axis of the matrix. Means, or who is sponsoring the message, is shown on the vertical axis. Cell 1 of the matrix represents messages that have no direct commercial intent, but have been paid for by a sponsor (e.g., company, institution, political group, person). Cell 2 represents what most people believe to be commercial speech, that is, messages promoting a product and

![Figure 2. Communication Typology](attachment:image.png)
Reader Categorization

paid for by an identified sponsor. Cell 3 represents what
many identify as editorials, namely, messages that convey
opinion, are not directly paid for, and are presented by (or as
if by) a third party media source. Cell 4 represents promo-
tional messages for the vehicle itself (e.g., advertisements
on the networks promoting their own programs or people;
newspaper advertisements promoting the paper).

The importance of this matrix lies in what it illustrates
about the differing views of the FTC and consumers. Al-
though FTC investigations use each of the two axes, con-
sumers probably discriminate between messages along the
diagonal. To them, advertisements are clearly indicated by
Cell 2; messages that are not advertisements must be articles
or editorials (Cell 3).

These differing views and their import to the RJR contro-
versy provide impetus for our research, which takes a con-
sumer perception approach to the issue. Specifically, we ad-
dress the following research questions:

R1: How do readers classify various types of communications?
As advertisements? Or as editorials?

R2: What design elements contribute to a reader’s perception of
a communication as an advertisement or editorial?

Answers to these questions should contribute to a better
understanding of how readers classify communications that
have ambiguous characteristics. There is no evidence that
consumers can, or even care to, discriminate between the le-
galistic categories of commercial and noncommercial adver-
tising. Research that examines this issue could support or
contradict ALJ Hyun’s assertion that “Of cigarettes and sci-
ence” is easily understood by a reasonable reader to be an
opinion-editorial piece (R. J. Reynolds Tobacco Co., Inc.
1986).

Identification of design elements that are likely to be as-
associated with advertising versus editorial content also would
facilitate the establishment of valid classification guidelines
based on audience impact. For example, Petty’s (1993) au-
dience impact model distinguishes commercial speech from
fully protected editorial speech on the basis of whether the
audience is influenced or potentially interested in the speech
in its capacity as consumers or members of the electorate.

Our research provides insights into reader perceptions
and categorizations of newspaper items. An actual newspa-
per section that contained different types of editorials and
advertisements, including the “Of cigarettes and science”
communication, was used to collect responses from respon-
dents. We used these responses to examine the communi-
cation typology shown in Figure 2.

Research Design

Data collection involved asking respondents to read nine
items from 36 possibilities (excluding Classifieds) in a spe-
cially prepared newspaper section and answer a series of
questions about these items as part of a newspaper commu-
nunication study. The items included a mix of editorials and
advertisements, and the term communication study was used
to help disguise the nature of the study.

Sample

Personal interviews were necessary to control the sequence
of tasks and questions administered to respondents, and each
interview lasted a minimum of 30 minutes. These con-
straints, in addition to the sample size requirements, favored
group administration of the questionnaire to respondents.
Community groups in a northeastern U.S. Metropolitan Statis-
tical Area (MSA), such as church choirs, girl scout coun-
cil, and club or hobby groups, were selected on the basis of
their representing a cross-section of newspaper readers in
the MSA. Media placement for “Of cigarettes and science”
was in leading newspapers and magazines. A total of 227
completed questionnaires was obtained from these groups.

The Newspaper Instrument

A metropolitan newspaper with an average weekday circu-
lation of over 150,000 assisted in the study by including the
“Of cigarettes and science” item (see Figure 1) in a six-page
section of a zoned edition of the paper. This was a normal
section of the newspaper, printed on their presses and paper,
and included a typical mix of editorial and commercial
items. The result looked “real” and not like a mock-up or an
otherwise artificial newspaper section.

As part of the communication study, respondents were in-
structed to read nine of the items in this newspaper section.
These nine items were chosen to represent a full spectrum of
materials that typically appear in this newspaper (i.e., county-
zoned, local news). In addition to “Of cigarettes and sci-
cence,” two of the items were news articles; one was a pub-
licity release; one was a public service announcement; two
were advertorials; and the remaining two were advertise-
ments.

Placement of the nine items in the newspaper section re-
mained constant across all copies administered to respon-
dents, and respondents read the nine items in a natural se-
quence (i.e., in the order of appearance). This natural se-
quency was preferred to a random sequence for several rea-
sions. First, layout and production of multiple versions of
the newspaper section were not possible. As a result, systemat-
ic randomization of the order in which respondents read
the nine items would have meant skipping respondents back and
forth through the newspaper section, thereby increasing item
nonresponse and respondent errors (e.g., failure to catego-
rize hard-to-find items and refusal to read items in the spec-
ified sequence). Second, randomization does not resolve all
the effects of repeated testing; it is effective for the control
of practice effects (e.g., learning, fatigue), but not for differ-
cial carryover effects; namely, categorization of one item
differentially affects a respondent’s categorization of subse-
quent items (Lana and Lubin 1963; McCall and Applebaum
1973). However, practice effects tend to be modest com-
pared to treatment effects (Wilkinson, Hausknecht, and
Prough 1990). Here, practice effects were expected to be
negligible, because the repeated task was simple and short
(i.e., categorization of nine items). Table 1 contains a list of
the nine items in the order in which respondents read them.

Procedure

To disguise the intent of the study, respondents were told
they were participating in a newspaper communication
study. They were first instructed to read the nine items in the
newspaper and then rate the readability of each item on a
five-point scale ranging from easy to read (1) to hard to read
(5). Each item was numbered, and two or three key words of
Table 1. Response Percentages for Newspaper Items Included in Classification Task

<table>
<thead>
<tr>
<th>Item</th>
<th>Article %</th>
<th>Advertisement %</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Stark Child Gets Trip to Disney World&quot; (news)</td>
<td>100.0</td>
<td>0.0</td>
</tr>
<tr>
<td>&quot;New in Lodi&quot; (publicity release about new doctors opening offices in community)</td>
<td>92.9</td>
<td>7.1</td>
</tr>
<tr>
<td>&quot;Getting to Know the Handicapped&quot; (article)</td>
<td>99.1</td>
<td>9.0</td>
</tr>
<tr>
<td>&quot;Super Dream Pill&quot; (advertorial for a diet pill)</td>
<td>2.7</td>
<td>97.3</td>
</tr>
<tr>
<td>&quot;Pain-Free Seminar&quot; (advertorial for a pain clinic)</td>
<td>2.3</td>
<td>97.7</td>
</tr>
<tr>
<td>&quot;I-Year CD&quot; (bank ad)</td>
<td>.9</td>
<td>99.1</td>
</tr>
<tr>
<td>&quot;Vocational Center Has New Careers Video&quot; (public service announcement)</td>
<td>93.8</td>
<td>6.2</td>
</tr>
<tr>
<td>&quot;Of cigarettes and science&quot;</td>
<td>26.9</td>
<td>73.1</td>
</tr>
<tr>
<td>&quot;Learn to Draw&quot; (advertisement for local school)</td>
<td>1.8</td>
<td>98.2</td>
</tr>
</tbody>
</table>

the title were underlined on the copies of the newspaper sections used.

"Of cigarettes and science" was always the next to last item read, following editorials, advertisements, and advertorials. Thus, respondents were exposed to a full range of items before reading and rating "Of cigarettes and science"—a strategy designed to provide practice and aid critical thinking.

The first page of the questionnaire was an answer sheet form that required respondents to (1) record each item number and the underlined words of its title in one of two columns (the "Advertisement Column" or the "Article Column") as they deemed appropriate and (2) circle a number on the readability scale that reflected their opinion of how easy the item was to read. Thus, respondents actually classified each item as either an article or advertisement. Throughout this stage, all instructions and questions reflected a disguised approach to the classification task. Respondents were not told the actual purpose of the study, nor were they directly asked to distinguish between articles and advertisements.

After reading, classifying, and rating each of the nine items for readability, respondents were asked to look back to the item called "Of cigarettes and science," recall how they classified it (advertisement or article), and list at least two characteristics about the appearance or wording of the item that caused them to give it that classification. These open-ended responses were analyzed by the researchers and grouped into categories descriptive of their content.

Results

Item Classification

If the FTC is correct in their assertion that "Of cigarettes and science" is commercial speech, then readers should have no problem classifying this item as an advertisement. If RJR is correct, respondents will focus on the motive criterion and classify the item as either an advertisement or article.

Response percentages for all newspaper items included in the classification task are shown in Table 1, along with a short description of each item. From these data, we make two conclusions regarding "Of cigarettes and science." First, the majority of respondents (73%) thought "Of cigarettes and science" was an advertisement. Second, respondents demonstrated a much higher level of discord in classifying "Of cigarettes and science" than the other newspaper items. Because several of the other items that appeared in that section of the newspaper were chosen on the basis of classification difficulty (e.g., advertorials, public service announcement, and a publicity release), the degree of disagreement among respondents about the classification of "Of cigarettes and science" is of great practical significance.

Open-Ended Responses

To understand better the logic used in the classification task by each respondent, an open-ended question was asked. No a priori categories were established for the answers that ensued. Responses to the question, "What characteristics about the appearance or wording of this item (Of cigarettes and science) caused you to classify it as an advertisement or an article" were subsequently grouped under three categories:

1. Appearance characteristics: layout or graphic characteristics that give the impression of the item being either an article or advertisement.
2. Words or phrases remembered: specific words, phrases, or copy contained in the item and recalled by the reader.
3. Impressions: reader's judgments about the item.

These categories, and appropriate sub-categories, are shown in Table 2.

Reasons for Advertisement Classification

For those respondents who classified "Of cigarettes and science" as an advertisement, several sub-categories dominated responses to the open-ended question. Two appearance characteristics stood out: (1) use of graphics (57 comments about border around copy), and (2) type style (20 comments about size of type and typestyle). A remembered word or phrase (i.e., R. J. Reynolds Tobacco Company) received 118 comments. Finally, of the overall readers' impressions, two received a number of comments: wording and style received 23 comments, and persuasive or promotes received 22.

Verbatim examples of answers about the use of graphics and type style from respondents who classified "Of cigarettes and science" as an advertisement include,

"It was separated (boxed in) from the rest of the regular articles."
"Set off in a box from rest of articles in the paper."
"Box around words."
"Size of type."
"Small print."
"The print was different."
"Had smaller typeface and different leadin[ing] than regular BJ [Beacon Journal] body copy."

The fact that "R. J. Reynolds Tobacco Company" was identified as the sponsor was cited by 118 of the respondents who categorized "Of cigarettes and science" as an advertisement. Specific comments about this remembered word or phrase include:

"R. J. Reynolds at bottom"—7 respondents.
"Company name at bottom"—4 respondents.
"It was written by the manufacturer of a product (and their name is clearly stated) rather than a journalist"—1 respondent.
"It was written by a tobacco company"—1 respondent.
"That it was apparently paid for by RJR"—1 respondent.

Verbatim answers of respondents who classified "Of cigarettes and science" as an advertisement and which pertain to wording and style and persuasive/promotes include:

"It sounds like PR hype."
"They are dealing w/ cigarettes that they sell."
"They try to make smoking appear ok."
"There was an air of persuasion that cigarettes may not be bad so why quit."
"R. J. Reynolds is trying to promote smoking by denying scientific evidence."

Reasons for Article Classification

Reasons for classifying "Of cigarettes and science" as an article centered on two impressions: (1) wording and style (20 responses) and (2) amount of information (15 responses). Verbatim examples of answers about the wording and style include:

"Did not give you an address to send for product."
"It was providing information or knowledge to the reader."
"It used more technical wording and less attention getting."
"It is written like an article and has no pictures or models."
"Subtitles and wider columns."

Verbatim examples of answers about amount of information include:

"Very wordy."

Table 2. Appearance or Wording Characteristics Associated With Classification Choice

<table>
<thead>
<tr>
<th>Classification Judgment</th>
<th>Advertisement(^1)</th>
<th>Article(^2)</th>
<th>Total(^3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appearance Characteristics</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of Bold Headlines</td>
<td>7</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>Use of Text</td>
<td>6</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>Use of Graphics (Border around copy)</td>
<td>57</td>
<td>2</td>
<td>59</td>
</tr>
<tr>
<td>Type Style (size, typeset)</td>
<td>20</td>
<td>5</td>
<td>25</td>
</tr>
<tr>
<td>Format, Layout</td>
<td>7</td>
<td>2</td>
<td>9</td>
</tr>
<tr>
<td>Location on Page</td>
<td>4</td>
<td>—</td>
<td>4</td>
</tr>
<tr>
<td>No Exclamation Marks</td>
<td>—</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>No Bylines</td>
<td>2</td>
<td>—</td>
<td>2</td>
</tr>
<tr>
<td>Subtotal</td>
<td>103</td>
<td>14</td>
<td>117</td>
</tr>
<tr>
<td>Remembered Words or Phrases</td>
<td>118</td>
<td>8</td>
<td>127</td>
</tr>
<tr>
<td>R.J. Reynolds Tobacco Company</td>
<td>—</td>
<td>—</td>
<td>6</td>
</tr>
<tr>
<td>We at R.J. Reynolds</td>
<td>6</td>
<td>—</td>
<td>6</td>
</tr>
<tr>
<td>Theory Persists</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Little Known Study</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>7</td>
<td>2</td>
<td>9</td>
</tr>
<tr>
<td>Subtotal</td>
<td>134</td>
<td>13</td>
<td>148</td>
</tr>
<tr>
<td>Readers’ Impressions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amount of Information</td>
<td>—</td>
<td>15</td>
<td>16</td>
</tr>
<tr>
<td>Wording and Style</td>
<td>23</td>
<td>20</td>
<td>43</td>
</tr>
<tr>
<td>Endorsements (scientific)</td>
<td>3</td>
<td>9</td>
<td>13</td>
</tr>
<tr>
<td>Information One-sided</td>
<td>12</td>
<td>3</td>
<td>16</td>
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<tr>
<td>Believability</td>
<td>7</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>Persuasive/Promotes</td>
<td>22</td>
<td>2</td>
<td>24</td>
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<tr>
<td>Not Selling-oriented</td>
<td>3</td>
<td>6</td>
<td>10</td>
</tr>
<tr>
<td>Subtotal</td>
<td>70</td>
<td>56</td>
<td>130</td>
</tr>
<tr>
<td>Total</td>
<td>307</td>
<td>83</td>
<td>395</td>
</tr>
</tbody>
</table>

\(^1\)Number of comments associated with an appearance or wording characteristic, which were made by those respondents who classified "Of cigarettes and science" as an advertisement.

\(^2\)Number of comments associated with an appearance or wording characteristic, which were made by those respondents who classified "Of cigarettes and science" as an article.

\(^3\)Total can differ from sum of comments for advertisement and article classification groups because of missing data; namely, respondent did not classify "Of cigarettes and science" item, but made comments about appearance or wording of the item.
"Very lengthy."
"Most advertisements are short, direct and to the point."
"Lengthy wording and way it was set up led me to feel it was an article."
"Was longer than the ads I've seen. Usually ads are brief w/info. or phone #’s and address."

Discussion

The majority opinion of the FTC would place the debated communication item, "Of cigarettes and science," squarely in Cell 2 of Figure 2—an item paid for by an identified sponsor and has schema with which consumer recognition that a communication is "paid-for" is more likely to correctly assess the facts and truth of editorial advertisements that have clearly stated commercial sponsors. Regulatory guidelines that might heighten consumer recognition that a communication is "paid-for" include labeling (e.g., paid-for communication), separation of editorial advertisements from editorial matter, and sponsor identification.

However, it should be noted that some participants in this study could not agree on classification of the RJR item using a paid-for criterion. Clear cues that the space was paid-for were outweighed by evidence that the sponsor’s product was not being sold. This illustrates the problem of using consumer perceptions and opinions as a source of extrinsic evidence in a legal or regulatory debate.

Further research should evaluate the public’s ability to act as jurors in classifying disputed communications into quadrants of a communication taxonomy (e.g., in Figure 2). Properly instructed, can consumers use aspects of message content to distinguish means and motive simultaneously? If so, it remains for the FTC and appropriate courts to decide what level of agreement is required to attain the status of fully protected speech.

References

Friedman et al. v. Rogers et al. (1979), 440 U.S. 1.
C.—Journal of Marketing, 49 (Spring), 58-68.


