Every day, humans are bombarded with advertisements for different products, lifestyle choices, and worldly causes. This advertising is used as a source by humans to make informed decisions about what they are buying and supporting. Thus, consumers are forced to trust that marketers are being honest and accurate with the information that they are relaying to them, rather than trying to deceive them. This guarantee that humans are making completely informed decisions based on marketing tactics raises ethical questions. If one party has information that another does not, they can unfairly withhold information or word the message in a way that limits the knowledge that the other party has. Within the relationship of client and marketer, if the marketer does not highlight certain attributes of a product that, if highlighted, would cause the consumer to not buy it, they are not allowing the consumer to make a fully informed decision. Thus, this limits one of the most basic human functions: the ability to reason. Instead, what the human thinks is reasoning, is actually misinterpreting. By not giving the consumer all the facts, the marketer is not allowing the consumer to fully flourish. Ultimately, this is problematic to the nature of the marketing profession, because their job is to showcase what they are selling in order to gain profits; however, they must also promote trust in the marketplace so consumer can properly reason. So, the relationship that the marketer takes on seemingly has multiple duties: A duty to the consumer to show that what they are representing is the truth, and a duty to sales, which they believe is the justification for the manipulation of language.

One of the most current issues that relates to marketing and consumer purchasing decisions is the classification process for determining what“green marketing” is. There has been controversy over this because some believe the term is awarded to companies and products too easily, and others believe that the language used in promoting something as “green” is vague and more information should be provided to the consumer to fully show the truth. Thus, this vagueness of standards and ability to bend the truth creates ethical questions about duty in the relationship between the client and the marketer. Does the consumer have the duty to investigate the advertising before they make purchasing decisions, or should they trust that marketers are fulfilling the ethical standards that the profession sets forth and not using deceptive tactics? Also, should marketers be held to a higher ethical standard and have the duty to expose any deceptive tactics? I make the claim that there is not enough specificity in the current ethical codes for the marketing profession, and because of this, companies have the ability to manipulate linguistics to win over “green” certifications and side step regulations that attempt to limit that. Thus, I charge that the ethical codes of marketing and the rules that help prevent deception should be better defined so there are fewer loopholes for lying and more truth to elevate the field.

In the field of marketing, one of the leading voices that promotes higher standards of ethical practice is the American Marketing Association (AMA). They set forth ethical norms such as: marketers should not harm the consumers by omitting important information; they should look to maximize truth in their tactics; and ultimately marketers should avoid “deception in product design, pricing, communication, and delivery of distribution” (About AMA). These ethical norms, I contend, do have a positive moral focus and work towards fulfilling their duty to the consumer. The AMA then sets forth the ethical values of the marketer: Honesty, responsibility, fairness, respect, transparency, and citizenship (About AMA). Within these ethical values, there are embedded standards that marketing looks to promote. The idea that the consumer should come first again takes the stance that truth trumps profits. Marketers should strive to balance their needs with the consumers’ needs, and it would be unethical to conceive of the relationship in the opposite sense. It is also noted that the power that marketers possess is great, but they should not abuse it. Thus, it would not be ethical to manipulate segments such as children, the elderly, and the disabled (About AMA). The values also promote clarity of intentions through continuous application of clear information. This posits that in order to respect humans, marketers must allow them to understand what they are trying to sell to them without misleading them. Finally these values look to always improve customer satisfaction. This relates to the idea of marketers’ duty to the profession because if customer satisfaction increases, the reputation of the profession will too.

The charge that the AMA puts forth encourages members “to be courageous and proactive in leading and/or aiding their organizations in the fulfillment of the explicit and implicit promises made to those stakeholders” (About AMA). Within this definition, we see that there is a “promise.” Thus, marketers do have a duty, under the ethical codes of the AMA, to be truthful in their advertising tactics, and any sort of manipulation or deception goes directly against these values. However, it is very evident that these norms and values are not always followed by marketers. Ambiguous messaging, unclear language, purposeful information omission, and a lack of transparency permeate the field of marketing, and a lot of the time exists without legal ramifications. I believe that these problems are due in large part to the relationship dynamic of the marketer and the consumer. Because the marketer is actively trying to sell something to the consumer, the buyer is naturally skeptical that the seller is manipulating them. Financial assets are explicitly tied to status of humans in society. Thus, when a human invests in something, they expect it to better themselves. But if the product fails to do this, they feel that the marketing was unethical because they were promised certain results. Therefore, because there have been cases of deception in marketing in the past, there are trust issues embedded in the culture of marketing that ethical norms and values can *only promote* in reality, but not *ensure*. Moreover, while going against these values and norms will violate AMA’s code of ethics, many marketers might see this as too rigid, making them a slave to the consumer and leaving them with little profitability. Also, while the code of ethics promotes positive ethical ideas, it can be seen as restrictive to human freedoms, and prevent marketers from flourishing and showcasing their true creativity. Thus, sometimes the marketer abuses their power in marketing, which the ethical code deems as degrading to trust, devaluing human relations, and ignoring their duty to the consumer.

So, what *is* the duty of the marketer? It seems as if the current system traps them between being ethically controversial and limited in terms of prosperity. For one, I contend that the marketer should be held to a higher ethical standard because they “act as stewards of society in creating, facilitating, and executing the transactions that are part of the greater economy” (About AMA). Thus, the profession clearly affects how other professions around it function. However, holding marketers to a higher ethical standard also raise questions of how much information would necessarily need to be shared, which the current standards do not indicate. I believe the solution would be to first, tighten up the language that offers loopholes to organizations. Additionally, I posit that the professionals have a duty to expose lies in the marketing field that they believe to be manipulative. This effort of self-policing keeps the profession honest on the inside, and I posit that the consumer *also* has a duty to investigate from the outside. While it might seem unduly onerous that a consumer would be required to be inquisitive about buying decisions and that they should be ensured honest marketing, in the end, they have the ability to choose to buy or not. Skepticism is a basic human quality and we should exercise it.

Still, I believe there inevitably will be friction between the marketer and the consumer simply because they have different end goals. In relation to Kant’s categorical imperative, however, people should not use others simply as a means to an end. Thus, I contend the best practices can better be ensured by continuous revision to the language that makes up the ethical norms and values of the marketing profession, because this is where the ethical dilemma of deception enters.

As I stated before, the AMA provides a framework of ethics for the marketing profession that is to be promoted to keep the reputation of marketing high. The advent of “green marketing” and its application of ethics has been regulated heavily by the Federal Trade Commission (FTC). They have worked to define standards of sustainability in marketing which helps regulate unfair and deceptive claims. Before looking at specific examples of this, it is important to understand what qualifies as “deception” and “unfairness.” The FTC defines an advertisement as deceptive if it “is likely to mislead consumers acting reasonably under the circumstances” and if it is “important to a consumer’s decision to buy or use the product” (Advertising and Marketing). The FTC defines an advertisement as unfair if “it causes or is likely to cause substantial consumer injury which a consumer could not reasonably avoid” and if “it is not outweighed by the benefit to consumers” (Advertising and Marketing). These definitions promote the ethical guidelines set forth by the AMA, but like the ethical norms and values, leave a lot of leeway for manipulation and loopholes. Thus, the FTC gives further examples to define what is and is not allowed, specifically in “green marketing.”

In the FTC’s “Green Guides,” the commission identifies patterns of deception that permeate “green marketing” and works to define certain cases as unethical and illegal. One of the areas the guide targets is the idea of “overstatements.” The example is given that if an advertisement says that the product is labeled with “50 % more recycled content than before,” it must truly reflect this (Guides For The Use). For example, the 50 % increase could actually refer to a jump from 2% to 3% more recyclable material used by a manufacturer. But through language manipulation, the 50 % increase seems more desirable to the consumer and more environmentally friendly, when in reality it is an inflated statistic. While the statistic is truthful, its intention is to manipulate and deceive in order to gain profits. Thus, this goes against the ethical codes and standards for marketing. Still, as more “green marketing” develops, the language continues to grow, thus leaving more loopholes for organizations on which to capitalize. Another area that is heavily targeted is the idea of “general claims.” The example is given that a product is branded as “eco-friendly” (Guides For The Use). This description is deceptive because of how vague this claim is. For a product to be “eco-friendly” in general, it would necessarily have to qualify for *every* environmental benefit, whereas it is likely that it benefits only certain aspects of the environment. Thus, the exactness of its benefits are not properly communicated and the consumer associates them on a wider scale of environmental impact.

The FTC approaches the process to evaluate whether a marketing tactic is unethical, and should be regulated, from the consumer’s perspective. The commission looks at the claims made in the advertisements, what was left out of the advertisements, and assesses whether what was communicated was true and whether what was left out affected the consumer’s ability to make a fully-informed decision (Advertising and Marketing). This form of evaluation for “green marketing” puts a strong emphasis on authenticity of evidence and scientific claim; however, it also raises ethical questions. The process naturally prioritizes a marketer’s duty to the public, over his duty to the profession and a duty to himself. I believe it is important to find a balance within the marketing profession because of the nature of the industry, which incorporates transactions and multiple agents. Moreover, by targeting different loopholes in the process of “green marketing,” it can create more loopholes. Instances have occurred where, in trying to clarify criteria, language actually further complicated the equation, allowing marketers to get away with further deception. Although I think clarity in defining standards is the solution to more honest advertising, it is my opinion that there will inevitably be loopholes. Finally, I posit that since “green marketing” is still a recent phenomenon, the standards of its advertising are still being defined and revised. Because of this newness, marketers still have the ability to manipulate its definition and can take advantage of it through language. Thus, I think that with time, the legality of certain “green marketing” tactics will be better defined as ethical or unethical and to avoid this constant conflation in the language, marketers should work to push for better clarity in their regulations.

Perhaps the biggest current debate over defining “green marketing” and how that affects a consumer’s perception is the process of becoming a “green certified” company. One of the world’s leading “green” certifying companies is “Green Seal.” Their criteria for labeling a company “green” is broken down into three levels: gold, silver, and bronze. To obtain the bronze level, a certain number of qualifications must be met; past that, companies can look to be certified at the silver and gold levels (Green Seal Pilot). The minimum standards for the bronze level focus on five different areas: transparency, goal setting, management, consistent testing, and third-party presence (Green Seal Pilot). For transparency, a company must develop policies that are available for public retrieval to show the inner-workings of its environmental marketing plans. To set its goals, the company *must* work to create new tracking measurements such as “emissions” and “biodiversity” inventories and must look to reduce waste and water usage (Green Seal Pilot). Furthermore, to maintain progress, the company must have periodic scientific tests to make sure their manufacturing systems are up to date and could be targeted for improvement. These standards add to the accountability of the “green” companies which helps ensure that an ethical standard will be maintained. Additionally, the third-party qualification requires that the companies make annual progress with specific certification principles.

While “Green Seal” is an example of further defining ethics in marketing, it is still problematic. The simple fact that there are multiple companies that can certify an organization as “green” creates a divergence of standards. With differences in standards, a company could be rejected for a seal of approval from one organization, but if they were to apply to another certifier they may be accepted. This disunity adds to the further confusion over “what is green?” Moreover, in the example of “Green Seal,” they have three different levels for companies ranging from gold to bronze. This is problematic because a company that is certified under the bronze definition and one that is certified under the gold are technically both “green,” but one is *more* “green.” As it is discussed in professional ethics, by creating separate standards for human beings there is the implication that some people’s moral decisions are more acceptable in certain cases than others. For example, a “palliative care” nurse might have more freedoms than a regular citizen because of the relationship they have with their profession. In the context of “green” certifications, this creates an ethical dilemma because it gives priority to those who are defined as being *more* “green.” The fact that there is a list of requirements to fulfill for “green” certification is problematic as well, because who is to say where the requirements stop? The organizations who define “green marketing” set a standard for what it is to become certified; however, if the standard is too low, a flood of unqualified companies will be certified, thus deceiving the public into thinking most are at a certain level of “green.”

A controversial, but more unified approach in defining “green” has been the advent of the LEED (Leadership in Energy and Environmental Design) certification program (Frank). This system “awards buildings points for features that aim to minimize emission, water use, waste, and indoor pollutants” (Frank). From these certifications builders receive tax breaks, which help to speed up the building process. However, in one of the more controversial cases, the Palazzo Hotel and Casino received a 27 million dollar tax break when it still allowed smoking in certain areas of the building, which would realistically seem to go against “green” ideals (Frank).

When looking into the certification requirements that LEED uses, many make the claim that it is too easy for a company to attain it. It should be noted that LEED has a 100 point scale, that, if a company earns 40 of them, becomes certified (Frank). The complaint is that companies will then necessarily look for the easiest ways to gain points that do not necessarily hold “green” to a high standard. For example, companies can earn points by having more light switches in their offices, having outdoor views, and using specific types of paint to promote the health of the workers (Frank). Thus, much like the language that is manipulative in “green marketing,” acquiring the “green” certification can be misleading as well. Therefore, when a company is technically justified saying that they are LEED certified, the certification process is where the deception can be housed. The system also encourages “point buying” where a company will for example buy bike racks because they can receive points for it. These requirements in turn create the wrong incentives for companies who, in a utilitarian sense, are not aiming to maximize “green” potential, but are simply focused on obtaining a prestigious certification for their company.

To back up this claim of deceptive certification, *USA Today* showed that “only 14% of buildings generate renewable energy, and 12 % include major water-reduction steps” (Frank). Keeping that in mind, there are over 7,100 LEED certified buildings (Frank). One might ask how so many companies have obtained this certification without many showing energy-efficient results. Interestingly, this is because the awards are given before the building comes into use, and after its construction there are no requirements to report energy statistics on how the building is functioning. Thus, these buildings are unmonitored and there is no one guaranteeing that the building is functioning at the energy-efficient level that it supposedly should be. Much like in “green” advertising, the company can essentially advertise itself as such, but without investigation, the company can be lying because their actions do not match their claims. The relationship between the consumer and the marketer then allows for deception because if the consumer does not investigate, they will assume it is actively certified by a mainstream “green” organization, thus making it deceptively beneficial. Thus I propose that there should be consistent monitoring of these companies and that certification standards should be raised. This would involve changing the current language that makes up the system, which could create new loopholes, but would also ensure more honest motives. After all, by not maintaining these environmental standards going forward, it proves that the company’s motive for certification was hollow and business-oriented.

I believe that the contrasting wants of the marketer and the consumer will inevitably create problems within the ethical framework of this profession. While marketers make the charge to follow the ethical codes and values set forth, the evolution of language has provided more and more opportunities for marketers to manipulate the trade to benefit one duty over another. As we currently see with “green marketing,” its lack of a unified definition allows for marketers to find loopholes and maintain truth at a base level, but create deception when they do not provide the consumer with all the information. Moreover, mainstream classification standards such as those seen with LEED are good progress in terms of unifying thought, but they also are held at such a low standard, that they give the wrong incentives and promote the abandonment of the AMA ethical code. Furthermore I see trust as being another issue that is difficult to rebuild in this profession. Since the reputation within the marketing profession is already known to be exploitative and profit-driven, ethical codes must be reworked to change this perception. Ultimately, the consumer *needs* to be fully aware of all the actions the marketer is taking because it is the only way that the relationship can build trust.

My first proposition for changing the relationship between the marketer and the consumer is to promote higher classifications in order for a company to become “green” certified. As we saw in the case of Palazzo Hotel and Casino, lower standards can create the wrong incentives, which encourage companies to break the ethical guidelines. By making it more difficult to become a “green” certified company, organizations with genuine interest in improving the environment would come forward rather than those only seeking tax breaks. The Environmental Protection Agency (EPA) has a certification company called “EnergyStar” which mirrors this idea and only certifies companies that prove their energy efficiency over time (Frank). While this ensures the proper deployment of certification, it simply adds to the pool of certifiers, which continues to grow and create more disunity of “green” standards.

Thus, my second proposition would be to have one standard for “green” certification awarded by one company. Currently, there are multiple organizations that award “green” certifications. Each of these organizations uses different criteria and many of them have different levels of classification for determining “how green” the company is. This not only complicates finding a definition of “green,” but it also confuses the consumer, who does not know *how* to figure out what the classification actually denotes. Therefore, there is a strong chance that the consumer will not know what the classification means, and is likely to be deceived. By having a singular standard, the marketer and the consumer can familiarize themselves with that *one* standard of requirements. Additionally this will create a clearer tie to the ethical norms promoted by the AMA, unifying ethics with “green marketing.” Ultimately, it is ethical for consumers to know if the information they are being fed is honest and to what extent.

This is why my third proposition is to reframe the relationship between the consumer and the marketer. To ensure justice in the relationship, I contend it is the duty of the marketer to make the organization transparent. By being transparent, it gives the consumer full potential to evaluate their decisions; it does not limit their reasoning, which could result in an uninformed purchasing decision. Contrastingly, I believe the consumer should investigate a product before they make a purchase. In an ideal environment, it would not be the duty of the consumer to investigate, but in the real world, there is constant friction within the marketing profession. Thus, to ensure that the consumer is not being deceived, I posit that it is a healthy habit to research an organization and look into claims such as the “green certification” they make. I also think that marketers should put the duty to their profession as their top priority. This is because when they prioritize the duty to themselves, *they* are flourishing, but the consumer is not; if they prioritize their duty to the consumer, the consumer flourishes while the marketer suffers. But by putting the ethical codes set forth by the profession first, the relationship between the consumer and the marketer will be naturally regulated and will promote flourishing for the most number of people.

In order for deception to disappear in the marketing profession, I contend that there needs to be a universal agreement over the definition of “green marketing” and what “green” is. People understand that “green” is something that is associated with the environmental good, but because it usually cannot be defined past that for many people, it leaves a lot of leeway for marketers to manipulate messaging. Moreover, the current standards leave many loopholes in qualification that can be exploited by marketers. Thus, a universal definition that is easy to understand with a short list of requirements would create better awareness among the public about what is and is not “green.” From this, both marketers and consumers would be able to fully apply one of the most distinctly human functions: reasoning.

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