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Advertising, Marketing, and the Consumer

A stakeholder is any group that has a vested interest in the activities of a corporation because they affect the welfare of the group. A stakeholder group is one that can be harmed by the activities of a corporation. Many corporations produce products for consumers to purchase. The goal of these corporations is to acquire consumers, so as to increase profit. As a consequence consumers are perhaps the most important stakeholder group since a corporation's fundamental source of profit stems from actual and potential consumers of their products and/or services. Because of the centrality of consumers, there are several ethical questions that surround the acquisition of such consumers. Some of these ethical questions pertain to and arise out of the *prima facie* obligation corporations have to disclose to potential consumers information about their products. Given that there are several different ways in which a corporation could advertise its product there is an open question over which ways are permissible.

With respect to advertising there are three central questions. First, one might legitimately ask how much information about a product is a corporation morally required to provide. Are they required to give all of the information or only some, and if only some, which information is morally required?

Second, given that corporations have to provide some information, what are the requirements on how that information is to be presented? Or, in other words, are there certain ways of presenting the information that are impermissible? Suppose that some information about some product is required—such as information pertaining to when it is harmful; yet, when that product is advertised, the information pertaining to when it is harmful is presented in a way in which a normal consumer would be unable

to understand it. Question: Has the corporation satisfied its requirement to provide the information even though it is not comprehensible by the average consumer? So not only are there questions about what information a corporation is required to provide about its products, but also how this information should be presented.

Third, are corporations required to tell the truth about their products? And from where does the consumer's right to the truth and the accurate representation of the truth about a product derive? Quite often we see advertisements that use statistical claims (e.g., ninety per cent of doctors endorse some product). However, it is well-known that statistical information can be represented in various ways to make it look as if the claim being made is much stronger than the claim actually is. Insofar as advertisements use statistical information, there are open questions about when a certain use of statistical information constitutes a fallacy or a misrepresentation. In addition, we might ask: What are the boundaries on bending the claim that a group of "experts" supports a product?

Besides these questions about the representation of information, there are also deep philosophical questions about advertising. One of them—a question that steps outside of applied ethics and into broader issues about freewill and human motivation—has to do with the creation of desire. One might argue that various forms of advertising are immoral because they override an agent's autonomy; "autonomy" refers to our independence in thought and action. Autonomous agents that freely choose to buy a product on the basis of reliable information are responsible for the consequences the product brings upon them and others.

If I buy a product that I know may discolor my hair, but at the same time may greatly pollute the environment, then if both of these things happen, not only am I responsible for the damage it brings to my hair, but I am also responsible for the pollution it brings to the environment. However, if the process

that brings about my acquisition of the object somehow overrides my autonomy, so that I am not really acting as myself, but am being manipulated, then it could be argued that I am not really responsible for the harm caused because I was not free in choosing to buy and use the product. Thus, if the process of advertising in some way overrides a consumers' autonomy such that they become compelled to purchase some item, then the form of advertising in question might be regarded as immoral. Humans have basic desires for food, shelter, and sex. Often things are advertised to us in ways that play to those desires.

The general question in this area is over whether our autonomy is overridden when advertising caters to our basic human desires. Are we, in a sense, *compelled* to buy things because of the nature of some advertisements? And if so, is it not the obligation of those that manufacture and market those products to not present them in a way that overrides a consumer's free choice.

Another important question concerning consumers is whether *targeting* a certain group of people for advertising is permissible. Targeting is the practice of intentionally aiming at a certain group of

consumers. Suppose commercials for a specific kind of medicine are always run at a certain time of night when older people who are more likely to have the associated condition are watching television. We would say in this case that targeting these individuals by running a commercial at a time when they are more likely to watch it is morally permissible, perhaps because we deem the product to be healthy. However, consider the tremendous amount of commercials about unhealthy snack foods that are played during children's programming. In this case, corporations are targeting children and creating in them the desire for certain unhealthy snack foods to which they subsequently become enamored. Many people hold that targeting children is impermissible. At times it appears that the judgment is related to the harmfulness of the product. The general question in this area is: When is targeting a specific group morally permissible?

In this unit, we have selected essays that explore both specific moral issues related to advertising and information, as well as articles that are concerned with more theoretical issues surrounding the creation of desire.

TRUTH AND DECEPTION IN ADVERTISING

TIBOR R. MACHAN

Advertising: The Whole or Only Some of the Truth?

When commercial advertising is criticized, often some assumption surfaces that should be explored more fully. I have in mind in particular the hidden premises that advertising is first and foremost a means for conveying information. Another assumption which lingers in the background of criticisms of advertising is that ethics requires that those

who sell goods and services should first of all help customers.

My aim here is to defend the approach to advertising that does not require of merchants that they tell all. So long as merchants are honest, do not mislead or deceive, they are acting in a morally satisfactory manner. It is not good for them—and there is nothing in morality that requires it of them—to take up the task of informing consumers of the conditions most favorable to them in the market place, to aid them in their efforts to find the best deal.

The following passage will help introduce us to the topic. It illustrates the kind of views that many

philosophers who work in the field of business ethics seem to find convincing.

Merchants and producers have many ways of concealing truth from the customers—not by lying to them, but simply by not telling them facts that are relevant to the question of whether they ought to purchase a particular product or whether they are receiving full value for their money.¹

The author goes on to state that “it is certainly unethical for (salesmen and businessmen) to fail to tell their customers that they are not getting full value for their money.”² He cites David Ogilvy, a successful advertiser, admitting that “he is ‘continuously guilty’ of *suppressio veri*, the suppression of the truth.”³ In other words, what advertisers do ethically or morally wrong is to fail to tell all, the whole truth, when they communicate to others about their wares, services, goods, products, or whatnot.

Yet there is something unrealistic, even far-fetched, about this line of criticism. To begin with, even apart from advertising, people often enough advance a biased perspective on themselves, their skills, looks, and so on. When we go out on a first date, we tend to deck ourselves out in a way that certainly highlights what we consider our assets and diminishes our liabilities. When we send out our resumes in our job search efforts, we hardly tell all. When we just dress for the normal day, we tend to choose garb that enhances our looks and covers up what is not so attractive about our whole selves.

Burton Leiser, the critic we have been using to illustrate the prevailing view of advertising, is not wholly unaware of these points, since he continues with his quotation from Ogilvy, who says, “Surely it is asking too much to expect the advertiser to describe the shortcomings of his product. One must be forgiven for ‘putting one’s best foot forward.’” To this Leiser exclaims, “So the consumer is not to be told all the relevant information; he is not to be given all the facts that would be of assistance in making a rea-

sonable decision about a given purchase ...”⁴ Nevertheless, Leiser does not tell us what is ethically wrong in such instance, of *suppressio veri*. In fact, the claim that in all advertising one must present the whole truth, not just be truthful about one’s subject matter, presupposes the very problematic ethical view that one ought to devote oneself *primarily* to bettering the lot of other people. What commerce rests on ethically, implicitly or explicitly, is the very different doctrine of *caveat emptor* (let him [the purchaser] beware), which assumes that prudence is a virtue and should be practiced by all, including one’s customers. I will argue here that the merchant’s ethical stance is more reasonable than that of the critics.

I. *The Vice of Suppressio Veri*

Leiser and many others critical of business and sales practices assume that in commercial transactions persons owe others the whole truth and nothing but the truth. This is why they believe that merchants act unethically in failing to tell their customers something that customers might ask about if they would only think of everything relevant to their purchasing activities. Leiser gives a good example:

Probably the most common deception of this sort is price deception, the technique some high-pressure salesmen use to sell their goods by grossly inflating their prices to two, three, and even four times their real worth. Again, there may be no “untruth” in what they say; but they conceal the important fact that the same product, or one nearly identical to it, can be purchased for far less at a department or appliance store....

Before I discuss the ethical points in these remarks, a word, first, about the alleged simplicity of learning whether some item for sale by a merchant is in fact available for purchase “for far less” elsewhere. The idea is, we may take it, that the customer will indeed obtain what he or she wants by purchasing this

item from some other seller. This ignores the fact that it may be quite important for customers to purchase some items in certain places, in certain kinds of environments, even from certain types of persons (e.g., ones with good manners). Sheer accessibility can be crucial, as well as atmosphere, the merchant's demeanor, and so on. If it is legitimate for customers to seek satisfaction from the market, it is also legitimate to seek various combinations of satisfaction, not simply product or price satisfaction.

Let us, however, assume that a customer could have obtained all that she wanted by going elsewhere to purchase the item at a price "far less" than what it costs at a given merchant's store. Is there a responsibility on the merchant's part (if she knows this) to make the information available to the customer? Or even more demanding, is it ethically required that the merchant become informed about these matters and convey the information to potential customers?

The answer depends on a broader ethical point. What are the standards by which human beings should conduct themselves, including in their relationship to others? If something on the order of the altruist's answer is correct, then, in general, *suppressio veri* is wrongful. Telling the whole truth would help other people in living a good human life. Altruism here means not the ideal of equal respect for everyone as a human being, advocated by Thomas Nagel.⁵ Rather it is the earlier sense of having one's primary duty to advance the interest of others.⁶ A merchant need not be disrespectful toward his customers by not informing them of something that perhaps they ought to have learnt in the first place. By volunteering information that quite conceivably a customer should, as a matter of his personal moral responsibility (as a prudent individual), have obtained, a merchant might be meddling in matters not properly his own, which could be demeaning.

But an altruism in terms of which one is responsible to seek and obtain the well-being of his fellow human beings would render *suppressio veri* morally

wrong. Such an altruism is certainly widely advocated, if not by philosophers then at least by political reformers. For example, Karl Marx states, in one of his earliest writings, that "The main principle ... which must guide us in the selection of a vocation is the welfare of humanity ..." and that "man's nature makes it possible for him to reach his fulfillment only by working for the perfection and welfare of his society."⁷ Here he states precisely the morality of altruism initially espoused by August Comte, who coined the term itself and developed the secular "religion" by which to promote the doctrine.⁸

Now only by the ethics of altruism does it follow unambiguously that a merchant who does not tell all "is certainly unethical." Neither the more common varieties of utilitarianism, nor Kant's theory, as it is often understood, implies this. If we are to live solely to do good for others, then when we have reason to believe that telling the whole truth will promote others' well-being (without thwarting the well-being of yet some other person), we morally ought to tell the whole truth to this person. So when a merchant has reason to believe that telling his customer about lower prices elsewhere (for goods which he sells at higher price) will benefit his customer, he ought morally to do so.

But for it to be established that this is what a merchant ought morally to do for any customer, and that not doing so "is certainly unethical," the sort of altruism Marx and Comte defended would have to be true. No other ethical viewpoint seems to give solid support to the above claim about what "is certainly unethical."

Still, might one perhaps be able to show the whole truth thesis correct by other means than depending on a strong altruistic moral framework? Not very plausibly.

Intuitionism, as generally understood, would not override the well entrenched belief that when one embarks on earning a living and deals with perfect strangers, one should not promote one's weaknesses, one should *not* volunteer information detrimental to

one's prospects. I doubt anyone would seriously advise job seeking philosophers to list on their CVs rejected articles and denied promotions—that would be counterintuitive.

It is also doubtful that most versions of utilitarianism would support a very strong general principle of self-sacrifice from which it can be shown that it “is certainly unethical” not to tell the whole truth. There could be many good utilitarian reasons to support at least a substantial degree of *caveat emptor* in the marketplace. For example, if the classical and neo-classical defenses—and the Marxian explanation of the temporary necessity—of the unregulated market of profit seeking individuals have any merit, it is for utilitarian reasons that the competitive, self-interested conduct of market agents should be encouraged. This would preclude giving away information free of charge, as a matter of what is right from a utilitarian perspective of maximizing the good of society, which in this case would be wealth.

Even a Kantian deontological ethics, as generally understood, advises against talking over what is very plausibly another person's moral responsibility, namely, seeking out the knowledge to act prudently and wisely. The Kantian idea of moral autonomy may not require seeking one's personal happiness in life, as the Aristotelian concept of the good moral life does, but it does require leaving matters of morality to the discretion of the agent. Meddling with the agent's moral welfare would conceivably be impermissibly intrusive. By reference to the categorical imperative it is difficult to imagine why one should invite commercial failure in one's market transactions, a failure that is surely possible if one is occupied not with promoting one's success but with the success of one's potential customers.

It seems then, that the altruist ethics, which makes it everyone's duty to further the interests of other people, is indeed the most plausible candidate for making it “certainly unethical” to suppress the truth in commercial transactions. Yet, of course, troubles abound with altruism proper.

When properly universalized, as all *bona fide* moralities must be, the doctrine in effect obligates everyone to refuse any help extended. Such a robust form of altruism creates a veritable daisy-chain of self-sacrifice. None is left to be the beneficiary of human action. Perhaps, therefore, what should be considered is a less extreme form of altruism, one which obligates everyone to be helpful whenever he or she has good reason to think that others would suffer without help.

Specifically, the altruism that might be the underpinning of the criticism of advertising ethics illustrated above should be thought of more along Rawlsian lines. According to this view we owe help to others only if they are found in special need, following the lead of Rawls's basic principle that “All social values—liberty and opportunity, income and wealth, and the bases of self-respect—are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone's advantage.”⁹

But this form of moderate egalitarianism no longer supports the prevailing idea of proper business ethics.¹⁰ In complying with this principle the merchant should, in the main—except when informed of special disadvantages of potential customers—put a price on his product that will sell the most of his wares at the margin. That is exactly what economists, who assume that merchants are profit maximizers, would claim merchants will do. And this is the kind of conduct that the merchant has reason to believe will ensure the equal distribution of values, as far as she can determine what that would be. The reason is that from the perspective of each merchant qua merchant it is reasonable in the course of commerce to consider potential customers as agents with equal status to merchants who are interested in advancing their economic interests. From this, with no additional information about some possible special disadvantage of the customer, merchants must see themselves as having equal standing to customers and as having legitimate motives for furthering their own interests.¹¹

Thus, the Rawlsian egalitarian moral viewpoint will not help to support the doctrine that mer-

chants owe a service to customers. Only the robust form of altruism we find in Marx and some others is a good candidate for the morality that, for example, Leiser assumes must guide our merchant. Ethical views other than altruism might support the view that the merchant ought to be extra helpful to special persons—family, friends, associates, even neighbors—but not to everyone. Even a narrow form of subjective “ethical” egoism can lead merchants to regard it as their responsibility to be helpful toward *some* other people. For instance, a merchant might consider most of his customers close enough friends that the morality of friendship, which need not be altruistic and may be egoist, would guide him to be helpful even to the point of risking the loss of business. Or, alternatively, were it the case that having the reputation of being helpful leads to increased patronage from members of one’s community, then in just such a community such a subjective egoist would properly engage in helping behavior, including now and then informing his customers of more advantageous purchases in other establishments.

II. *The Morality of Caveat Emptor*

In contrast to the assumption of altruism as a guide to business conduct, I wish to suggest a form of egoism as the appropriate morality in terms of which to understand commerce. I have in mind a form of egoism best called “classical” because, as I have argued elsewhere,¹² it identifies standards of (egoistic) conduct by reference to the teleological conception of the human self spelled out in the works of classical philosophers, especially Aristotle, but modified in line with an individualism that arises from the ontology of human nature.¹³ The idea, briefly put, is that each individual should seek to promote his interests as a human being and as the individual he is ... Classical egoism regards the individual person as the ultimate, though not sole, proper beneficiary of that individual’s own moral conduct. The standards

of such conduct are grounded on the nature of the individual as a *human being*, as we as that particular person, thus in a moral universe which is coherent there need be no fundamental conflict between the egoistic conduct of one person and the egoistic conduct of another.

Accordingly, in the case of our merchant, he should abide by the basic moral principle of right reason, and the more particular implication of this namely the virtue of honesty, as he answers the questions his customer puts to him. He might, for example, even refuse to answer some question instead of either giving help or lying. It is a person’s moral responsibility to promote his rational self-interest. And taking up the task of merchandising goods and services can qualify for various individuals with their particular talents and opportunities in life, as promoting one’s rational self-interest. So a merchant could be acting with perfect moral propriety in not offering help to a customer with the task of information gathering (especially when it is clear that competing merchants are doing their very best to publicize such information as would be valuable to customers). The responsibility of merchants is to sell conscientiously their wares, not to engage in charitable work by carrying out tasks that other persons ought to carry out for themselves.

It might be objected that if someone asks an informed merchant, “Is the same product available for a lower price somewhere else?” no other alternative but letting the customer know the answer exists—it could be rather strained to refuse to answer. But there are many ways to deflect answering that do not mark someone as a deceiver. Smiling at the customer, the merchant might quietly put a question in response to the question: “Well, do you actually want me to help you to take your business elsewhere?” Should it be clear to the merchant that the customer isn’t going to be satisfied with the wares available in his or her establishment, it would make perfectly good sense to offer help—and indeed countless merchants do frequently enough. Thus,

when one looks for shoes, one frequently finds that one merchant will guide a customer to another where some particular style or size is likely to be available. Both good merchandising and ordinary courtesy would support such a practice, although it is doubtful that any feasible ethical system would make it obligatory!

In terms of the classical egoism that would seem to give support to these approaches to ethical issues in business, it does not follow that one would be acting properly by lying to avoid putting oneself at a competitive disadvantage. One's integrity, sanity, reputation, generosity and one's respect for others are more important to oneself than competitive advantage. Yet neither is prudence merely a convenience, and seeking a competitive advantage in the appropriate ways would indeed be prudent.¹⁴

Of course showing that this morality is sound would take us on a very long journey, although some work has already been done to that end.¹⁵ As I have noted already, in numerous noncommercial situations human beings accept the form of conduct which characterizes ordinary but decent commercial transactions as perfectly proper. In introducing ourselves to people we have never met, for example, we do not advance information that would be damaging to the prospects of good relations. We do not say, "I am John Doe. When I am angry, I throw a fit, and when in a bad mood I am an insufferable boor." When we send an invitation to our forthcoming party, we do not say, "While this party may turn out to be pleasant, in the past we have had some very boring affairs that also set out to be fun." Innumerable noncommercial endeavors, including professional ones, are characterized by "putting our best foot forward," leaving to others the task of making sure whether they wish to relate to us. The fields of romance, ordinary conversation, political advocacy, and so forth all give ample evidence of the widespread practice of putting our best foot forward and letting others fend for themselves. We do not lie, mislead or deceive others by not mentioning to them, un-

solicited, our bad habits, our foibles. As suggested before, we are not lying or misleading others when in sending along our resumes or CVs we do not list projects that have been rejected.

The exceptions to this are those cases in which we have special obligations arising out of special moral relationships such as friendship, parenthood, collegiality, and so on. In these—as well as in contractual relationships where the obligations arise out of explicitly stated intent instead of implied commitments and promises—one can have obligated oneself to be of assistance even in competition or contest. Friends playing tennis could well expect one another to lend a hand when skills are quite uneven. Parents should not allow their children to fend for themselves, with limited information, as the children embark upon various tasks. And in emergency cases it is also reasonable to expect strangers to set aside personal goals that ordinarily would be morally legitimate.

Commercial relationships usually take place between strangers. The only purpose in seeking out other persons is for the sake of a good deal. Even here, sometimes further bonds emerge, but those are essentially beside the point of commerce. So the moral aspects of personal intimacy would not be the proper ethics for commercial relationships, anymore than they would be for sport or artistic competitions.

Some, of course, envision the good human community as a kind of large and happy family, the "brotherhood of man," as Marx did (not only early in his life but, insofar as his normative model of the ultimately good human society was concerned, for all of his career). For them the fact that some human beings interact with others solely for "narrow," "selfish" economic purposes will be a lamentable feature of society—to be overcome when humanity reaches maturity, perhaps, or to be tolerated only if out of such selfishness some public good can be achieved.¹⁶

But this alleged ideal of social life cannot be made to apply to human beings as they in fact are found among us. That vision, even in Marx, is appropriate only for a "new man," not the actual living

persons we are (in our time). For us this picture of universal intimacy must be rejected in favor of one in which the multifaceted and multidimensional possibility of pursuit of personal happiness—albeit in the tradition of Aristotle, not Bentham and contemporary microeconomists—is legally protected (not guaranteed, for that is impossible). For them commercial interaction or trade does not place the fantastic burden on the parties involved that would be required of them if they needed to “be forgiven for putting one’s best foot forward.”

I have tried to offer some grounds for conceiving of trade in such a way that the unreasonable burden of having to tell others the whole truth, blemishes and all, need not be regarded as morally required. None of the above endorse cheating, deception, false advertising, and the like. It does recommend that you look at the practice of commercial advertising—as well as other practices involving the presentation of oneself or one’s skills and wares in a favorable light—as morally legitimate, justified, even virtuous (insofar as it would be prudent).

III. Product Liability: Some Caution

One line of objection that has been suggested to the above approach is the failing to tell all about the features of a commercial transaction on the part of those embarking on it is like not telling someone about a defect in a product. When a merchant sells an automobile tire, if he is aware that this tire is defective, the mere fact that his customer does not explicitly inquire about defects does not appear to be, on its face, sufficient justification for suppression of the truth of the fact. But is this not just what my analysis above would permit on egoistic grounds? And would that not be sufficient ground, as James Rachels argues¹⁷ in another context against egoism, for rejecting the argument?

Without embarking on a full discussion of the topic of product liability, let me point out some possible ways of approaching the issues that are consistent with the moral perspective I have taken on truth

telling. First, as in law, so in morality there is the “reasonable man” standard which can be appealed to considering personal responsibility. After all, a merchant is selling an automobile tire and it is implicit in that act that he is selling something that will, to the best of available knowledge, function in that capacity when utilized in normal circumstances.

One problem with this response is that it comes close to begging the question. Just what the reasonable expectation is in such cases of commercial transaction is precisely at issue. If it is true that *caveat emptor* is justified, then why not go the full distance and make the buyer beware of all possible hitches associated with the transaction?

The answer to that question introduces the second approach to handling the product liability issue.... I am thinking here of the need for a distinction between what is essential about some item and what is incidental or merely closely associated with it. And when we are concerned about truth telling—and I have not tried to reject the requirement of honesty, only that of telling everything that one knows *and* that may be of help to the buyer—it is more than likely that in the very identification of what one is trading, one commits oneself to having to give any information that is pertinent to the nature of the item or service at hand. Concerning automobile tires, their function as reliable equipment for transport on ordinary roads is a good candidate for an essential feature. So not telling of a defect in tires pertaining to this feature would amount to telling a falsehood, that is, saying one is trading *x* when in fact one is trading *not-x* (inasmuch as the absence of an essential feature of *x* would render whatever is identified as *x* a fake, something that would in the context of commercial transactions open the party perpetrating the misidentification to charges of fraud).

This is not to claim that what is essential about items must remain static over time. The context has a good deal to do with the determination of essential attributes of items and services, and convention and practice are not entirely inapplicable to that de-

termination. Here is where a certain version of the theory of rational expectations would be useful and may indeed already function in some instances of tort law. As J. Roger Lee puts it,

I have rights. They do not come out of agreements with others, being prior to and presupposed by such agreements. But standard relations with others, which I will call "rational expectations frameworks" fix the criteria of their application to situations in everyday life. And rational expectation frameworks are a guide to those criteria.

... For example, if I go into a bar and order a scotch on the rocks, then it is reasonable to expect that I'll get what I order and that neither it nor the place where I sit will be boobytrapped. There are countless examples of this.¹⁸

It is possible to show that from a robust or classical ethical egoist standpoint, *the truth about an item or service being traded should be told*. But this does not show that the whole truth should be told, including various matters associated with the buying and selling of the item or service in question—such as, its price elsewhere, its ultimate suitability to the needs of the buyer, its full value and so on. This perspective, in turn, does not imply that defective products or incompetent service are equally suitable objects of trade in honest transactions.^{19,20}

NOTES

- 1 Burton Leiser, "Deceptive Practices in Advertising," in Tom L. Beauchamp and Norman Bowie (eds.), *Ethical Theory and Business* (Englewood Cliffs: Prentice-Hall, 1979), 479. Leiser's rendition of this view is perhaps the most extreme. Others have put the matter more guardedly, focusing more on the kind of suppression that conceals generally harmful aspects of products than on failure to inform the public of its comparative disadvantage vis-

à-vis similar or even identical substitutes. Yet the general statements of the ethical point, in contrast to the examples cited, are very close to Leiser's own. See, e.g., Vincent Barry, *Moral Issues in Business* (Belmont: Wadsworth Publishing Company, 1983), Chapter 8. Barry chides advertisers "for concealing fact ... when its availability would probably make the desire, purchase, or use of a product less likely than in its absence" (278).

- 2 Leiser, *op. cit.*
- 3 Ibid., 484.
- 4 Ibid., 479.
- 5 Thomas Nagel, *The Possibility of Altruism* (Oxford: Clarendon Press, 1970).
- 6 This is the sense of the term as it occurs in the writings of August Comte who reportedly coined it. Thus the *Oxford English Dictionary* reports that the term was "introduced into English by the translators and expounders of Comte," e.g., Lewis' *Comte's Philosophy*, Sc. I. xxi. 224: "Dispositions influenced by the purely egotist impulses we call popularly 'bad,' and apply the term 'good' to those in which altruism predominates" (1853), *The Compact Edition*, 65.
- 7 Lloyd D. Easton and Kurt H. Guddat (eds.), *Writings of the Young Marx on Philosophy and Society* (Garden City: Anchor Books, 1967), 39. See, for a recent statement, W. MacLagan, "Self and Others: A Defense of Altruism," *The Philosophical Quarterly*, Vol. 4, No. 15 (1954), 109-27. As MacLagan states it, "I call my view 'altruism' assuming a duty to relieve the distress and promote the happiness of our fellows." He adds that such a virtue requires "that a man may and should discount altogether his own pleasure or happiness as such when he is deciding what course of action to pursue" (110).
- 8 Wilhelm Windelband, *A History of Philosophy*, Vol. II (New York: Harper Torchbooks, 1968), 65off.

- 9 John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press 1971), 62.
- 10 Because of the intimate association of ethics and altruism (self-sacrifice), so defenders of the value of commerce or business have settled for a total disassociation of business and morality. See, e.g., Albert Carr, "Is Business Bluffing Ethical?" in Thomas Donaldson and Patricia H. Werhane (eds.), *Ethical Issues in Business* (Englewood Cliffs, NJ: Prentice-Hall, 1979), 46-52 (above pp. 400-08).
- 11 I believe that this point about the compatibility of Rawls' egalitarianism and the market economy has been argued in James Buchanan, "Hobbesian Interpretation of the Rawlsian Difference Principle," *Kyklos* Vol. 29 (1976), 5-25.
- 12 Tibor R. Machan, "Recent Work in Ethical Egoism," *American Philosophy Quarterly*, Vol. 16 (1979), 1-15. See also T.R. Machan, "Ethics and the Regulation of Professional Ethics," *Philosophia*, Vol. 8 (1983), 337-48.
- 13 *Nicomachean Ethics*, 119a 12. This point is stressed in W.F.R. Hardie, "The First Good in Aristotle's Ethics," *Philosophy*, Vol. 40 (1965), 277-95.
- 14 For more elaborate development of these points, see Tibor R. Machan, *Human Rights and Human Liberties* (Chicago: Nelson-Hall, 1975), Chapter 3.
- 15 See, e.g., Eric Mack, "How to Derive Ethical Egoism," *The Personalist*, Vol. 59 (1971), 735-43.
- 16 The entire tradition of classical economics embodies this point, made forcefully by Mandeville's *The Fable of the Bees* and Adam Smith's *The Wealth of Nations*.
- 17 James Rachels, "Two Arguments Against Ethical Egoism," *Philosophia*, Vol. 4 (1974), 297-314.
- 18 J. Roger Lee, "Choice and Harms," in T.R. Machan and M. Bruce Johnston (eds.), *Rights and Regulations: Ethical, Political, and Econom-*

ic Issues (Cambridge, MA: Ballinger, 1983), 168-69.

- 19 For more on product liability, see Richard A. Epstein, *A Theory of Strict Liability* (San Francisco: Cato Institute, 1980). See, also, Tibor R. Machan, "The Petty Tyranny of Government Regulations," in M.B. Johnson and T.R. Machan (eds.), *Rights and Regulations, op. cit.*
- 20 This paper was presented to the American Association for the Philosophic Study of Society, San Francisco, California, March 27, 1987. I wish to express my appreciation for the opportunity to give this paper to a very receptive and helpful audience at that meeting. I want also to thank the anonymous reviewer for the *Public Affairs Quarterly* for very helpful suggestions.



JOHN WAIDE

The Making of Self and World in Advertising

In this paper I will criticize a common practice I call associative advertising. Briefly, associative advertising induces people to buy (or buy more of) a product by associating that market product with such deep-seated non-market goods as friendship, acceptance and esteem from others, excitement and power even though the market good seldom satisfies or has any connection with the non-market desire. The fault in associative advertising is not that it is deceptive or that it violates the autonomy of its audience—on this point I find Robert Arrington's arguments persuasive ("Advertising and Behavior Control," *Journal of Business Ethics* 1 (1982), 3-12). Instead, I will argue against associative advertising by examining the virtues and vices at stake. In so doing, I will offer an alternative to Arrington's exclusive concern with autonomy and behavior control.

- fect,” *Southern Economic Journal*, April 1961; reprinted in Tom L. Beauchamp and Norman E. Bowie, *Ethical Theory and Business*, second edition (Englewood Cliffs, NJ: Prentice-Hall, 1983), 363-66.
- 20 Taylor R. Durham, “Information, Persuasion, and Control in Moral Appraisal of Advertising,” *The Journal of Business Ethics* 3, 179. Durham also argues that an exclusive concern with issues of deception and control leads us into errors.
- 21 One might object that this requires a normative theory of human nature, but it seems to me that we can go fairly far by reflecting on our experience. If my approach is to be vindicated, however, I must eventually provide an account of how, in general, we are to make judgments about what is and is not good (or life-enhancing) for a human being. Clearly, there is a large theoretical gulf between me and Arrington, but I hope that my analysis of associative advertising shows that my approach is plausible enough to deserve further investigation.
- 22 The central text for this problem is *The Affluent Society* (Houghton Mifflin, 1958). The crucial passages are reprinted in many anthologies, e.g., John Kenneth Galbraith, “The Dependence Effect,” in W. Michael Hoffman and Jennifer Mills Moore, *Business Ethics: Readings and Cases in Corporate Morality* (New York: McGraw-Hill, 1984), 398-433.
- 23 “In March 1970 Congress removed cigarette ads from TV and radio as of the following January. (The cigarette companies transferred their billings to print and outdoor advertising. Cigarette sales reached new records.)” Stephen Fox, *The Mirror Makers: A History of American Advertising and its Creators* (New York: William Morrow and Co., 1984), 305.
- 24 Stephen Fox, 303-04.
- 25 See, for example, Jerry Mander, *Four Arguments for the Elimination of Television* (New York: Morrow Quill Paperbacks, 1977).

CREATION OF DESIRE IN ADVERTISING

ROGER CRISP

Persuasive Advertising, Autonomy, and the Creation of Desire

In this paper, I shall argue that all forms of a certain common type of advertising are morally wrong, on the ground that they override the autonomy of consumers. One effect of an advertisement might be the creation of a desire for the advertised product. How such desires are caused is highly relevant as to

whether we would describe the case as one in which the autonomy of the subject has been overridden. If I read an advertisement for a sale of clothes, I may rush down to my local clothes store and purchase a jacket I like. Here, my desire for the jacket has arisen partly out of my reading the advertisement. Yet, in an ordinary sense, it is based on or answers to certain properties of the jacket—its colour, style, material. Although I could not explain to you why my tastes are as they are, we still describe such cases as examples of autonomous action, in that all the decisions are being made by me: What kind of jacket do I like? Can I afford one? And so on. In certain

other cases, however, the causal history of a desire may be different. Desire can be caused, for instance, by subliminal suggestion. In New Jersey, a cinema flashed sub-threshold advertisements for ice cream onto the screen during movies, and reported a dramatic increase in sales during intermissions. In such cases, choice is being deliberately ruled out by the method of advertising in question. These customers for ice cream were acting “automatonously,” rather than autonomously. They did not buy the ice cream because they happened to like it and decided they would buy some, but rather because they had been subjected to subliminal suggestion. Subliminal suggestion is the most extreme form of what I shall call, adhering to a popular dichotomy, persuasive, as opposed to informative, advertising. Other techniques include puffery, which involves the linking of the product through suggestive language and images, with the unconscious desire of consumers for power, wealth, status, sex, and so on; and repetition, which is self-explanatory, the name of the product being “drummed into” the mind of the consumer.

The obvious objection to persuasive advertising is that it somehow violates the autonomy of consumers. I believe that this objection is correct, and that, if one adopts certain common-sensical standards for autonomy, non-persuasive forms of advertising are not open to such an objection. Very high standards for autonomy are set by Kant, who requires that an agent be entirely external to the causal nexus found in the ordinary empirical world, if his or her actions are to be autonomous. These standards are too high, in that it is doubtful whether they allow *any* autonomous action. Standards for autonomy more congenial to common sense will allow that my buying the jacket is autonomous, although continuing to deny that the people in New Jersey were acting autonomously. In the former case, we have what has come to be known in recent discussions of freedom of the will as *both* free will and free action. I both decide what to do, and am not obstructed in carrying through my decision into action. In the latter

case, there is free action, but not free will. No one prevents the customers buying their ice cream, but they have not themselves made any genuine decision whether or not to do so. In a very real sense, decisions are made for consumers by persuasive advertisers, who occupy the motivational territory properly belonging to the agent. If what we mean by autonomy, in the ordinary sense, is to be present, the possibility of decision must exist alongside.

Arrington (1982) discusses, in a challenging paper, the techniques of persuasive advertising I have mentioned, and argues that such advertising does not override the autonomy of consumers. He examines four notions central to autonomous action, and claims that, on each count, persuasive advertising is exonerated on the charge we have made against it. I shall now follow in the footsteps of Arrington, but argue that he sets the standards for autonomy too low for them to be acceptable to common sense, and that the charge therefore still sticks.

(A) Autonomous Desire

Arrington argues that an autonomous desire is a first-order desire (a desire for some object, say, Pongo Peach cosmetics) accepted by the agent because it fulfils a second-order desire (a desire about a desire, say, a desire that my first-order desire for Pongo Peach be fulfilled), and that most of the first-order desires engendered in us by advertising are desires that we do accept. His example is an advertisement for Grecian Formula 16, which engenders in him a desire to be younger. He desires that both his desire to be younger and his desire for Grecian Formula 16 be fulfilled.

Unfortunately, this example is not obviously one of persuasive advertising. It may be the case that he just has this desire to look young again rather as I had certain sartorial tastes before I saw the ad about the clothes sale, and then decides to buy Grecian Formula 16 on the basis of these tastes. Imagine this form of advertisement: a person is depicted using

Grecian Formula 16, and is then shown in a position of authority, surrounded by admiring members of the opposite sex. This would be a case of puffery. The advertisement implies that having hair coloured by the product will lead to positions of power, and to one's becoming more attractive to the opposite sex. It links, by suggestion, the product with my unconscious desires for power and sex. I may still claim that I am buying the product because I want to look young again. But the reasons for my purchase are my unconscious desires for power and sex, and the link made between the product and the fulfilment of those desires by the advertisement. These reasons are not reasons I could avow to myself as good reasons for buying the product, and, again, the possibility of decision is absent.

Arrington's claim is that an autonomous desire is a first-order desire which we accept. Even if we allow that it is possible for the agent to consider whether to accept or to repudiate first-order desires induced purely by persuasive advertising, it seems that all first-order desires induced purely by persuasive advertising will be non-autonomous in Arrington's sense. Many of us have a strong second-order desire not to be manipulated by others without our knowledge, and for no good reason. Often, we are manipulated by others without our knowledge but for a good reason, and one that we can accept. Take an accomplished actor: much of the skill of an actor is to be found in unconscious body language. This manipulation we see as essential to our being entertained, and thus acquiesce in it. What is important about this case is that there seems to be no diminution of autonomy. We can still judge the quality of the acting, in that the manipulation is part of its quality. In other cases, however, manipulation ought not to be present, and these are cases where the ability to decide is importantly diminished by the manipulation. Decision is central to the theory of the market-process: I should be able to decide whether to buy product A or product B, by judging them on their merits. Any manipulation here I shall

repudiate as being for no good reason. This is not to say, incidentally, that once the fact that my desires are being manipulated by others has been made transparent to me, my desire will lapse. The people in New Jersey would have been unlikely to cease their craving for ice cream, if we had told them that their desire had been subliminally induced. But they would no longer have voice acceptance of this desire, and, one assumes, would have resented the manipulation of their desires by the management of the cinema.

It is no evidence for the claim that most of our desires are autonomous in this sense that we often return to purchase the same product over and over again. For this might well show that persuasive advertising has been supremely efficient in inducing non-autonomous desires in us, which we are unable even to attempt not to act on, being unaware of their origin. Nor is it an argument in Arrington's favour that certain members of our society will claim not to have the second-order desire we have postulated. For it may be that this is a desire which we can see one that human beings *ought* to have, a desire which would be in their interests to have, and the lack of which is itself evidence of profound manipulation.

(B) Rational Desire and Choice

One might argue that the desires induced by advertising are often irrational, in the sense that they are not present in an agent in full possession of the facts about the product. This argument fails, says Arrington, because if we require all the facts about a thing before we can desire that thing, then all our desires will be irrational; and if we require only the relevant information, then prior desires determine the relevance of information. Advertising may be said to enable us to fulfil these prior desires, through the transfer of information, and the supplying of means to ends is surely a paradigm example of rationality.

But, what about persuasive, as opposed to informative, advertising? Take puffery. Is it not true that a person may buy Pongo Peach cosmetics, hoping for an adventure in paradise, and that the product will not fulfil these hopes? Are they really in possession of even the relevant facts? Yes, says Arrington. We wish to purchase subjective effects, and these are genuine enough. When I use Pongo Peach, I will experience a genuine feeling of adventure.

Once again, however, our analysis can help us to see the strength of the objection. For a desire to be rational, in any plausible sense, that desire must at least not be induced by the interference of other persons with my system of tastes, against my will and without my knowledge. Can we imagine a person, asked for a reason justifying their purchase of Pongo Peach, replying: "I have an unconscious desire to experience adventure and the product has been linked with this desire through advertising"? If a desire is to be rational, it is not necessary that all the facts about the object be known to the agent, but one of the facts about that desire must be that it has not been induced in the agent through techniques which the agent cannot accept. Thus, applying the schema of Arrington's earlier argument, such a desire will be repudiated by the agent as non-autonomous and irrational.

Arrington's claim concerning the subjective effects of the products we purchase fails to deflect the charge of overriding autonomy we have made against persuasive advertising. Of course, very often the subjective effects will be lacking. If I use Grecian Formula 16, I am unlikely to find myself being promoted at work, or surrounded by admiring members of the opposite sex. This is just straight deception. But even when the effects do manifest themselves, such advertisements have still overridden my autonomy. They have activated desires which lie beyond my awareness, and over behaviour flowing from which I therefore have no control. If these claims appear doubtful, consider whether this advertisement is likely to be successful: "Do you have a feeling of adventure? Then

use this brand of cosmetics." Such an advertisement will fail, in that it appeals to a *conscious* desire, either which we do not have, or which we realise will not be fulfilled by purchasing a certain brand of cosmetics. If the advertisement were for a course in mountain-climbing, it might meet with more success. Our conscious self is not so easily duped by advertising, and this is why advertisers make such frequent use of the techniques of persuasive advertising.

(C) *Free Choice*

One might object to persuasive advertising in that it creates desires so covert that an agent cannot resist them, and that acting on them is therefore neither free nor voluntary. Arrington claims that a person acts or chooses *freely* if they can adduce considerations which justify their act in their mind; and *voluntarily* if they been aware of a reason for acting otherwise, they could have done so. Only occasionally, he says, does advertising prevent us making free and voluntary choices.

Regarding free action, it is sufficient to note that, according to Arrington, if I were to be converted into a human robot, activated by an Evil Genius who has implanted electrodes in my brain, my actions would be free as long as I could cook up some justification for my behaviour. I want to dance this jig because I enjoy dancing. (Compare: I want to buy this ice cream because I like ice cream.) If my argument is right, we are placed in an analogous position by persuasive advertising. If we no longer mean by freedom of action the mere non-obstruction of behaviour, are we still ready to accept that we are engaging in free action? As for whether the actions of consumers subjected to persuasive advertising are voluntary in Arrington's sense, I am less optimistic than he is. It is likely, as we have suggested, that the purchasers of ice cream or Pongo Peach would have gone ahead with their purchase even if they had been made aware that their desires had been induced in them by persuasive advertising. But

they would now claim that they themselves had not made the decision, that they were acting on a desire engendered in them which they did not accept, and that there was, therefore, a good reason for them not to make the purchase. The unconscious is not obedient to the commands of the conscious, although it may be forced to listen.

In fact, it is odd to suggest that persuasive advertising does give consumers a choice. A choice is usually taken to require the weighing-up of reasons. What persuasive advertising does is to remove the very conditions of choice.

(D) Control or Manipulation

Arrington offers the following criteria for control:

A person *C* controls the behaviour of another person *P* if

- (1) *C* intends *P* to act in a certain way *A*
- (2) *C*'s intention is causally effective in bringing about *A*, and
- (3) *C* intends to ensure that all of the necessary conditions of *A* are satisfied.

He argues that advertisements tend to induce a desire for *X*, given a more basic desire for *Y*. Given my desire for adventure, I desire Pongo Peach cosmetics. Thus, advertisers do not control consumers, since they do not intend to produce all of the necessary conditions for our purchases.

Arrington's analysis appears to lead to some highly counter-intuitive consequences. Consider again my position as human robot. Imagine that Evil Genius relies on the fact that I have certain basic unconscious desires in order to effect his plan. Thus, when he wants me to dance a jig, it is necessary that I have a more basic desire, say, ironically, for power. What the electrodes do is to jumble up my practical reasoning processes, so that I believe that I am dancing the jig because I like dancing, while, in reality, the desire to dance stems from a link between the dance and the fulfilment of my

desire for power, forged by the electrodes. Are we still happy to say that I am not controlled? And does not persuasive advertising bring about a similar jumbling-up of the practical reasoning processes of consumers? When I buy Pongo Peach, I may be unable to offer a reason for my purchase, or I may claim that I want to look good. In reality, I buy it owing to the link made by persuasive advertising between my unconscious desire for adventure and the cosmetic in question.

A more convincing account of behaviour control would be to claim that it occurs when a person causes another person to act for reasons which the other person could not accept as good or justifiable reasons for the action. This is how brain-washing is to be distinguished from liberal education, rather than on Arrington's ground that the brain-washer arranges all the necessary conditions for belief. The student can both accept that she has the beliefs she has because of her education and continue to hold those beliefs as true, whereas the victim of brain-washing could not accept the explanation of the origin of her beliefs, while continuing to hold those beliefs. It is worth recalling the two cases we mentioned at the beginning of this paper. I can accept my tastes in dress, and do not think that the fact that their origin is unknown to me detracts from my autonomy, when I choose to buy the jacket. The desire for ice cream, however, will be repudiated, in that it is the result of manipulation by others, without good reason.

It seems, then, that persuasive advertising does override the autonomy of consumers, and that, if the overriding of autonomy, other things being equal, is immoral, then persuasive advertising is immoral.

An argument has recently surfaced which suggests that, in fact, other things are not equal, and that persuasive advertising, although it overrides autonomy, is morally acceptable. This argument was first developed by Nelson (1978), and claims that persuasive advertising is a form of informative ad-

vertising, albeit an indirect form. The argument runs at two levels: first, the consumer can judge from the mere fact that a product is heavily advertised, regardless of the form or content of the advertisements, that that product is likely to be a market-winner. The reason for this is that it would not pay to advertise market-losers. Second, even if the consumer is taken in by the content of the advertisement, and buys the product for that reason, he is not being irrational. For he would have bought the product anyway, since the very fact that it is advertised means that it is a good product. As Nelson says:

It does not pay consumers to make very thoughtful decisions about advertising. They can respond to advertising for the most ridiculous, explicit reasons and still do what they would have done if they had made the most careful judgements about their behavior. "Irrationality" is rational if it is cost-free.

Our conclusions concerning the mode of operation of persuasive advertising, however, suggest that Nelson's argument cannot succeed. For the first level to work, it would have to be true that a purchaser of a product can evaluate that product on its own merits, and then decide whether to purchase it again. But as we have seen, consumers induced to purchase products by persuasive advertising are not buying those products on the basis of a decision founded upon any merit the products happen to have. Thus, if the product turns out to be less good than less heavily advertised alternatives, they will not be disappointed, and will continue to purchase, if subjected to the heavy advertising which induced them to buy in the first place. For this reason, heavy persuasive advertising is not a sign of quality, and the fact that a product is advertised does not suggest that it is good. In fact, if the advertising has little or no informative content, it might suggest just the opposite. If the product has genuine merits, it should be possible to mention them. Persuasive advertising as the execu-

tives on Madison Avenue know, can be used to sell anything regardless of its nature or quality.

For the second level of Nelson's argument to succeed, and for it to be in the consumer's interest to react even unthinkingly to persuasive advertising, it must be true that the first level is valid. As the first level fails, there is not even a *prima facie* reason for the belief that it is in the interest of the consumer to be subjected to persuasive advertising. In fact, there are two weighty reasons for doubting this belief. The first has already been hinted at: products promoted through persuasive advertising may well not be being sold on their merits, and may, therefore, be bad products, or products that the consumer would not desire on being confronted with unembellished facts about the product. The second is that this form of "rational irrationality" is anything but cost-free. We consider it a great cost to lose our autonomy. If I were to demonstrate to you conclusively that if I were to take over your life, and make your decisions for you, you would have a life containing far more of whatever you think makes life worth living, apart from autonomy, than if you were to retain control, you would not surrender your autonomy to me even for these great gains in other values. As we mentioned above in our discussion of autonomous desire, we have a strong second-order desire not to act on first-order desires induced in us unawares by others, for no good reason, and now we can see that that desire applies even to cases in which we would *appear* to be better off in acting on such first-order desires.

Thus, we may conclude that Nelson's argument in favour of persuasive advertising is not convincing. I should note, perhaps, that my conclusion concerning persuasive advertising echoes that of Santilli (1983). My argument differs from his, however, in centering upon the notions of autonomy and causes of desires acceptable to the agent, rather than upon the distinction between needs and desires. Santilli claims that the arousal of a desire is not a rational process, unless it is preceded by a knowledge of actual needs. This I believe, is too strong. I may well

have no need of a new tennis-racket, but my desire for one, aroused by informative advertisements in the newspaper, seems rational enough. I should prefer to claim that a desire is autonomous and at least *prima facie* rational if it is not induced in the agent without his knowledge and for no good reason, and allows ordinary processes of decision-making to occur.

Finally, I should point out that, in arguing against all persuasive advertising, unlike Santilli, I am not to be interpreted as bestowing moral respectability upon all informative advertising. Advertisers of any variety ought to consider whether the ideological objections often made to their conduct have any weight. Are they, for instance, imposing a distorted system of values upon consumers, in which the goal of our lives is to consume, and in which success is measured by one's level of consumption? Or are they entrenching attitudes which prolong the position of certain groups subject to discrimination, such as women or homosexuals? Advertisers should also carefully consider whether their product will be of genuine value to any consumers, and, if so, attempt to restrict their campaigns to the groups in society which will benefit (see Durham, 1984). I would claim, for instance, that all advertising of tobacco-based products, even of the informative variety, is wrong, and that some advertisements for alcohol are wrong, in that they are directed at the wrong audience. Imagine, for instance, a liquor-store manager erecting an informative bill-board opposite an alcoholics' rehabilitation center. But these are secondary questions for prospective advertisers. The primary questions must be whether they are intending to employ the techniques of persuasive advertising, and, if so, how these techniques can be avoided.

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ROBERT L. ARRINGTON

Advertising and Behavior Control

Consider the following advertisements:

1. "A woman in *Distinction Foundations* is so beautiful that all other women want to kill her."
2. Pongo Peach color for Revlon comes "from east of the sun ... west of the moon where each tomorrow dawns." It is "succulent on your lips" and "sizzling on your finger tips (and on your toes goodness knows)." Let it be your "adventure in paradise."
3. "Musk by English Leather—The Civilized Way to Roar."
4. "Increase the value of your holdings. Old Charter Bourbon Whiskey—The Final Step Up."
5. Last Call Smirnoff Style: "They'd never really miss us, and it's kind of late already, and it's quite a long way, and I could build a fire, and you're looking very beautiful, and we could have another martini, and it's awfully nice just being home ... you think?"
6. A Christmas Prayer. "Let us pray that the blessing of peace be ours—the peace to build and grow, to live in harmony and sympathy with others, and to plan for the future with confidence." New York Life Insurance Company.