

**AN EXPLORATION OF THE ETHICS OF SCAM ADVERTISING
AND AWARDS SHOWS IN SOUTH AFRICA**

by

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*While the copyright of these videos does not belong to myself, the videos are freely available in the public domain.

PLAGIARISM FORM

I hereby declare that *An exploration of the ethics of scam advertising and awards shows in South Africa* is my own work, and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.



Dorathea Elizabeth Spangenberg
February 2016

CHAPTER ONE: INTRODUCTION

1.1 Background and aims of study

1.1.1 *Background*

This research project explores selected ethical issues raised by scam advertising in the South African advertising industry, as well as in relation to a wider discourse on advertising awards. Scam advertising, which is also referred to as fake or ghost advertising, may be broadly described as fictional advertising for existing clients, or advertising for fictional clients (Postaer 2012),¹ as well as advertising that has never actually been published, launched or aired. Traditionally, this either means that the advertising has been created for an existing client without their knowledge or consent, or that work has been created for an imaginary client. This dissertation proposes to expand on this definition and add a few nuances to what may cause an advertisement to attain the status of scam advertising. The Don't Fake Awards² (2012) addresses one of these nuances by noting that scam advertisements are created for the sole purpose of entering them into awards shows. While there are certainly other possible reasons why scam advertising is created, these advertisements rarely hold value for the brands that they pretend to endorse.

It is important to note that the very name "scam advertising" is a pejorative term, which is automatically problematic in the way that it incites biases. It connotes 'dishonesty' and 'fraud'. This would only hold true when a piece of advertising clearly violates the rules of awards shows – rules, as discussed in the next chapter, that are different for each awards show. There is thus no clear consensus as to what is defined as scam advertising by the industry. Even contravening a rule does not automatically render an action unethical, however – this is discussed in more detail in Chapter Four. If the name presumes a prejudice against this form of advertising it therefore also suggests a failure of ethics. This prejudice and negativity needs to be suspended for the sake of this study, since the nature of scam advertising is too grey and multi-faceted to suggest a clear-cut, black-and-white 'good' or 'bad' judgement. Moreover, since this is regarded as a controversial and sensitive topic in the advertising industry, it needs to be said that this study in no way reflects the opinions of the researcher. The aim of this study is to explore the ethics of scam advertising by referencing existing ethical frameworks and theories, and the researcher's judgements and prejudices are therefore not at issue.

The advertising industry and its members, as with any industry, incorporates jargon in its daily lexicon. While an attempt is made to steer clear of using unnecessarily complicated language,

¹ Considering that advertising is usually a subject reserved for internal discourse (that is, non-academic discourse), many of the sources consulted for this study, such as Steffan Postaer here, work in the advertising industry or, like the Loerie Awards, are industry-related.

² Dontfake.com is an initiative started by Forbes Israel intended to create awareness among advertising agencies to combat the unethical use of scam advertising in awards shows. With the headline, "When you fake the work, you fake the award", they encourage creatives to create and submit their own ads to promote this idea (Don't Fake Awards 2012).

certain words and phrases that are native to the industry are integral to the comprehension of this subject matter. The first widely used term to understand is 'creatives', which is the collective industry term for designers, art directors, illustrators, photographers, copywriters, Creative Directors and Executive Creative Directors – essentially anyone who works in a creative capacity in the advertising industry. Not everyone agrees with this term, however. As Liam Lynch (2015/07/11), a well-known South African photographer puts it: "Creative is an adjective, not a noun. I'm 6 foot tall. I'm a tall person. I am not 'a tall'". Nonetheless, it is widely used and accepted in the industry, and a convenient collective noun used to refer to a group of people that are constantly mentioned and discussed in this dissertation. The second notable term is 'activation'. A brand activation can be defined as a "marketing process of bringing a brand to life through creating brand experience" (Brand Activation – Definition). This experience often takes the form of an event, sponsored by the brand, that seeks to engage consumers. Thirdly, it is important to understand the 'airing', 'flighting', 'publishing' or 'launching' an advertisement. While 'flighting' can also refer to a type of media strategy, in this context it is used interchangeably with 'airing' and refers to an advertisement physically appearing in scheduled media, whether TV or radio. 'Publishing' refers to an advertisement appearing in print media, such as a newspaper, magazine, poster or flyer. 'Launching' generally refers to the start of an advertising campaign. These are the most regularly used terms in this dissertation, but additional jargon is introduced and explained by the use of footnotes from here on.

According to The Loerie Awards (2010),³ the most widely recognised South African advertising awards show in the advertising industry,⁴ the purpose of the awards is to identify, reward and foster creative excellence. They state that their role is to “promote creativity and innovation as primary business tools in the brand communication industry.” While creatives still strive to be recognised for their ‘creative excellence’, the way in which they choose to achieve this has changed for many. As is explained in Chapter Two, there are many factors that have contributed to this, including clients becoming more reserved in difficult economic times. In order to give a better understanding of what can be deemed as scam advertising, a few examples are discussed to illustrate their characteristics.

Tsotsi (Hood & Fudakowski 2005), a film that won an Oscar for Best Foreign Language Film in 2006, spawned one such advertising campaign that won gold at the 2007 Loerie Awards as well as internationally. The campaign, created by TBWA \ HuntLascaris,⁵ sought to create awareness about DVD piracy by speaking directly to people that buy these pirated DVDs. One could buy a

³ The South African Loerie Awards (colloquially known as the 'Loeries') started in 1978 as a means to reward excellence in TV advertising, but has since grown to encompass every form of brand communication (The Loerie Awards 2010). The non-profit awards ceremony is very popular, receiving 3182 entries in 2012, and according to Loerie Awards CEO Andrew Human, this number grows yearly (Rise in Loerie entries... 2012). Entries are judged by specialist panels comprised of national and international leaders in their respective fields. The Loerie Awards is internationally recognised and is the only award endorsed by the Association for Communication and Advertising (ACA), Creative Circle (CC) and the Brand Design Council (BDC), among others (The Loerie Awards 2010).

⁴ From here on out, I make use of the term *industry* to refer to the South African advertising industry.

⁵ TBWA \ HuntLascaris was founded in 1983 as Hunt Lascaris, before becoming part of the global TBWA\ network. They are one of the leading communications and marketing groups in Africa, and their clients include Standard Bank, Sasol and Nike (TBWA).

pirated copy of the award-winning movie *Tsotsi* on a street corner or a busy intersection from actors posing as illegal street vendors. A few minutes into watching the movie however, the screen would suddenly freeze and show the following message, as can be seen in Figure 1: “Thank you for buying this DVD. Your R40 has been donated to the Anti-Piracy Foundation” (D&AD Yellow Pencil ... 2007).

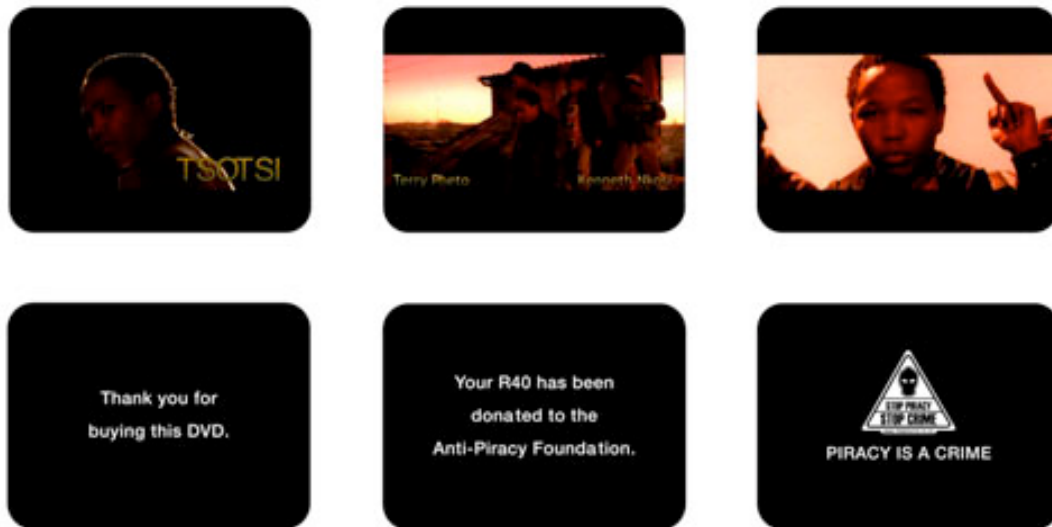


Figure 1: Pirated *Tsotsi* DVD Screen Captures, 2007.
(Bizcommunity)

The concept behind this campaign is clearly attention-grabbing. However, it is unascertainable how many people experienced this first-hand. No impact study has been done with regard to the campaign. Even when looking at the compiled document of Cannes Lions Direct Winners (2006:19), the only thing provided under ‘Results’ for this campaign is the following:

Hundreds of people who support piracy have now donated thousands of Rands to fight it. The net profits raised from the sale of our DVD’s will be used to further enforce anti-piracy laws in South Africa. By flooding the market with our copies, people have become hesitant to buy pirated discs as they might fall onto one of ours.

Compared to results of other campaigns in the same awards category, Direct Advertising,⁶ which list measurements such as “...sales increased almost 80%...”, “...amount of donations raised by +64,7%...”, “...the first week [the video]...had 150,000 hits...” and “2,800 brochures were sold...24% higher sales...”, the Pirated DVD campaign seems sorely lacking in any real substantiation for its value as an advertisement (Cannes Lions Direct Winners 2006:2-15). TBWA \ HuntLascaris has also not done any other advertising for this client since, leading one to believe that this was a once-off collaboration in order to have a genuine client for their idea. Although this is not against awards show rules, it does appear to be an attempt to circumvent these rules. Advertising campaigns are, in essence, created in order to talk to a specific target

⁶ Direct Advertising can be defined as "a channel-agnostic form of advertising that allows businesses and nonprofits organizations to communicate straight to the customer, with advertising techniques that can include, Cell Phone Text messaging, email, interactive consumer websites, online display ads, fliers, catalog distribution, promotional letters, and outdoor advertising" (Direct Marketing).

market. If a campaign is therefore created and only shown to five, or even fifty people in order to meet minimum requirements for awards entries, it defeats the entire point of advertising. Instead of creating widespread, first-hand brand awareness that would have a lasting impact, scam advertisements often only reach a very limited audience, consisting mainly of creatives that see an awards entry video and maybe forward it on to their friends. This raises another question: if a small brand activation is done for a campaign in order to meet minimum requirements to enter awards shows but receives widespread PR⁷ and media coverage, does it still count as scam advertising?

From my own experience in the advertising industry, such advertisements can have a big impact with positive feedback for the brand in question. In 2011 such a campaign was conceived and executed for the Wimpy restaurant chain. Wimpy has had braille menus available for their visually impaired customers since 2002, but very few people were aware of it (Rudd 2012). Their advertising agency at the time, MetropolitanRepublic,⁸ developed a concept to create awareness of this menu and Wimpy allowed them to proceed with the understanding that the agency would carry all the costs involved in this endeavour. The concept was brought to life, and earned the creative team a Gold Lion at the Cannes Lions, as well as Gold and Silver Loerie Awards (Cannes Lions 2012; The Loerie Awards 2012). According to Pete Khoury (2014), then Executive Creative Director of MetropolitanRepublic, the client briefed the agency to advertise the braille menu, but had in mind for them to simply create a poster stating that they had a braille menu. Instead the creatives on the brief came up with a different, much more striking idea. Many creatives believe (as explored in Chapter Three) that there's a requirement for an agency to do more than what is briefed by a client, which is exactly what the agency did.

The campaign consisted of activations where 15 blind consumers were given hamburgers. On the tops of the buns were written, in braille, with sesame seeds: "100% pure beef burger made for you" (Figure 2). Those who experienced this reported very positively on it, and other visually impaired people read about it in braille and email newsletters. The case study video can be viewed under Appendix A.

Because the agency fully paid to execute this idea, it displays one of the traits of scam advertising as mentioned in this dissertation's description of scam advertising. When agencies pay for executions, the client tends to have minimal involvement, usually because they do not find the execution to have sufficient value to justify spending money on it. This can be because of a variety of factors, but Khoury (2014) states that in this case it was simply that the client liked the idea, but had other agendas they felt were more pressing. The client had a new product, a new hamburger, that was launching and wanted to devote all their time and money into creating advertising for a product that could potentially increase their sales. Khoury (2014)

⁷ While 'PR' traditionally stands for 'Public Relations', in the industry the term has grown to encompass any form of unpaid media coverage that a brand or agency receives.

⁸ MetropolitanRepublic was founded in 2007 by Paul Warner, who has twice been nominated as one of The Annual's 25 SA Media Game Changers. MetropolitanRepublic's client list includes MTN, Legit and Hippo Insurance (MetropolitanRepublic 2013a).

states that the client would have preferred them to simply create a poster and move on, but the creatives who conceptualised the idea pursued it in the interest of adding value to their client and their brand. The result was that the campaign received thousands of media impressions both locally and internationally, and 800 000 visually impaired people learned about the braille menus (MetropolitanRepublic 2011). At last verification, the YouTube video for the activation had 663,519 views (MetropolitanRepublic 2011).



Figure 2: Hamburger bun with braille sesame seeds,
Wimpy Braille Burgers case study video, 2011.
(MetropolitanRepublic)

Considering that Wimpy is not a non-profit company or a small upcoming business, the campaign cannot be considered pro-bono. Even though the campaign encompassed a social message, this was directly related to brand-awareness; which was for the good of the company, not the greater good. However, it created a lot of publicity and in the end many people received a positive impression of Wimpy. This raises the question of whether this positive PR manages to cancel out the issue that some may consider the idea to be a scam advertisement. In one otherwise favourable review of the advertisement, it is even mentioned that the campaign feels vaguely exploitative, and that Wimpy hopefully donated money to the charity organisations mentioned in the video (Braille Burgers... 2012). Nevertheless, it is not quite clear why such a campaign would be regarded as “unethical” even with its possible status as a scam advertisement. In fact, its status as a scam advertisement also seems questionable. This serves as an example that even though an advertisement can be classified as scam according to certain advertising awards shows' criteria, it does not mean that scam advertising is synonymous with unethical advertising.

Scam advertising has become such common practice globally that the Ogilvy Group Ukraine (2009)⁹ even used it as a satirical recruitment advertisement for their agency (Figure 3). It features a five-step how-to-guide for creating a scam advertisement¹⁰ and ends off as follows:

Following these five simple steps will not only bring you numerous local awards but also reconfirm your belief that 'being creative' and 'working for clients' have nothing to do with each other. But if you're stubborn and principled enough to believe otherwise, then perhaps you should give us a call.



Figure 3: Ogilvy Group Ukraine recruitment advertisement, 2009. (Ads of the World)

The ironic rhetoric of the above example is indicative of the fact that, from an ethical point of view, there are many complexities that arise when looking at scam advertising. The very fact

⁹ David Ogilvy is a seminal advertising executive who founded his first advertising agency in 1948 in New York as Hewitt, Ogilvy, Benson & Mather (which later became Ogilvy & Mather Worldwide). In his first 20 years he acquired some of the biggest clients in America, including Lever Brothers, American Express, Shell and Sears (Ogilvy & Mather – The Learning Years). Ogilvy & Mather currently have more than 450 offices in 169 cities worldwide (Ogilvy & Mather – Our History), and *Time Magazine* described Ogilvy in 1962 as “the most sought-after wizard in today’s advertising industry” (U.S. Business... 1962).

¹⁰ The body copy for the advertisement reads as follows: "Step 1: Find a client... If you can't win the business you want for your overpaid hotshot teams, just invent it. Perhaps your cousin runs a hairdresser's? ... They'll all jump at the promise of free advertising. Because, of course, you're going to pay for it yourself. Step 2: Get the best. Remember that stupidly over-priced photographer you've been promising a job to for years? ... Just tell him that if he does this project for free, that fictitious \$1.2m car shoot ... is his guaranteed. Step 3: Write a great English headline. Nobody on the jury cares if your ad is funny in Flemish Big awards shows demand even bigger English headlines ... don't worry if your ... witty pun doesn't translate back to your local language, nobody in your market will ever see it anyway. Step 4: Art direct it to death. Is your best digital artist grinding away for the agency's largest client? Simply outsource his work and get him onto your scam. ... Step 5: Make sure you get published. Is your MD concerned about the legal implications of a made up ad for a made up client that nobody has ever seen? This is the easiest part of it all. Is it a press ad? Make it a double page spread in your daughter's school newsletter. Is it an outdoor piece? Simply print it out on the colour printer and take it outdoors. Is it a mailer? Piece of cake. Simply stick it in an envelope and post it to yourself".

that Ogilvy parodies the phenomenon of scam advertising is also indicative that scam advertising might not be as problematic as some make it out to be.

Another advertising agency, 10 Advertising in Belgium, also followed a similar tactic with an advertisement they placed in 2009. What makes their advertisement different is that it was aimed at the jury of the awards show that judged it: they were recruiting the jury members, as these tend to be highly ranked senior advertising Creative Directors and Executive Creative Directors. Figure 2 shows an award entry board for this idea, meaning that this is not the physical advertisement that was placed, but an overview of the mechanics of the entry. The actual advertisement that was placed can be seen in the top left corner of Figure 4. 10 Advertising state that they made a recruitment advertisement, published it once, as small as possible, in the cheapest magazine they could find. This meant, however, that it had flighted, and was eligible for entry into the awards: "While everyone else tries to hide the fact that something was created for awards only, we fully admitted it and used that to draw their attention. Only then we revealed the ad[vertisement]".



Figure 4: 10 Advertising awards entry board, 2009.
(Ads of the World)

It seems strange and even self-defeating for an agency to call their own work scam advertising when they clearly have gone through the trouble to legitimise their work and ensure that it is eligible for entry. This already hints at the complexities surrounding scam advertising and the awards industry: eligibility for entry into an awards show and an advertisement's status as scam advertising are not necessarily linked. This is an issue that presents a number of ethical challenges to the advertising industry as well as the creatives that function in it, that have not yet been addressed in academic design discourse, which this study explores in more depth.

1.1.2 *Aims and objectives of the study*

In light of the above, the aim of this research is to explore scam or ghost advertising in the South African advertising industry, especially in relation to the institution of advertising awards, along with the ethical issues that surround this practice. To this end, there are certain objectives that will need to be met in the research paper. The first objective is to gain a thorough understanding of how advertising creatives attract new business and clients, and how this has changed over the years. This is discussed in Chapter Two. The second objective is to examine how this shift in attracting clients has caused scam advertising to come about. The third objective is to explore the role of advertising awards shows as well as their different rules, and drawing from this, form a description of scam advertising that this dissertation can use going forward. The fourth objective is to determine the value that scam advertising has for advertising agencies and creatives, as well as explore how it affects those that it was created for. After this, as the fifth objective, high-ranking creatives in the South African industry will be consulted in order to gain insight into the practice of scam advertising, how it came about, as well as whether they consider it an ethical endeavour or not. This comprises Chapter Three. Then, in Chapter Four, a short history of ethics in advertising is explored as the sixth research objective. Following this, as a seventh objective, a thorough exploration of the ethics of scam advertising is undertaken by referring to traditional utilitarian, deontological and virtue ethics approaches, as well as referring to the rhetorical notion of *ethos*. These are traditional approaches to ethics that will be applied to a scam advertising context in order to examine the complicated ethics of scam advertising. In order to put all the theory discussed in chapters Two and Three into a practical context, two case studies are then referred to in Chapter Five. These examples serve as a real-world instances of scam advertising in order to show how and why it is created, how it is classified as such, and how it fares at both the Loerie Awards and the APEX awards, which are the top awards shows in South Africa. These campaigns are then also analysed according to the Quadruple Bottom Line approach suggested by Stuart Walker (2014) in order to determine how sustainable they are. This is the eighth objective. The purpose of this research is not to ‘solve,’ in any simplistic sense, what is to be considered ethical or unethical with regard to scam advertising, but to simply unpack and explore the complex ethical issues that arise out of this practise.

1.2 Literature review and theoretical framework

Ethics in advertising has been an important area for research authors since the *Journal of Advertising* was founded in the early 1970s (Zinkhan 1994:2). However, most of this research has been based on the ethics that relate to selling products or services to consumers. As Clark, Hyman and Tansey (1994:6) find, almost two-thirds of articles on advertising ethics deal with one of four topics: advertising of professional services, advertising by health care providers or the health care industry, advertising of tobacco or alcohol, and advertising agencies or marketing research(ers).

Zinkhan (1994:2) believes that although extensive research has been done on advertising ethics, it is a field that, like advertising itself, is constantly evolving. New topics and issues are constantly coming to the forefront and therefore warrant further research. For example, Moore (2004), Creative Director and Senior Brand Strategist at Ogilvy & Mather, mentions mainly controversial issues that plague advertisers when discussing ethics in advertising. This includes tobacco, condom and pharmaceutical advertising, as well as product placement and advertising to children. These issues seem very ‘external’ when compared to the focus of this research paper, which may indicate a shift in ethical concerns in advertising. Where traditionally advertising ethics may only have been considered when discussing interactions with consumers and clients, an interest is now being taken in how creatives in the advertising industry promote themselves and attract new business through awards won with scam advertisements. The focus, in other words, seems to have moved more towards the process of creating advertising rather than on the relationship between advertising and its influence on an audience.

This dissertation will draw on previous research on ethics in advertising, different theories in ethics, advertising as a whole as well as creativity in advertising awards in order to explore the topic of ethics and scam advertising in South Africa. It is clear, though, that no attention has hitherto been given to this topic within critical academic discourse in South Africa — although public discourse has hosted some heated discussions — and there is therefore a gap in the literature concerning this practice that this dissertation investigates.

Roaul Kübler (2012), an Assistant Professor of Marketing at Ozyegin University, Istanbul, whose main fields of research are advertising and corporate crisis communication, published a paper titled “Faking or Convincing: Why Do Some Advertising Campaigns Win Creativity Awards?” This paper concerns itself with studying creativity and scam advertising in German awards shows. Kübler (2012) formulated ten hypotheses, some proven and others disproven, that relate to advertising in awards shows and then tested these against empirical research sourced from a panel of experts. This provides valuable insights into how creativity is judged in advertising awards shows. Kübler (2012:60) notes that it has become general practice for advertising agencies to attract new business through creative awards. This places an incredible strain on creatives to win awards.

Damien Cusick, Hamish Matheson, Matthew Miller and David Waller (2001:134-135) find that advertising agencies first and foremost value relationships in attaining new business, which includes personal contact with top management. Publicity from successful work is a close second. This includes publicity of recent successful campaigns and winning industry awards. Once again, this enforces the idea that agencies need to win many awards in order to get a high creative ranking and thus attract new business. However, Kübler (2012:77) finds that agencies that enter fake work that was specifically created for an awards show may be negatively affected. Fake work is no more likely to win awards, and juries are hesitant to award obviously fake work as it may cause a loss of reputation for the awards show.

In order to explore the implications of scam advertising in advertising awards shows, different normative ethical theories can be used to unpack some of the complex moral choices. Tom Beauchamp and James Childress (2001:337) point out that by examining different theories and criticising each, these theories may seem “irreparably wounded” to readers who then become sceptical of the value of these theories. They state that their goal, when looking at different theories, is thus to “eliminate what is unacceptable in each type of theory and to appropriate what is relevant and acceptable”. This study aims to do the same.

This study consults many different philosophers and academics that concern themselves with utilitarian, virtue and deontological ethics, such as Beauchamp and Childress (2001), John Mizzoni (2010), and Louis P Pojman (2005), who all cover some of the fundamentals of these theories. To compliment and build into these theories, the philosophies of key philosophers in each ethical field will be referred to, as well as secondary sources who interpret these philosophers’ theories. When looking at utilitarianism in this research, John Stuart Mill is primarily consulted, with Tim Mulgan (2007) and Anthony Quinton (1973) as secondary sources. For deontology, theories by Immanuel Kant (1930) and William David Ross (1930) are consulted, with John Ladd (1999), Onora O’Neill (1989), Kenneth R Westphal (2011), Anthony Skelton (2012) and Georg Mohr and Ulli Rühl (2011) as secondary sources. Discussions on virtue ethics incorporate theories by Aristotle, Gertrude Anscombe and Rosalind Hursthouse (2012), with Edwin Hartman (2013), Stan van Hooft (2006) and Liezl van Zyl (2013) as secondary sources. Finally, Aristotle’s notion of *ethos* is explored, with Jeanne Fahnestock (2012) and Michael Halloran (1982) as secondary sources.

Although creatives are starting to become more conscious of the ethical issues and concerns that surface when entering advertising awards shows, they still readily partake in them. The South African Loerie and Pendering Awards as well as the Cannes Lions¹¹ and the D&AD Awards¹² all showed a significant increase in award entries in 2012 (Rise in Loerie entries... 2012; Manson 2012; Record Year for Cannes Lions... 2012; Breakdown of 2012 D&AD results 2012). Nonetheless, even though it is an industry-wide desire for advertising agencies to win awards and to be recognised for their concepts and executions, Larry Cohen and Charles Young (2004:32) state that award-winning advertisements do not necessarily mean sales or even good performance on client accounts. In fact, when asking advertisers about their award-winning advertisements, they were often told that the advertising agency had been fired because their advertising “wasn’t working”. This goes back to Kübler’s (2012:77) conclusion that advertising agencies’ creativity should not be judged on their creative ranking. This concept is expanded on in Chapter Two. This concept is important mainly because creative awards shows place more emphasis on artistic elements and the novelty of a concept rather than strategic issues such as

¹¹ The Cannes Lions International Festival of Creativity, established in 1954, is the world's biggest celebration of creativity in communications. Each year it receives more than 35 000 entries, and more than 12 000 delegates from 94 countries attend the festival (Lions Festivals 2014).

¹² The D&AD (Design & Art Direction) Awards is an international advertising awards show that was started in 1962 in Britain and aims to inform, inspire and educate those who work in the creative industry. The world’s leading creatives are brought in to judge the entries (D&AD 2010a, 2010b). The awards show refers to itself as D&AD, and will therefore be referred to as such from here on out.

focusing on the unique selling point of a product or service. In other words, award-winning advertising is often more focused on showcasing new, entertaining concepts, rather than persuading consumers to buy the product or service. This train of thought may lead one to wonder whether creative advertising awards should really be afforded the prominence that they currently have in the creative landscape. This becomes a whole other topic for discussion however — beyond the scope of this dissertation — which may warrant further investigation in the future.

This study is framed within design discourse, which is one of the domains of communication design. It focuses on discourse on advertising – which is guided by the literature review – and speaks to existing discussions on advertising awards and ethics in advertising.

1.3 Research methodology

According to Blaxter, Hughes and Tight (2006:58), a research methodology “usually refers to the approach or paradigm that underpins the research”. Since the topic of this dissertation strongly relates to interactions, experiences and ethical concerns as opposed to measurable data, research is conducted under a qualitative paradigm. Research methods that have proven useful for other researchers, such as literature reviews, case studies and field research are also incorporated in order to explore the topic of scam advertising. Field research takes the form of unstructured interviews with creative directors and other creatives in the South African advertising industry in order to gain more opinions and insights into scam advertising and why it is created. The agencies and creative teams interviewed are a reflection of the top-ranked agencies featured by Creative Circle. This dissertation also draws on different normative ethical theories in relevant literature in order to unpack and examine the complexities presented by scam advertising, namely utilitarian ethics, deontological ethics and virtue ethics. An analysis according to rhetorical theory, especially with regard to the Aristotelian notion of *ethos*, is also included since this has a bearing on the ethical standing of those who create scam advertisements.

Selected case studies are then conducted in order to compare advertisements or campaigns as to how they fared in the Loerie Awards in comparison to the APEX Awards. The South African APEX Awards value the effectiveness of an advertising campaign above all else, and thus serve to juxtapose the Loerie Awards, which focuses mainly on creativity. Methodologies that have proven successful for other researchers include literature reviews (Kübler 2012:60-63), case studies (Cohen & Young 2004:36-37) and visual and semiotic analysis (Rose 2012). These methods are incorporated in order to get a holistic overview of scam advertising in South Africa. Kübler’s (2012) paper on creativity and advertising awards shows creates an interesting starting point for this dissertation to elaborate on, especially since Kübler (2012) never concerned himself with any ethics relating to the practice of scam advertising.

1.4 Overview of chapters

This study commences in Chapter Two with a focus on the phenomenon of scam advertising in order to gain a better understanding of the practice thereof, and aims to give a holistic overview. Firstly how it developed and why it is a prominent feature in the industry is investigated, as well as the role that it fulfils. After understanding where scam advertising fits into the advertising industry, it is then necessary to understand the role that advertising awards shows fulfil.

While there are many positive points to consider, there is also a lot of critique aimed at awards shows, such as that they inadvertently enable agencies to create scam advertising. As a reaction to this, in order to regulate and curb this practice, advertising awards shows have implemented more stringent rules, which are discussed at length. By combining all the different local and international awards show rules, a description of scam advertising is then formulated.

This description covers all of the nuances that can constitute scam advertising, but is not and cannot be definitive, as various ethical issues have meant there is no consensus among creatives in the advertising industry – or even among awards shows – as to what constitutes scam advertising. After this, the benefits and disadvantages of scam advertising for both advertising agencies and creatives are discussed in order to understand the different facets of the practice that creatives have to deal with. How scam advertising affects the general population is then examined in order to gain a perspective of how the practice affects those outside of the industry.

Chapter Three comprises commentary on scam advertising by senior creatives. It is discussed and explored through the means of different themes in order to gain practical insights, ranging from their opinions on this dissertation's definition of scam advertising, to how scam advertising can be identified in awards shows, to whether clients care about winning awards, and their opinion on whether scam advertising is, generally speaking, an ethical endeavour or not.

Once a thorough understanding of scam advertising has been established – how and why it came about, as well as what it entails and what it means to different creatives – Chapter Four delves into an exploration of the ethics of scam advertising. Firstly, past discourse on ethics and advertising is explored, and how these two topics have been explored together. Then a thorough analysis of scam advertising is undertaken by means of normative ethical theory. The notions of utilitarianism, deontology and virtue ethics are used, as well as rhetoric theory's notion of *ethos*. This exploration does not aim to 'solve' or find a definitive answer to the questions surrounding the ethics of scam advertising, but rather to provide means of navigating this complex landscape by employing different ethical theories' notions of how to determine ethical behaviour and choices.

Chapter Five comprises of two case studies that aim to explore and analyse scam advertising in practice. This chapter looks at how these campaigns fared at both the Loerie Awards, as well as the APEX Awards, and then undertakes an analysis of the campaigns through criteria explored in chapters Two, Three and Four: the description of scam advertising, the judging criteria of the Loerie Awards, as well as ethical and rhetorical theory. In order to gauge whether these

campaigns are sustainable or not, Walker's (2014) notion of the Quadruple Bottom Line is consulted, and the campaigns analysed accordingly. A discussion is then conducted with regard to how these campaigns impacted the agencies that created them, the creatives that worked on them, the clients who they were created for as well as the consumers that were exposed to it. After this, industry responses to the campaigns are discussed.

Chapter Six concludes the study by summarising the chapters, listing the contributions and limitations of the study, as well as suggesting areas for further research.

CHAPTER TWO: SCAM ADVERTISING

Scam advertising is a very complex phenomenon that affects creatives, advertising agencies, clients, their brands, as well as those that scam advertising is created for. In order to understand how scam advertising developed, it is first necessary to understand how advertising agencies attract new business and clients, and how this practice has changed over the years. This is the first objective in this dissertation's aim of exploring the ethics of scam advertising and awards shows in South Africa. The second objective is to examine how this change in agencies' practice of attracting clients has caused scam advertising to come about. Thirdly it is necessary to look at advertising awards shows themselves to understand their value, as well as the rules that they have implemented to combat the practice of scam advertising. Drawing from these rules, a description of scam advertising is developed and used throughout this dissertation to measure an advertisement's status as scam advertising. As a fourth objective, it is investigated how scam advertising affects creatives, advertising agencies, as well as those that scam advertising is created for. Relevant South African advertising examples are discussed in order to help this analysis. This chapter, along with Chapter Three, forms a basis of understanding of scam advertising from which Chapter Four explores the ethics of scam advertising in more detail.

2.1 The development and role of scam advertising

According to AdAge (2013), a popular advertising website, scam advertising is a "...chronic problem in adland, a sort of dark underbelly of the industry where agencies and individuals trying to win awards submit work that's never been approved by a client or run more than a couple times". These are some of the more extreme and obvious examples of scam advertising, and this chapter aims to explore all the possible nuances of scam advertising that can be found in the current industry. This chapter attempts to more critically engage with this phenomenon in order to explain how scam advertising came about, as well as why creatives still seek to create scam advertising, sometimes even at the risk of their own careers and reputations. It also aims to explain the role of advertising awards shows, and why they are very important to the industry. In order to understand why scam advertising is so prevalent in the advertising landscape, it is first important to understand why scam advertising developed, and how it has evolved over the years.

2.1.1 *How scam advertising came about*

It has become general practice for advertising agencies to attract new business through creative awards (Kübler 2012:60). Agencies also often get shortlisted for pitches due to their ranking on certain national and international creative rankings, such as Creative Circle.¹ This format of

¹ In South Africa, yearly 'creative rankings' for advertising agencies are collated and announced by Creative Circle. Advertising agencies are ranked throughout the year according to their performances at different advertising awards shows that are formally endorsed by Creative Circle (such as the Cannes Lions, D&AD and the Loerie Awards). The Executive Committee of this organisation consists of the nine highest scoring creative directors (from nine different agencies) in an annual survey. There is also a

shortlisting is based on an old tradition in the industry, and was reported as early as the 1960s (Kübler 2012:60). Until 2001, most rankings were determined by various income figures, such as gross income or accumulated media volume of an agency, based on the somewhat contestable premise that these figures represented the competency of the agency. After the Enron and WorldCom scandals in the United States, however, the US government enacted the so-called Sarbanes-Oxley Act (SOX) in 2002. This new legislation protected investors, and banned companies from publishing incorrect information (Kübler 2012:61). Major networks became fearful that their subsidiaries would incur severe consequences for the parent company if incorrect or unverified figures were published. Therefore all companies in the network were required to first submit income figures to their particular parent company without publishing them. Since 2002, then, parent companies only release aggregate income figures for the companies in their network, which could not be used to rank any one company. Because income figures could no longer be reliably ascertained, ranking systems in the advertising industry shifted to become more focused on the quality of creativity. In order to measure or judge a concept as abstract as the quality of creativity, these ranking systems mostly rely on creative awards that the agencies have won.

As briefly mentioned in Chapter One, these creative rankings serve not only as a way of 'measuring' creativity and ranking different agencies, but also as a means of attracting new clients and new business for the agency. An important question to consider then, is whether winning awards reflects competence or even the ability to combine the business interests of a company with the creativity of an advertising agency. This is especially true if the award was 'won' for a great idea executed as a scam advertisement with no business background (Kübler 2012:61).

In order to contextualise the highly subjective nature of advertising awards show winners, one could compare it to an awards show like the Golden Globes or the Academy Awards. As in advertising awards shows, there are different categories in these awards shows where one can win an award: best actor/actress, best director, best soundtrack, best film editing, et cetera. The difference between these awards shows is, of course, that one gets nominated for an award in the film industry, whereas one has to enter work for advertising awards shows. Moreover, in the film industry all awards in a specific show are equal: whether one wins an academy award for best actor or for best sound mixing, both are academy awards. In advertising there are tiers: in each category various gold, silver and bronze awards are given to different campaigns or pieces of work. Sometimes, if the quality of the work is deemed exceptional enough, one overall winner of the category is appointed and awarded a Grand Prix. This is the highest award one can receive at an advertising awards show. Advertising awards shows follow the film industry in judging award categories separately: just because one film can win an award for best actor or best editing, that does not mean that it will win the best picture prize. In fact, these categories often do not relate to each other at all. A film that is awarded for best picture may not even have

Advertising Standards Authority and a Think member on the Executive Committee (Creative Circle 2013).

fared particularly well at the box-office or be very well known before the Academy Awards. However, after the awards people tend to go and watch the films that were nominated and won, if only to see what the fuss was about, thus often turning them into hits. This is usually the case with advertising as well: due to the publicity of winning awards, a campaign suddenly becomes vastly more noticed by the public and gains momentum. In a scenario like this it therefore becomes very difficult to judge whether campaigns win awards because they are successful, or because they are successful because they win awards.

According to a study commissioned by Thinkbox² and the IPA³ (Field 2010), a strong correlation can be found between creativity and business success. The study analysed how 175 advertising campaigns fared in international creativity awards (also known as advertising awards), and compared that to how they fared in the IPA Effectiveness Awards between 2000 and 2008. It was concluded that advertising campaigns that had won creativity awards were at least 11 times more effective than non-awarded campaigns. It also found that the more awarded a campaign is, the more effective it becomes. This can be attributed to the fact that campaigns that are awarded create more 'buzz', or publicity, and are more talked about, which in return creates more media impressions or fame for the brand. While effectiveness and creativity of a campaign may seem completely removed from each other, it makes sense to investigate this correlation. Clients want effective campaigns, and agencies want to create highly creative work. So if the two go hand-in-hand, and if creativity actually makes for a more effective campaign, then both parties have their desires met.

The Thinkbox and IPA study also found that brands can buy awareness, but not this 'fame' that is created by free PR that is generated around the campaign (Field 2010). It is not clear, however, if these advertisements won awards because they were effective, or they were effective because they won awards. This implies that the additional media coverage that they received because of awards lifted them to the forefront of the consumer's mind, and became more effective in this manner. This issue is not clearly defined, and therefore makes it difficult to understand the results, especially as they can be interpreted in two very different ways. The first premise is that the advertisements won creativity awards because they were effective. While this is certainly possible, the more plausible explanation seems to be the second premise: that the advertisements are effective because they win awards. Especially since the study itself mentions that the more awards an advertisement wins, the more effective it becomes. And if an agency does well enough in the awards season, they will likely be shortlisted for pitches for new business, as previously explained. Vice President of Global Advertising for Coca Cola, Jonathan Mildenhall (2012), even goes so far as to say that client organisations that are named as 'Advertiser of the Year' at the Cannes Lions, often enjoy periods of historic financial success at the same time. He lists Volkswagen, Honda, P&G (Proctor and Gamble) and Playstation as examples of this. James Hurman (2011), a strategic thinker and planner, upholds this theory, and agrees that advertising agencies that win creativity awards are also more likely to win

² Thinkbox is the marketing body for commercial TV in the United Kingdom (Thinkbox 2014).

³ The Institute of Practitioners in Advertising (IPA) is the trade body and professional institute for all advertising, media and marketing communications agencies in the United Kingdom (Thinkbox 2014).

effectiveness awards. This is true even if these agencies are not the largest agencies in the industry. The problem with this assumption, however, is that agencies often get awarded new business based on wildly unconventional or irregular executions. Still, the new client rarely, if ever, allows the agency to work on a creative ‘level’⁴ sufficient to win more awards. In order to explain this concept a bit further, it is useful to look at the five criteria according to which the Loerie Awards (2013c) judges work that is entered:

1. An innovative concept, bringing new and fresh thinking;
2. Excellent execution;
3. Relevance to the brand;
4. Relevance to the target audience;
5. Relevance to the chosen medium.

It is said that there are two main ways to win an award in advertising: one either needs a brilliant concept that is innovative and completely unexpected (criterion 1 and sometimes criterion 5, if the medium is used in a new or unexpected manner), or one simply needs an unremarkable concept that has been crafted for hours on end, until one gets an absolutely beautiful execution (criterion 2). For reasons that shortly become clear, scam advertising tends to focus on criteria 1, 2 and 5, which means that it may end up not quite fitting the brand it was created for or even the target audience.

If one accepts advertising that is highly creative and innovative as one 'level' of creativity, then the polar opposite would be advertising that aims to purely be informative and serve as a reminder of a company's products or service offerings. These advertisements tend to not be conceptual at all, since they provide straightforward information. An example of this can be seen in Figure 5: this advertisement for Hippo Insurance aims to inform consumers that they can easily save money by using their website.

⁴ While there certainly is no totally objective way to measure creativity or the level thereof, there are certain ways of distinguishing between work that is likely to win awards, and work that is not. The judging criteria for the Loerie Awards gives one a good guideline for how likely work is to win awards. A big factor tends to be how innovative and novel an idea (or execution) is. If the client is therefore not willing to take risks and produce work that is slightly more risky, the agency will likely not have very good chances at winning awards.



Figure 5: Hippo Insurance *Car Insurance* advertisement, 2014. (MetropolitanRepublic).

In order to compare these creative 'levels', one can evaluate this advertisement according to the judging criteria of the Loerie Awards:

1. It is not a new concept to tell consumers that they can save money, or to show a man in an everyday scenario doing so.
2. The advertisement is well executed in terms of photography and art direction.
3. The advertisement is relevant to the brand since it is friendly, informative and helpful.
4. The target audience will likely identify with the advertisement.
5. This print advertisement uses the medium in the expected manner, and works well as a print advertisement placed in a magazine or newspaper.

While this advertisement does meet some of the criteria, the main consideration to win at a creative advertising awards show — a new and innovative concept — is clearly lacking. According to Arlene Donenberg (in Andrews 2014), general manager of the Creative Circle,⁵ creative work needs to meet the first criterion before it will even be considered for an award. If

⁵ The Creative Circle, curator of the South African Creative Rankings, also hosts its own monthly and yearly advertising awards shows, which is judged by the exact same criteria as the judging criteria for the Loerie Awards (Andrews 2014).

work feels familiar, it will not be rewarded regardless of how well it answers the other four criteria.

To illustrate this fact, one can compare the aforementioned Hippo Insurance advertisement against Figure 6, which is Volkswagen's *Terminal Velocity* advertisement for the new Golf R. This advertisement illustrates the speed at which the car accelerates. The photo is of a car situated at the edge of a precipice, from which a road extends downwards, and the copy reads: "0-100 in 5.0 seconds. New Golf R." This advertisement won a Gold Loerie in the poster category for 2014.



Figure 6: Volkswagen Golf R *Terminal Velocity* advertisement, 2014. (Between 10 and 5).

By analysing this advertisement according to the judging criteria of the Loerie Awards one finds that:

1. This execution is a new and unexpected take on showing acceleration in cars.
2. The advertisement is photographed, photoshopped and art directed very well.
3. The advertisement is relevant to the brand since it is exciting and unexpected even while it keeps with the brand's usual visual conventions.
4. The target audience will likely identify with the advertisement.

5. This poster advertisement uses the medium well: posters need to convey a concept as quickly as possible. After all, they do not have the luxury that print advertisements do of having readers spend a minute or more looking at the advertisement.

This serves to show that different 'levels' of creativity are a very real consideration. Advertising campaigns that feature less creative executions are often deemed 'safer', since they tend to follow a tried and tested route that consumers will know and understand. More innovative or unconventional campaigns often do not see the light of day because they are risky, untested, and it is unpredictable how consumers will react to them. These types of campaigns or advertisements can therefore be rather expensive (because they are breaking new ground and require more intensive production or research), and clients may feel that the concepts are not feasible or appropriate to them or their brands. Therefore, since clients are not always willing to risk their budgets or reputations, agencies started submitting fake work and continue to do so in order to maximize their winnings at awards shows and thus their creative ranking, to keep up their perceived 'status'. To motivate creatives, agencies usually link bonuses to winning awards, and professional advancement is often closely related to awards show success (Kübler 2012:61-65). This phenomenon is discussed in more detail later in the chapter. In an industry where innovation is highly prized, creatives thus often turn to awards shows in order to demonstrate their level of creative proficiency.

2.1.2 *The role of advertising awards shows*

In light of the above, advertising awards shows can easily seem single-faceted, and it may appear as if they serve only one purpose: to provide the judging system that ranks advertising agencies. It is true that the industry does put a lot of emphasis on winning awards. As early as 1988 it is reported in *The New York Times* that advertising agencies were obsessed with winning awards (Rothenberg 1988). According to Adspur (2013), a website which claims to be the world's largest directory of advertising awards shows, there are currently 455 awards shows in 44 countries, in 6 regions. The fact that there are this many awards shows, does certainly point to an industry that wants various opportunities to win awards. The irony is that very few people outside of the advertising industry even know these awards shows exist, and rarely care about their outcomes. Few people are even aware that the Cannes Lions International Festival of Creativity occurs roughly a month after the Cannes International Film Festival: it does not receive nearly as much press or publicity, except on blogs and other platforms that are dedicated to news regarding the advertising industry.

Awards shows are often the target of critique in the industry. This can be for various reasons, such as that they award the wrong things, or unintentionally encourage the creation of scam advertising. While this may be true to some extent, awards shows are not necessarily a bad thing, and do also fulfil other roles. The Loerie Awards (2015a), for instance, states that their focus is on yearlong inspiration of the creative industry. Awards shows inspire creatives to

create better work for their clients by trying to step away from mediocrity. Creating good work also motivates creatives when their agency cannot give them a raise, or when the agency has to do retrenchments. When this leads to advertising awards, it shows an agency's current roster of clients that they are with a strong, creative agency. Awards shows also serve to highlight good work despite current circumstances: even in a recession, when clients tend to become more risk-averse and advertising tends to become more conservative, one will still see campaigns at awards shows that one can aspire to (Cleveland 2009). Another important role of advertising awards shows is that they allow official rankings by an independent authority. One can look up how certain brands perform, how agencies perform and how Creative Directors perform. This is a valuable resource for both clients as well as creatives in the industry.

As mentioned, there are many critics of awards shows as well. Ivan Raszl (2009), founder of the website Ads of the World – which showcases creative advertising campaigns and executions from around the world – states that the awards industry needs to be reformed, and that there are four key areas that should be focused on. Firstly he suggests that advertising awards shows need to start considering the effectiveness of campaigns when judging. It can be argued that awards shows award creativity, not business, but Raszl (2009) counters this by stating that "advertising is only complete with its audience". Tom Goodwin (2015b), senior vice president of strategy and innovation for Havas Media US, states that while awards shows such as the Cannes Lions are not mainly focused on effectiveness, the measurements that are shown in entries are often very flimsy or even meaningless. Measurements such as "happiest client ever", "strongest results" or metrics such as "20,000 likes garnered" do not have any real merit. This is especially problematic considering that one can buy 'likes' on Facebook: so-called "click farms" have sprung up where one can 'buy' 10 million views on Facebook for only £2000 (Goodwin 2015b). Scott Goodson (2013), founder of StrawberryFrog, the world's first Cultural Movement agency, believes that an awards show such as the Cannes Lions (and, assumedly, other awards shows) is imperative, as it provides a reasoned, thoughtful, and inspired viewpoint that "would otherwise be dominated by KPI-happy⁶ lunatics". It is true that the other disciplines that make up the advertising industry – strategists, account managers, client service directors, business unit directors (often affectionately referred to as 'suits' by creatives) – are generally more concerned with results, effectiveness and increasing the client's profits than with the creativity of the concept behind the execution.

The point of advertising is to better one's client's sales and business, and advertising helps to achieve this goal. If one has beautiful advertising that does nothing for the client's bottom line, can it even still be considered advertising? Especially if said advertising is conceptualised to be executed on a small scale, that few people may ever be exposed to. This leads into Raszl's (2009) second key area for reformation, which is that awards shows need to be stricter with regard to scam advertising. He believes that awards shows should either enforce their publication requirement more stringently, or do away with it completely. Goodwin (2015b) adds to this by stating that it is problematic that most of the campaigns that win at the Cannes Lions

⁶ KPI stands for Key Point Indicators – these are objectives used to measure business performance.

are brilliant ideas that the public has not been exposed to. He believes that one thing that binds together the more than 200 winners at the Cannes Lions, is that these campaigns are not in the public eye and that, in fact, there is no overlap between the advertising one reads about in the press and campaigns that the public (or even oneself) experiences. Some advertising awards shows specifically require entries to have been exposed to a substantial audience, and any advertising that does not comply with this rule but is still entered, may be considered scam advertising. Awards show rules are discussed in more detail in the next section of this chapter.

The third reform that Raszl (2009) proposes is lowering the high costs associated with entering awards shows, which becomes a serious barrier to entry for smaller agencies. In order to contextualise this, the entry fees for the Loerie Awards (2015b) for 2015 range from R1500 per entry into the craft category, to R2145 for single entries, to R3255 to enter a campaign or multiple component entries. Entry fees for the Cannes Lions (2015) for 2015 are €530 per entry, while the entry costs for D&AD (2015b) ranges between £100 and £610, depending on the category and whether the entry is a single piece or a campaign. It is highly unlikely that an advertising agency would enter just one advertisement or piece of work into an awards show, and it is also highly unlikely that said agency would enter just one awards show per year. Thus these costs can very quickly escalate. Besides the cost of entry from the awards show itself, there are also many other costs associated with entering work from the agency's side. This can include, but is not limited to: producing a case study video for the entry, professionally printing and mounting print and press advertisements, as well as shipping physical objects to awards shows both locally and internationally. In the case of the case study video, this would typically require actors, a director, producers, editors, animators, video production and sound engineering. All of these people would need to be paid for their services, unless they were doing it for free: in the case of production and editing, studios do sometimes agree to help agencies to produce work like this for free or at a drastically reduced cost, generally with the understanding that when there then is a big brief that the client is paying for, they would be first choice for the agency to use. These costs can still quickly become immense if this process needs to be repeated for multiple campaigns for multiple awards shows. Götz Ulmer (2013), Executive Creative Officer for Jung von Matt, one of the largest and highest ranked advertising agencies in Germany, states that their agency took a break from entering awards shows in 2012 after discovering that they were spending almost €1.5 million (almost R21 million) on entering awards shows and sending work in. Instead, they channelled the money into starting JvM Academy, a learning school for young German creatives intended to grant them the opportunity to learn and grow their talent.

The last reform that Raszl (2009) believes is needed for the awards industry is that awards shows should no longer exist mainly for the purpose of "patting ourselves on the shoulder" as he believes they currently do. Advertising tends to be a low-reward industry, and awards shows therefore allow an opportunity for creatives to showcase their creativity. The problem with this, as Raszl (2009) points out, is that the top executives of advertising agencies tend to all know and respect each other. When judging each other's work, therefore, it is hard to believe that this

judging can be objective and fair; even more so if the executives in question dislike each other. It is akin to Ford rating Volvo's safety measures, or if Vivienne Westwood were to judge Tommy Hilfiger's fashion show. This does not seem fair, and yet it is exactly what the industry does. Raszl (2009) suggests creating a jury that consists of a mix of real consumers, clients, or independent advertising critiques such as journalists from major publications instead. Goodwin (2015b) also writes that advertising awards shows may not be awarding the correct campaigns. Uber, for instance, has revolutionised the way that taxis work by pulling real-time data from Google Maps in order to offer a better journey, and Finnair now sells out all of its business class seats due to automated upgrade SMSs to loyalty members. Uber cannot win or even enter awards shows, since it is merely using an API (application programming interface), and SMSing a database is not advertising since it is not paid media (Goodwin 2015b). Both of these are creative ideas that deserve recognition, but cannot be awarded in the current format of awards shows.

Goodwin (2015b), after consulting with members of the public about their favourite advertising campaigns, also finds that there seems to be a disconnect between the campaigns that the public like and enjoy, and those that are awarded at advertising awards shows. The campaigns that the public seems to like, find funny and enjoy, are more likely to be those of “talking babies” and “dancing cars”. Goodwin (2015b) writes that it is clear that the public knows very little about what good advertising is. This opens up a whole new debate, however. What is 'good' advertising defined as? Advertising that is deemed by the industry to be good? Or advertising that is very effective for a client's bottom line? Advertising is, after all, created for the public. Why is advertising that the public enjoys and remembers then not deemed as 'good' advertising? It is rather patronising to imply that the public should not be enjoying that which is made for them in the first place. If this advertising is then not 'good' by industry standards, but is effective for the client's business, does this not then make it good? Is the main purpose of advertising not to further a client's business? And if an 'ugly' campaign or a campaign that is not necessarily a new idea manages to reach this goal and be a success, does this not then make it a 'good' advertising campaign? This topic is certainly worth investigating and researching further, but falls outside of the scope of this dissertation.

Goodwin (2015a) also proposes a few new categories that could be implemented in awards shows to make said shows more encompassing of the way advertising is evolving. He proposes categories such as "Biggest Failure", which encourages agencies to try new things and take risks, which can be incredible learning schools despite not being successful, and "Performance Marketing", which would be based on a campaign's ability to convert interest into sales. "Experience Design", which focuses on the interface of a website or app and how successfully users interact with it, and "Best Business Solution", which may not necessarily be advertising, but rather a way to change or add to a client's business in a meaningful way, are also proposed categories.

2.1.3 Awards shows' entry rules

Now that an overview of how scam advertising came about and developed as well as the role that advertising awards shows play in the industry, along with a few critiques of it has been established, it is necessary to understand the rules that advertising awards shows have implemented in order to combat this trend of creatives creating scam advertising. This is because scam advertising has the potential to damage awards shows' reputations and credibility, and lose them sponsors. Each awards show has a unique set of rules, however, which points out that there is no consensus among creatives as to what is and is not acceptable practice, and what is and is not deemed scam advertising. D&AD has the most, and the most stringent set of rules for entry. Firstly, the awards show requires that all work must have been produced in response to a genuine brief from a client (D&AD 2015). This therefore disqualifies proactive advertising. Proactive advertising, a practice which is a topic of great contention among creatives – as is evidenced in Chapter Three – is defined by the Loerie Awards as “work done on behalf of a client but with a small flighting and production budget” (Manson 2009, 2010). Proactive work is, by definition, also created pre-emptively, without a brief from a client. Because of this, it tends to be much more creative and innovative, as there are no restrictions from the client when conceptualising an idea. However, it is not eligible for entry into D&AD, and it stands to reason that the awards show would consider it to be scam advertising if entered, as it contravenes this rule. The South African Loerie Awards has a different view this, however. It suggests that proactive work that wins awards receives far greater publicity, which raises the standard of advertising and promotes better work. The Loerie Awards therefore encourages proactive work. Another practice which is not allowed by the Cannes Lions (2015) or D&AD (2015), is that of creating and entering 'conceptual advertising'. While neither awards show defines this practice, it can be interpreted to mean advertising that was created without a brief from client, and possibly not even genuinely executed, aired or published. One of the possible reasons why D&AD does not allow proactive advertising, is that if a brilliant proactive idea does not fit any existing clients, agencies will sometimes go beyond their current client base and pitch ideas to new, once-off clients. The goal of this tends to be to have a legitimate client for a proactive idea, in accordance with awards show rules, not necessarily to gain a permanent new client. For this reason, the Cannes Lions (2015) has an entry rule that entries must have been created within the context of a normal paying contract with a client, except in the case of self-promotion and non-profit organisations. The CLIO Awards⁷ (2015a) also states that all entries must have been created for a paying client, except in the case of pro bono work for charities and non-profit organisations.

This leads into the next rule that advertising awards shows have implemented, which concerns the party that pays for the advertising campaign or execution. D&AD (2015) states in its entry

⁷ The CLIO Awards is an international awards competition for the creative business and is based in the United States of America. It was founded in 1959 to celebrate high achievement in advertising, and annually recognises the work, the agencies and the talent that is produced in a variety of categories. The awards show's judging process is known for its democratic approach to recognising creative excellence, with fewer than 1% of entries receiving a coveted Gold CLIO (CLIO Awards 2015b).

rules that all work entered must have been paid for by the client, while the Cannes Lions (2015) states that the client must have paid for all, or the majority of, the media, production and implementation costs. D&AD (2015) does state that pro bono advertising is allowed for charities as long as the charity has a contractual relationship with the agency, and if the media and or airtime was also provided pro bono – meaning that the agency did not pay for the advertisement to flight. This is stated specifically to prevent agencies from creating once-off advertisements for charities that they intend to win awards from, but not engage with further, as has been raised previously. The Loerie Awards has no rules regarding which party pays for an execution. This rule ties in with the rule regarding proactive advertising to some extent, as agencies that create proactive advertising will sometimes pay for the executions themselves, in order to legitimise it for awards if their client does not want to execute it on a large scale. The reasons why clients may not want to pay for executions are discussed in Chapter Three, when senior creatives in the South African industry's opinions on scam advertising are examined. Awards shows find it problematic when agencies pay for executions themselves because agencies are not meant to pay for advertising, their clients are. If an agency is carrying the costs for producing work as well as paying for it to flight or run, it means that the agency is essentially doing the advertising, not the client and this defeats the point of advertising. It is akin to buying a car, and letting someone else drive it: the client is not paying for the services that they are receiving.

The next rule that has been implemented is that advertising that was created expressly for entry into an awards show, is not eligible. This rule is upheld by by The One Show (2015)⁸ and D&AD (2015). There are two ways in which an entry can be created solely for the purpose of entering it into awards shows: the first is that the entry is conceptualised from the start as a way for the agency to win awards, with little thought given to whether it would add value to the client's business. The intention with which this work is created is therefore very self-serving to the agency, and not necessarily beneficial to the client. The second way in which an entry can be created solely for the purpose of entering it into awards shows is that the idea is conceptualised as a way to add value to the client's business, but the client either does not see the value or does not believe in it, but allows the agency to execute it for awards. Thus an idea which could have been legitimately helpful to people and meaningful to the brand is watered down by limited exposure. To illustrate this occurrence in more detail, two case studies are conducted in Chapter Five in which this scenario appears to have occurred. These award entry rules do not stipulate which of these scenarios they find ineligible, therefore one assumes that it is both. This distinction becomes important when one looks at ethical theory, especially deontological ethical theory, as it concerns itself with one's intentions when performing an action. This is discussed in more detail in Chapter Four.

Advertising awards shows also try to limit scam advertisements through rules that try to curb once-off or small flightings of advertisements or campaigns. The reason for this ties into a

⁸ The One Show is an American advertising awards show that was started in 1975 with the purpose of promoting excellence in advertising and design in all its forms. It is a non-profit organization and entries are judged by a group of international creatives (The One Show).

previously mentioned rule regarding the party that pays for an advertising campaign or execution. If an agency pays for an advertisement to flight or air themselves, it tends to then be executed on a minimal scale, as airing advertisements or executing activations tends to be a very costly endeavour. If an agency therefore needs to only minimally execute an advertisement in order to make it eligible for awards shows, it will do so, instead of launching it on a mass scale. The One Show (2015) states that all entries must have been published in a form of mass media exposed to a substantial audience. It states that one-time advertisements are eligible, but additional contact information for the client must be supplied should the entry be questioned during the judging process. The Loerie Awards (2015) also states that all entries must have been commercially published, launched or aired to a substantial audience in order to be eligible. This emphasis on a *substantial* audience is in place because of agencies that only execute advertisements on a small scale for awards, as mentioned previously.

The last rule ties into the previous, but concerns a different intent behind limited flighting: D&AD (2015) states that prototype advertising that has not been commercially aired is not eligible for entry. This phenomenon is explained in more detail in the next chapter by senior creatives, but concerns advertising that agencies produce on a small scale in order to show their client its viability and worth. This kind of advertising is usually created without a brief, and self-funded by the agency. It sometimes happens that clients are unsure of an execution but if it fares well at awards shows and thus receives publicity because of it, become convinced of its worth and then decide to launch it much more widely.

By looking at all of these different rules that advertising awards shows have implemented, one begins to see that many of these rules are interlinked. When an agency comes up with a proactive idea, it is often very creative and risky, which the client may be unsure of. Because of this, and in order to convince the client, the agency may then execute and pay for the idea themselves, thus executing it on a small scale or even just once, due to the costs involved. Sometimes, however, agencies also conceptualise ideas purely for the sake of winning awards. The benefits and disadvantages of creating scam advertising to win awards for advertising agencies and creatives is discussed in more detail shortly, but suffice to say it is deemed important in the advertising industry. This is because things such as earning a promotion and attaining new business are often directly linked to one's ability to win awards.

There are thus many rules and regulations in place to curb scam advertising, but there are ways to circumvent these rules. The One Show (2015) therefore expressly states in its rules that all entries must comply with the spirit of the rules, as all creatives know why these rules are in place. Some of these rules are very difficult to enforce or police, however, such as the rule set in place by D&AD that all work must have been produced in response to a genuine brief. It is very easy to retroactively write a brief that fits the project at hand. As long as clients have approved the proactive work has been entered into an awards show, it is also likely that said client would back up their agency's claim of a legitimate brief if asked, as they are receiving free work and PR from the agency. It is also very easy to fake a media schedule and claim that an

advertisement has aired when it has, in fact, not. The Loerie Awards (2015) therefore states that the onus of responsibility lies with the agency to ensure that all entries have been aired, launched or published, and are eligible for entry. Entrants know what is required for eligibility, and ignoring this means that they are ignoring or attempting to circumvent entry rules.

If an advertisement is found to have contravened an awards show's rules, severe repercussions can occur. In 2009, after an embarrassing scam scandal, The One Show implemented new rules. Among others, the new rules stipulate that any agency that enters an advertisement that was aired only once on late night TV or produces a single advertisement that only flighted because the company paid for it will be banned from entering The One Show for three years. Any advertisement that is created for a fake client and/or aired without client approval will result in the entire creative team being banned for five years (The One Show 2015). Romain Hatchuel (in Wentz 2001), former CEO of the Cannes Lions, adds to this by stating that even if an advertisement conforms to entry regulations regarding substantiation, if the letter but not the spirit of the rule is complied with, the advertisement is still scam advertising. Former Cannes Lions jury president Bob Isherwood (in Wentz 2001) even wrote to his (then) fellow judges to look for and denounce entries they deemed to be scam advertising from their own countries. This is merely one awards show's approach to punishing those that choose to engage in scam advertising. More consequences that may follow if one is caught entering scam advertising into an awards show are discussed later in the chapter as part of the benefits and disadvantages of scam advertising to advertising agencies and creatives.

A problem that all of these different rules for the different awards shows produces is that when an advertising agency believes it has a good campaign or execution, it will generally enter that piece of advertising into every possible advertising awards show, regardless of the fact that they have differing rules. This can be for various reasons, including, but not limited to, the fact that creating and flighting or executing advertising is generally a very expensive endeavour. Whether the agency or the client pays for the execution, they would want the most value for their money – or in this case, the most possibility for awards. This may mean that an advertisement is conceptualised and executed as a proactive campaign, flighted minimally and paid for by the agency – which is eligible for the Loerie Awards, but that same campaign will then also be entered into D&AD and The One Show, which do not allow these practices.

However, there are three rules which are common among all advertising awards shows: all entries must have been created for a genuine client, all entries must have been approved and signed off by the client that it was created for, and all entries must have been genuinely aired, flighted or executed (The Loerie Awards 2015, The One Show 2015, Cannes Lions 2015, D&AD 2015). The extent to which this must have occurred – generally at least once – and the audience that must have been reached by the advertisement is determined differently by each awards show, as has been discussed. The Loerie Awards (2015), for instance, states that work that has not yet been published, aired or launched will not be accepted.

Therefore because different awards shows label different things as scam advertising, it is necessary to form a description of what this dissertation uses as criteria to determine scam advertising by.

2.1.4 *Understanding scam advertising*

As has been stated, it is close to impossible to form a singular definition of scam advertising, as there is no consensus in the industry as to what constitutes scam advertising. What makes this especially difficult is that, as outlined in the previous section, no two awards shows have the same rules regarding what work is eligible, and what is not. At this point, one may wonder why international awards shows' rules have been discussed and are being used to form a description of what may be deemed as scam advertising in South Africa. This is because the South African advertising industry does not (and cannot) exist in isolation: it forms part of the international whole. While the Loerie Awards may not find fault with practices such as agencies paying for executions or proactive advertising, there are other awards shows (and creatives) that do. In order to give a holistic understanding of all the different nuances that may be considered scam advertising by some, it is therefore important to consider all of the different forms of advertising that is ineligible at different awards shows.

Even though no two awards shows have the same set of rules that governs eligibility, there are three rules that all awards shows and creatives agree upon with regard to what constitutes scam advertising. This is advertising that displays one of the following traits:

1. advertising that was created and/or entered without the client's consent,
2. advertising that was created for a fake client,
3. and advertising that was never aired, flighted, published or launched.

However, even advertising that was never aired can be redeemed from this description and highly awarded (even though it is widely known that the advertising in question never aired). An example of this is discussed later in the next chapter, and is for a TV advertisement that was banned from being shown on SABC: it was therefore never aired. To further expand this list of traits that can render an advertisement to be scam advertising, one can add all the different rules and regulations as found in all the different advertising awards shows. This then expands the description to include:

4. advertising that was only flighted once or executed in accordance with minimum airing or publishing requirements,
5. advertising that was created for the sole purpose of entering it into awards,
6. advertising created without a genuine brief from a client, and/or
7. advertising paid for by the advertising agency itself.

The above points do not render a campaign or execution to be scam advertising definitively. If an advertisement displays one or more of these characteristics, it merely means that the advertisement is contravening one or more rules that has been set out by different advertising awards shows, and that some people may therefore consider it to be scam advertising, depending on how they personally define scam advertising. As is evidenced in the next chapter through interviews with senior creatives in the industry, personal opinions on this matter differ vastly. Proactive advertising, agencies paying for executions and minimal flighting of advertisements are especially contentious issues, with creatives having very strong feelings for or against these practises. What is set out above is therefore not classified as a 'definition' of scam advertising, but rather a description of criteria that can possibly render an advertisement to be scam advertising.

To explain this further: a rule such as "advertising must have been produced in accordance with a genuine client brief" is only stipulated by D&AD (2015), not any of the other advertising awards shows. D&AD thus finds proactive advertising ineligible for entry into their awards show, and it stands to reason that they would consider such advertising to be scam advertising if it were entered into D&AD, because it would be a fraudulent entry. Proactive advertising is, however, acceptable to (and as in the case of the Loerie Awards, even encouraged by) every other advertising awards show, which finds it eligible for entry. None of the other awards shows would thus consider advertising that was created without a client brief to be scam advertising. However, proactive advertising often goes hand in hand with issues such as minimal flighting, agencies paying for executions, and advertising that was only created for the sole purpose of entering it into awards, which various awards shows have rules about. Proactive advertising is a topic that greatly divides creatives, and the reasons therefore are laid out in the next chapter.

One should also note that advertising is a field that often employs complex strategies to achieve their end results of grabbing customers' attention. For this reason, there are a multitude of circumstances in which an advertisement may break some of the rules as found in the description, but does so with good reason, from a strategic point of view. An example is discussed in the next chapter, which relates to a TV advertisement that was only flighted once, specifically because it was aired live. This example's status as scam advertising is therefore called into question. To this point, just because an advertisement can technically be labelled as scam advertising according to one or more of the above traits of scam advertising, it could still be a very effective and ingenious campaign, and therefore deserving of praise.

Thus, going ahead, it is important to remember that an advertisement's status as scam advertising is independent of its eligibility for entry into an awards show.

2.1.5 *The benefits and disadvantages of scam advertising for advertising agencies*

Considering the importance of creativity rankings and advertising awards show success in advertising agencies attaining new business, it is easy to understand why agencies put so much

stock in creating scam advertising. According to D&AD CEO Tim Lindsay (in Webster 2013) winning awards can put clients' minds at ease with regard to their choice in advertising agency: "A client knows they're in safe hands if they know you've been awarded by a jury of the top minds in the business". Garrick Webster (2013) – who has previously judged the D&AD Student and New Blood awards – also adds that winning awards can give an agency exposure, which is very helpful, especially if they're just starting out. Dean Poole (in Webster 2013), creative director of New Zealand-based Alt Group sees awards as a way to compare the quality of their work against international peers: it can inspire one to try harder. He also adds that if a project does well at awards shows, it gives the client confidence to take more risks and trust their agency and the creative process. But when looking at the strict stance advertising awards shows have adopted in the past few years in combatting scam advertising, it can also be a very dangerous pursuit.

In order to explore these dangers of scam advertising, one can consider one such campaign that was entered into the Loerie Awards in 2013: *Project Uganda*, an MTN initiative created by MetropolitanRepublic. It should be noted that scam advertising (as described by this dissertation) is a relatively common practise in the industry, and this example merely stands as a recent example in the South African context. It should be regarded as an isolated case that in no way reflects the rest of the agency's other dealings.⁹ The summary below does not necessarily reflect the whole of the matter, but this researcher has elected to include only what has been available via information that is existing in the media, external sources and through interviews, and has omitted anything known personally through virtue of the fact that the researcher works at this agency.

According to the entry video for the campaign (see Appendix B, MetropolitanRepublic 2013c), the aim of the project was to provide education to those who don't have access to traditional libraries. This was done by printing and inserting virtual libraries into Uganda's biggest newspapers. Students could collect the posters and stick them up wherever they wanted to (as can be seen in Figure 7), and access the books by entering the USSD code into their cell phone. The campaign was very well received, and the campaign was awarded a Grand Prix for Media Innovation, a Gold Loerie for Tactical use of Newspaper Advertising, as well as the first Gold Loerie in the new Ubuntu category for Sustainable Marketing (Loerie Awards 2013a).

⁹ MetropolitanRepublic has also created many other large-scale, award-winning campaigns, including the MTN *Ayoba* campaign that was produced during the 2010 FIFA World Cup (MetropolitanRepublic 2010), and the FNB *Anthem* television commercial (MetropolitanRepublic 2011a).



Figure 7: Student sticking up 'virtual library' posters, *MTN Uganda Project Uganda case study video*, 2013c. (MetropolitanRepublic).

A few weeks afterwards, MetropolitanRepublic withdrew their award-winning campaign from the awards show, thus forfeiting all the awards won for that particular campaign. Upon investigation, the Loerie Awards determined that *Project Uganda* did not meet its entry requirements regarding eligibility, and had never launched prior to being entered. In a press release, the Loerie Awards (2013a) expressed "deep concern" that the agency had entered the campaign despite the terms and conditions they have in place. CEO of the Loerie Awards, Andrew Human (Media@SAfm 2013), states that the awards show does not screen every entry for compliance with entry requirements; the onus of the responsibility is solely on the advertising agency entering the work. According to him, the work of the judges is to judge the entries, not police eligibility. There is thus an honour system in place where the Loerie Awards expects honesty and transparency from entrants.

The press release also states that the Loerie Awards found it "regrettable" that the campaign had been awarded a Gold Loerie in the Ubuntu category, which "recognises brands that make good neighbours, that improve lives through their products, and contribute positively to the community" (The Loerie Awards 2013a). Additional sanctions were also imposed on MetropolitanRepublic. Firstly, besides *Project Uganda*, which had already been withdrawn, every other entry from the agency for 2013 was to be disqualified as well. This resulted in the agency losing an additional Gold Loerie, a Silver Loerie, and two Bronze Loeries, for campaigns and clients completely unrelated to *Project Uganda*. Secondly, no representative from MetropolitanRepublic would be allowed to be a judge at the Loerie Awards for the following two years (2014 and 2015), and lastly, every entry submitted by MetropolitanRepublic for those two years would have to be accompanied by extra documentation to prove validity and prior approval by clients (The Loerie Awards 2013a).

The Association of Communications and Advertising (ACA), a self-regulating body of the South African advertising and communications sector, also reprimanded MetropolitanRepublic for transgressing the ACA Code of Conduct and bringing it and its members into disrepute (Bizcommunity 2013a). It fined the agency the maximum amount allowable, suspended the agency's membership to the ACA for 12 months, and asked any representatives from the agency to resign from its board for that time period.

While MetropolitanRepublic suffered official reprimands for their actions, the agency also received backlash and condemnation from the South African advertising industry, which felt that they had been cheated and lied to, and that the agency had brought disrepute to the entire industry by engaging in scam advertising (Industry reacts... 2013). These scathing comments, which were expressed on social media, ranged from disbelief, to anger, to shame.

One commenter states that she "... loved the MTN Grand Prix #Loeries winning campaign. Such a fantastic idea. Gutted that it turned out to be a scam ad", while another responded with: "Now for #loeries to crack down on all the other scam entries that won this year... they've got their work cut out for them!" Alison Deeb (in Baker 2013), Chief Executive Officer of MetropolitanRepublic, explained in a statement to media that this was not a scam advertisement; the overarching conceptual and creative executions had already been presented to and approved by the client, but the campaign was still in development.

This campaign is deemed as scam advertising as it was never launched or published prior to entry. In a radio interview, Deeb (Media@SAfm 2013) blamed the entry on junior creatives,¹⁰ stating that they had not filled out the paperwork properly, and that the Loerie Awards should have thrown out the entry in the first place owing to this clear lack of substantiation. Deeb (in Baker 2013) also states that due process had not been followed in entering the campaign into the Loerie Awards; it had not been approved by the executive team or the client. This is the second point that renders this advertisement to be scam advertising: the campaign had been entered into awards without client knowledge or consent. There are a few other issues that may render the campaign to be considered as scam advertising by some: it was likely executed and paid for by the agency itself (since the client was unaware of it, they would not have paid for it), and the campaign was conceptualised proactively, without a brief from the client.

After the incident, there was a lot of speculation in the industry that MetropolitanRepublic might lose MTN as a client, since the agency admitted that the entry had not been formally approved by the client before entry (Baker 2013). MTN may have been concerned that the brand might be damaged by appearing to have had a part in the scandal, and would therefore come into disrepute with the public, or even the industry as a whole. At the time of writing, MetropolitanRepublic still had MTN as a client and was still creating advertising for them on a regular basis. However, MTN would have had the legal standing to be able to fire their

¹⁰ Junior creatives are generally young or new creatives that have worked in the industry for less than four years. They tend to work under senior teams who help them, teach them and mentor them about advertising, design, copywriting and industry practices.

advertising agency if they had chosen to: a breach of ethics is seen as a serious offence and grounds to terminate a contract. One of MetropolitanRepublic's other clients did, in fact, seek legal council regarding the incident, which they felt was "unethical" (Source A 2014).

The agency's reputation was damaged to some extent by the aftermath of the event, and many believed that MetropolitanRepublic would be paying for their bad judgement for some time to come. In this time, it became known that Nando's, a beloved South African fast-food brand known for their quirky, controversial and often hard-hitting advertising, was leaving their old advertising agency, and would be up for pitch.¹¹ MetropolitanRepublic was invited to pitch on the account and won the client. Some interesting commentary on social media followed, including congratulations from The Greenhouse Advertising Agency, a small Cape Town-based advertising and brand development agency, which can be seen in Figure 8. The copy at the bottom reads, "Congratulations to MetropolitanRepublic from The Greenhouse Advertising Agency. As the experts in fowl-play, being grilled, and getting dragged over the coals, we can't think of a better agency to handle the Nando's account".



Figure 8: Congratulatory advertisement to MetropolitanRepublic, 2013. (The Greenhouse Advertising Agency).

¹¹ 'Pitching' is when advertising agencies get invited to create and present a campaign for a client in order to convince them to hire their agency (Linton). This practice is becoming more and more frowned upon, as it is essentially asking the agency to create work for free. It is inconceivable to go to various lawyers and ask each to draw up a contract, and then to only hire and pay the company one likes best. Yet this is exactly what happens in the advertising industry.

It is evident that being caught entering scam advertising into awards can damage a brand, whether it is the client or the agency that created it. But it seems unlikely that the same consequences would have followed if the campaign had remained under the radar. If no one had become aware of the campaign's lack of substantiation, the agency would still have had their numerous awards from the Loerie Awards, and would likely be praised for their ingenuity in utilising mobile technology in third-world countries. It is a very interesting campaign that will undoubtedly impact many people very positively once it is launched. But it seems unlikely that the campaign will receive any accolades once it is actually implemented; it has left a distinctly bitter aftertaste in the mouth of the Loerie Awards.

When looking at scam advertising and the effect it has on advertising agencies, there is always the worry that a controversy like *MTN Project Uganda* may damage an advertising agency's reputation. Looking at the example that MetropolitanRepublic's *Project Uganda* provides, one can thus surmise the following possible disadvantages to agencies that get caught entering scam advertising:

1. The agency's reputation can be harmed.
2. The agency can be reprimanded by official bodies, such as the Loerie Awards or the ACA.
3. The agency can lose the client that they created scam advertising on behalf of.
4. The agency can lose other clients that do not want to be affiliated with an agency that creates scam advertising.
5. Damage can be incurred to the brand of the client for whom the scam advertising was created.

When looking at possible benefits for an agency that enters scam advertising and does not get caught, the following can occur:

1. The agency can win creativity awards which would mean:
 - a. receiving a higher creative ranking and
 - b. reassurance for existing clients that they're in safe hands.
2. The agency can win new clients.
3. The agency can draw in creatives that want to work there.
4. The agency can receive exposure due to their work.
5. The agency can gauge the quality of their work against their peers'.
6. Clients may be encouraged to take more risks and trust the creative process.

It's evident that there are many benefits as well as disadvantages of creating scam advertising for advertising agencies, which also affects clients. Beyond that, one must also consider how this practice affects creatives, which is what the following section explores.

2.1.6 *The benefits and disadvantages of scam advertising for creatives*

When looking at the effects of scam advertising, discourse tends to be focused more on the agencies that create the work, as opposed to the creatives. The agencies get publicly reprimanded and badmouthed when a scandal comes to light, whereas the creatives that were involved rarely, if ever, get mentioned, as we notice in the case of MetropolitanRepublic. This could be due to simple semantics: when a creative joins an agency, they become a part of the whole, and everything they do, they do as a representative of that agency. This appears to be the case in any industry. When a scam advertising scandal thus comes to light, it is the agency that takes the responsibility and the blame; the creatives that were involved are free to move to another agency. According to Webster (2013), in many parts of the industry creatives that work on specific campaigns are kept anonymous. It is for exactly this reason that some creatives therefore strive to win awards: in order to have their names attached to brilliant creative that will gain them recognition, respect and acknowledgement from their peers. D&AD Pencil nominee Marion Deuchars (in Webster 2013) states hard-working and talented people deserve recognition: "...most of us don't only make work for ourselves, but for others, and awards are a way of recognising that effort". Kevin Swanepoel (in Webster 2013), president of The One Club in New York that hosts the annual One Show awards, adds that "Creatives get told 'no' daily; ideas get shot down time and time again. There is no credit roll after an ad[vertisement], like in the movies. Creatives and the people who do this great work need recognition". One can therefore start to see why creatives turn to scam advertising in order to win these awards and thus gain recognition. Swanepoel (in Webster 2013) states that "there's an old adage – win a Yellow Pencil,¹² get a promotion; win a Black Pencil,¹³ start your own agency". Winning awards can therefore lead to creatives furthering their careers or even being head-hunted by top agencies, as well as receiving private commissions for work. Lizzie Mary Cullen (in Webster 2013), an illustrator that won her first award straight out of college, states that there is a psychological downside to winning awards however: "If I didn't win anything one year, I begin to think I'm crap: not really the right attitude". Webster (2013), however, states that even if one does not win awards, looking at winning work can be very inspirational to creatives, and motivate them to create great work themselves.

Looking at the disadvantages of creating scam advertising, advertising awards shows have varying punishments for those involved in scam advertisements (Patel 2009). The Cannes Lions (2015) bans individuals named on the credit list responsible for the scam advertisement, but not the agency; and the length of the ban is decided on a case-by-case basis. They believe that blameless individuals in an agency should not be punished because of the indiscretion of others. As has been mentioned previously, The One Show has a much tougher stance: if found guilty of entering a scam advertisement, the agency, as well as the entire creative team involved, will be banned from entering The One Show for five years. D&AD also subscribes to a tougher stance

¹² The D&AD Yellow Pencil is awarded to "only the most outstanding work that achieves true creative excellence" (D&AD 2010c).

¹³ The D&AD Black Pencil is considered the "ultimate creative accolade, reserved for work that is groundbreaking in its field". Very few Black Pencils are awarded each year, if any (D&AD 2010c).

by 'naming and shaming' the Executive Creative Directors that participate in creating scam advertising (Hall 2009). The Loerie Awards also imposes very strict punishments on those that are caught for scam advertising, as is evidenced in the previous section with regard to the sanctions imposed on MetropolitanRepublic in 2013 after MTN *Project Uganda* was withdrawn. As a reminder, the Loerie Awards (2015) states that if it is found that an entrant has not fully complied with all awards show rules and regulations, they reserve the right to withdraw all entries made by the creatives and or agency. They also reserve the right to impose additional sanctions that include, but are not limited to, issuing a press statement regarding the incident, banning said creatives and agency from judging at the Loerie Awards, and from entering the Loerie Awards for a time to be determined by the Loerie Awards. Some of these rules were only imposed after MetropolitanRepublic's *Project Uganda* was exposed.

It is important to note that advertising awards shows like The One Show, D&AD and the Loerie Awards are non-profit organisations, while the Cannes Lions is not. This means that they can afford to impose much harsher punishments on those that are found guilty of creating scam advertising. They do not have to fear losing business from agencies that may become hesitant to enter advertising for fear of it being labelled as scam advertising. With regard to the Loerie Awards, which, as mentioned, is also a non-profit organisation (The Loerie Awards 2010), it is interesting that all the sanctions imposed were on MetropolitanRepublic itself, and not any of the creatives involved. When an advertisement or campaign is entered into an advertising awards show, all the creatives that are involved in creating the advertising are credited in the entry. This is so that those creatives can be awarded if the campaign wins. This means that the Loerie Awards knew the persons who claimed responsibility for the *Project Uganda* campaign, but neither named those responsible, nor imposed sanctions on any of them. One possibility for this is that exactly because the South African industry is so small, they did not want to risk banning creatives from entering campaigns, and thus limiting its pool of entrants. Another possibility is that because the turn-over of creatives is so high in the South African advertising industry – creatives rarely work at one agency for longer than two years – if creatives were to be banned from entering the Loerie Awards, they could become a liability to the next agency to hire them, and thus struggle to find work. Source B (2014) believes that sanctions cannot be placed on creatives, since they are merely doing their jobs. Thus while the advertising agency received the entirety of the punishment, the creatives involved were not named or reprimanded in public by the Loerie Awards, and had all, at the time of writing, moved to other advertising agencies. In the case of *Project Uganda*, Alison Deeb (Media@SAfm 2013) CEO of MetropolitanRepublic, blamed the junior creatives that worked on the campaign for the 'accidental' entry. A statement like this, made on national radio, sparked huge controversy, and many scathing comments were directed at the agency on social media for 'turning' on their own creatives (Industry reacts... 2013). According to Source A (2014), the kinds of creatives that come up with brilliant ideas for scam advertising, are generally the same creatives that are very creative on day-to-day client briefs, and thus invaluable to an agency and cannot be lost. This serves as a possible reason as to why the senior creatives were not publically reprimanded (or even fired) by the agency.

So while creatives can make a name for themselves by winning awards, creatives can also create infamy and a reputation as 'untrustworthy' by entering scam advertising into awards shows. The worst-case scenario is obviously to be caught, but even if they are not, senior creatives can easily spot work which they deem to be scam advertising, due to lack of substantiation, or the fact that the award-winning campaign is not in the public eye and has never been seen outside of its entry video. How this then affects the creative's career depends on the senior creative's stance towards scam advertising.

To further explain the complexities surrounding scam advertising that creatives are faced with, I offer an anecdote from personal experience: during the initial conceptualisation phase of a project, I created mock-ups (visualisations of how the campaign could be brought to life) to show the client how the campaign could possibly look and function once it was executed. A few months later, there was talk in the agency that the mock-ups may be entered into an advertising awards show. An internal conflict arose, which I had not considered before that exact moment: if the work were entered, it would likely win, because it was a very interesting and groundbreaking concept. If I included my name in the entry, I would knowingly be entering a scam advertisement, because it had not yet flighted at that point; it was still just in concept phase. This would go against awards show rules, thus rendering it scam advertising. This would be an ironic turn of events, as I was writing my proposal for this dissertation at that time. But if I did not include my name and the campaign won an award, I would be losing out on an opportunity to advance my career, and months of work would have been in vain. While there was a clear 'wrong' path in this situation — associating myself with work that would be scam advertising in this instance — it was still difficult to dismiss that path, as it would mean potentially missing out on winning an award and making a name for myself. Luckily this decision was removed from my hands, as it was decided not to enter the campaign at that time. The project was also handed over to another team, and I was not involved in its development further. This anecdote from my own experience aims to show that creatives often face very difficult decisions when dealing with scam advertising, usually relating to having to choose between furthering their career and being ethical. This is especially challenging when the precise boundaries regarding what is ethical are not all that clear. After all, as some in the advertising industry see it, it may not necessarily be ethical to quash genuine innovation in favour of the status quo in the first place.

It is easy to argue that scam advertising allows creatives to work on a creative level that they are not able to with normal, corporate client work. The problem with this statement, however, is that if freedom of creativity were the only reason creatives created scam advertisements, they would be content to create said scam advertisement, and then delete it or throw it in the trash. It seems to reason then that the real reason for the creation of scam advertising is much, much more complex.

To summarise, when looking at possible benefits for creatives that enter scam advertising, win awards for it and do not get caught out, the following can occur:

1. Creatives can gain recognition, respect and acknowledgement from their peers.
2. Creatives can be promoted.
3. Creatives can be headhunted by agencies.
4. Creatives can receive commissions for work.
5. Creatives can get to create work on level of creative freedom not normally allowed to them by normal client briefs.

If the creative is found out, however, the following can occur:

1. Sanctions can be imposed on the individual creatives.
2. Creatives can be "named and shamed".
3. Creatives' reputations may be harmed.
4. Creatives could even be fired in order to keep clients happy.

2.1.7 Do creatives only care about winning awards?

After reading this summation, one may be questioning whether creatives are truly for the most part only concerned with winning awards and furthering their careers. For some, this is indeed the case. There are many creatives whose sole concern is creating incredible advertising that advances their client's business, and if they happen to win an award in the process, then it is a worthwhile pursuit. To this point, Ulmer (in Götz Ulmer... 2013) shares a philosophy that exists within their agency, that all work created by them should adhere to at least two out of the following three criteria: "we want to make money, we want to have fun, and we want to win awards". Thus if they are working on a campaign which will be fun and may win an award, they will continue with the project. If the campaign will make money, and may win an award, but will not be fun to do, they will create that as well. But if the campaign they are working on will only fulfil one of the criteria, thus only win an award, only make money, or only be fun to do, they do not find this acceptable, and Ulmer (in Götz Ulmer... 2013) states that they will need to discuss this project with the client to refocus the parameters of the brief. He also states that their agency is rather famous in Germany for firing clients that they do not see eye-to-eye with. What this philosophy of theirs highlights thus is that because two of the three criteria must always be present, either the desire to make money or the desire to win awards will always be present for every piece of advertising that they execute. While this philosophy originates from one German advertising agency and one Executive Creative Officer, it is very much the mind-set of the advertising industry as a whole, and Ulmer was invited to present this philosophy in 2013 at the yearly Loeries Week of Creativity that precedes the annual Loerie Awards show itself. This philosophy thus highlights not only an underlying capitalist agenda in advertising, but also a very strong desire for creatives to win awards.

To further emphasise creatives' desire to win awards, Jung von Matt – the German advertising agency where Ulmer is Executive Creative Officer – created a mobile application in 2011: *The Award Shelf*, as can be seen in Figure 9.



Figure 9: Screen shots of *The Award Shelf* mobile app, 2011. (Apple iTunes Store).

The purpose of this app is to give creatives a way to showcase the awards that they have won on their phones, and to always have these awards readily on hand to show others. The physical awards that are won are also generally awarded to the agency, not to individual creatives, and if one wants to own a physical award, one needs to order and pay for it from the awards show.

Now that one has comprehensively looked at how scam advertising affects creatives as well as agencies, it is also important to understand how scam advertising affects those people that it is created for. Some of the results are very positive, but the results can also be very negative, depending on the situation. This is especially true for campaigns that are created under the guise of helping people in need, or providing products or services that would increase the quality of life for those that are living in poverty or disabled.

2.1.8 *How scam advertising affects those for whom it was created*

As has been discussed earlier in this chapter, scam advertising can take a variety of forms, ranging from once-off flightings of print advertisements, to small executions of campaigns that genuinely help people. Some may argue that these small executions do good, even if only a little, and should therefore always be allowed. Some may even question why an activation such as the *Engen Fire Blanket Calendars* (see Chapter Five) can be deemed scam advertising if it provides genuine, possibly life-saving help to communities. In order to explain why these kinds of activations, executed on a small scale, may in some regard be harmful to these communities, the Indian Confederation of NGOs (iCONGO), a non-profit organisation, created a video appeal

to the Cannes Lions jury members (iCONGO 2015). iCONGO is a citizen-driven initiative that tries to sensitise and create awareness among people about socio-political issues (Sen 2015).

According to by Jeroninio Almeida (in Whitman 2015), iCONGO's founding director, the NGO gets calls every year from people that want to work with them on improving social issues, but he has found that these calls generally only start around March or April, and wanted to bring this issue to the foreground in a light-hearted manner. The video, and the accompanying open letter, is an appeal to Terry Savage, the chairman of the Cannes Lions Festival. It calls on Savage to host four Cannes Lions festivals per year so that people can benefit from the ideas generated for the awards show all year round, not just for 3 months at a time. This suggestion is partly in jest, and serves as a light-hearted suggestion on how to solve the problem.

The two and a half minute long video (see Appendix C) opens on a slum in India, and then cuts to an Indian woman walking through an alley, stating the following: "It could be said that the entire universe conspires to get a good deed done. But in the case of advertising creativity, one could argue that it conspires a lot more between the months of March to June every year. Powerful creative ideas start transforming the lives of many in need". The video then cuts to different people, all seemingly living in poverty, that talk first-hand about their experiences in this regard. The people interviewed are speaking Hindi, but subtitles are provided, and tell the story of campaigns that changed their respective lives, but that were then abruptly discontinued after the campaigns won at the Cannes Lions awards show. Three campaigns are discussed. The first campaign delivered food to these communities (Figure 5), the second focused on improving adult literacy, and the third distributed a solar-powered cap that lights up at night to provide school children with light to do their homework by. A boy and a girl discuss that they received very good food between March and June (Figure 10), and two men that they received English classes starting in April; one man mentions that he learnt the English alphabet from "A" to "L" in two months. A boy then talks about the cap he was told to wear so that he would have light to do his homework by when his father took their only lamp to the latrine with him at night.



Figure 10: Child being interviewed, *A video appeal to Cannes Lions jury members*, 2015. (iCONGO).

The narrator then states that, "These are selfless demonstrations of the fact that for every social injustice in this world, there's a copywriter and an art director who are determined to change it; the last vestiges of hope for a world consumed by commercial decay. It's three months of cockle-warming service to human kind". After this, the interviewees all state that their help stopped: "And then, abruptly in June they stopped sending food" (Figure 11), "Then suddenly in July, the classes stopped" and "When I went to ask for another 'Light-cap' for my brother, they said the cap idea has already won 4 awards in June".



Figure 11: Child being interviewed, *A video appeal to Cannes Lions jury members*, 2015. (iCONGO).

Interviewees all state that they asked about what happened to the campaigns, and were all told that the ideas had won "some 'Lion'" (Figure 12) or "Gold". One man that was part of the adult

literacy campaign states that he is happy for the agency, but unsure what he is supposed to do now. All of the interviewees appear disheartened.



Figure 12: Child being interviewed, *A video appeal to Cannes Lions jury members*, 2015. (iCONGO).

A child states that they asked when the food would start coming again, and the response was "...next year during the award season". Another child states that him and his brother now have to fight over the light-providing cap in order to do homework at night (Figure 13).

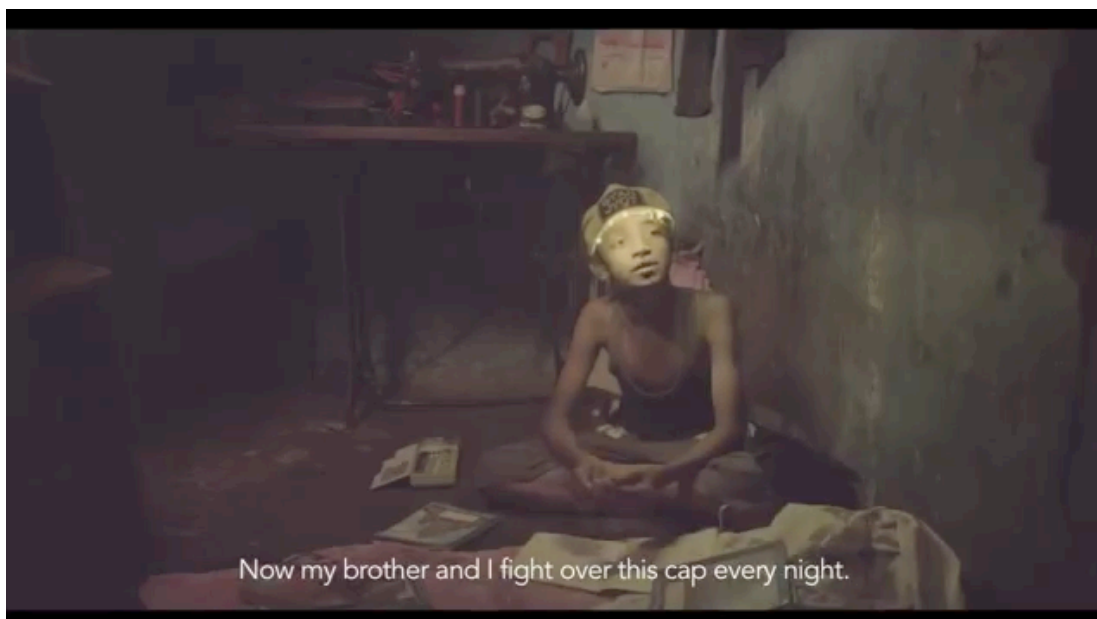


Figure 13: Child being interviewed, *A video appeal to Cannes Lions jury members*, 2015. (iCONGO).

The interviewer then asks "Why change the world for the better for only three months of the year? If one Cannes Lions festival a year can do so much good for three months, then four Cannes Lions festivals a year can do good all through the year. It's that simple. And the world will be a better place for more than three months. Children will be clothed, they'll have bags,

they'll have shelter; everyone will have an education. Oh what a paradise this world will become".

The video ends with an off-camera interviewer asking a child if she can name the seasons. Her response is: "Summer season, winter season, rainy season, awards season" and the child then finally asks: "Are you making this video for awards?"

This video thus highlights a very real problem that these ideas produce: they create hope in those communities, which is then abruptly taken away. To people already living in very harsh and difficult circumstances, this can understandably be devastating. Presumably the creatives and agencies involved in the projects would not have explained to the communities involved that the campaigns would stop after only a few months or after they had won awards, as the people would then have been understandably hesitant in participating.

It is unknown whether this video was scripted and the interviewees coached on what to say. It is also unknown whether the campaigns mentioned in the video are actual campaigns that were executed, as no campaigns matching those descriptions could be found. However, Almeida (in iCONGO 2015), in the description of the video states that they "...spoke to many underprivileged beneficiaries and understood their obvious disappointment at the abrupt discontinuation of many wonderful initiatives, shortly after the ideas win a Lion". It therefore seems likely that this video is a hypothetical case study, which is based on genuine insights and raises genuine concerns about the awards process. It also provides insights as to how this practice of only executing campaigns for a short period of time affects those people it is supposed to help. This hypothetical scenario was likely set up with imaginary brands in order to not offend actual agencies and creatives that have created these kinds of campaigns in the past.

While this is a video that was made in India by an Indian NGO, this exact same problem is a worldwide phenomenon, as illustrated by the South African example of the *Engen Fire Blanket Calendar* execution discussed in Chapter Five. Agencies sometimes come up with brilliant, creative ideas that provide genuine help to those that need it, and then discontinue those campaigns after the idea either wins an award, or does not. The problem, however, is the mind-set of the creatives involved in the project. After this video was uploaded to YouTube in April 2015, a few advertising blogs wrote articles about it, commenting on this occurrence within the industry. Andrew Panturescu (2015), a senior social media expert based in Toronto, Canada, highlights a dominant mind-set of the industry in stating that, "...the power of a brilliant campaign can create positive change in the world. However, these campaigns aren't entirely selfless – after all, advertising is a business. And awards, like those doted upon agency hopefuls in Cannes each year, are like a currency". This reiterates the sentiment from the previous section that winning awards plays an important role in creatives' lives, and again highlights advertising agencies' capitalist agendas when creating work. Panturescu (2015) then states that the video in question ignited spirited discussion in their agency as to whether agencies should endeavour to create more long-lasting campaigns in developing countries, as well as whether it is even an

agency's responsibility to do so, since most of the campaigns are already executed pro bono. Thus, this means that the agencies are carrying the full costs of implementing the campaigns. Again, this is something that is not permitted in awards shows such as the Cannes Lions, specifically because it can easily lead to executions such as the ones featured in the video, that are only executed in order to win awards. The fact that the agency even feels the need to raise this question (about whether it's their responsibility to sustain the campaigns) points out that that the agencies are not necessarily creating these campaigns in order to actually affect positive change in a community. The focus is rather on prototyping an idea, showing it works, possibly receiving an award for the execution, and then moving on to the next idea that may win an award, with little to no consideration as to how this practice affects those communities that they helped. The big problem with this sentiment regarding pro bono work is that it is supposed to be work that is done for the sake of doing good and helping others; pro bono (or in the original Latin: *pro bono publico*) is translated as "for the public good" (Merriam-Webster Dictionary 2015). Not "for the public good with an added reward for the person performing the action". Pro bono work does not necessarily need to be entirely selfless work, but this raises the question of whether the intention with which this help is provided changes its meaning. This is a very grey area, but can be navigated by consulting different ethical theories, and is discussed in more detail in Chapter Four.

This video by iCONGO sparked a flurry of comments from the industry on different social media platforms, most of which congratulated the idea and stated that this sentiment needed to be brought to light. A few of the comments, however, denounced the sentiment that agencies should aim for more sustainable solutions instead of two or three-month based projects that are abandoned shortly after the awards. One such commenter even states that it is these communities' own responsibility to not get used by advertising agencies: "Life isn't fair, do the best in the situation you are in without getting exploited" (in iCONGO 2015). The commenter likens the situation to him walking into a room, offering someone a sip of his beer, and the person then asking for the whole can. While one can see his point to some extent, this is an entirely false analogy. It shows a complete lack of understanding and empathy towards the people that these campaigns are supposed to be helping. Street children that received free food for three months are not asking for luxuries or to eat until they are overweight, they are merely asking to survive. As educated middle and upper-class individuals (which most creatives are) it is very easy to make a pronouncement that people should not let others take advantage of them and exploit them. It is easy to say that these people should know better, but taking into account the circumstances many of them live in, it is very likely that they truly do not know any better. For those that are illiterate, starving and facing daily struggles, it is likely unfathomable to reject any help offered to them. Considering that these individuals are already struggling, is it not then the advertising agency's responsibility to not exploit them and add to their daily troubles? Blaming the victim of a situation is in most cases grossly unfair, and an attempt for a guilty party to escape blame and lay it elsewhere.

Among the comments there were also helpful suggestions. One such commenter suggests that campaigns such as these should only be allowed for entry once the agency can prove that the campaign has been implemented and successfully running for a year or more. Ironically, quite a few commenters inquired whether iCONGO would be entering the video for awards. Almeida (in iCONGO 2015) replied that iCONGO had no interest in awards, but rather wanted to "change the game" and inspire creatives to invest in more long-lasting public service announcement campaigns instead of campaigns that just run for two or three months.

Tim Geoghegan (2015), a Creative Director based in the United States of America, writes on his blog that iCONGO's shaming of the advertising industry's process when it comes to "cause-related" projects is well deserved. He states that there is a very big difference between "doing" and "looking like you're doing": either one is affecting real change in the world, or one is merely creating the appearance of helping others. Geoghegan (2015) points out the advertising industry's fixation on creating 'awareness campaigns' for different causes is especially guilty of this. As an example, he states that each year many posters and executions are conceptualised for causes such as the World Wildlife Fund, and while they are very clever and creative – and often created specifically created for the purposes of entering them into awards – Geoghegan states that they have never actually persuaded him to donate money to the WWF. This raises the age-old debate between the effectiveness of a campaign versus the creativity and enjoyability of said campaign, and points out that when agencies create these kinds of campaigns for awards entry, they are not necessarily aiming to create effective advertising for the client's brand. This is a topic that deserves more in-depth research, but which falls outside of the scope of this dissertation. The WWF posters tend to be clever executions that employ powerful visuals, but they are not solutions to the problem at hand. They often do not even offer solutions. They merely make people aware of a cause.

These 'goodwill' projects are also often created for corporations that may otherwise engage in dubious ethical behaviour, or even engage in unsustainable and destructive environmental practices. These small campaigns and executions are then not meant to actually be viable, but rather to "greenwash" or "goodwash" the company to its shareholders and the public (Geoghegan 2015). "Greenwashing" is when a company spends more time and effort appearing to be 'green' and environmentally friendly than they do implementing measures that are actually environmentally friendly and sustainable (About Greenwashing 2015). In this same vein, "goodwashing" is when a company tries to appear socially conscious or charitable, but in most respects not. Advertising agencies can sometimes also execute these kinds of pro bono projects for the same reason: they may have clients that are known to not be entirely ethical or charitable, and seek to establish their agency as socially conscious despite their clients. Again, their intentions for executing campaigns that help people may therefore not be entirely selfless. Geoghegan (2015) states that there are two things that the advertising industry can do in order to start a reform. Firstly agencies need to actually care about the causes they are supporting and promoting, instead of just looking at them as a means to win awards. Secondly, agencies need to create real, lasting cultural change, and implement platforms and effective tools that facilitate

this process. He states that if people are driven by the recognition of awards, one must not deny this motivation in search of reform, but instead harness that energy to make a real difference. R. Buckminster Fuller, the American architect, designer and inventor stated that one should "use forces, [not] fight them" (R. Buckminster Fuller Quotes 2015). Keeping in mind the discussion at the beginning of this chapter on how scam advertising came about and evolved, one needs to bear in mind that clients still influence agencies' practices to a large extent. Almeida (in Walia 2015) states that they are well aware that agencies are often at the mercy of their clients, but that the agencies need to stand up and have the integrity to influence their clients into creating meaningful, lasting work. Geoghegan (in Rizwan 2015) comments that instead of trying to fight and change the intrinsic capitalist model of how advertising agencies and their clients tend to work, one should rather harness a practice that already exists and use its energy to promote good. If one were to implement this model and try to change how the system works, there will still be a long ways to go in order to achieve this.

It thus becomes clear that while scam advertising holds both benefits and disadvantages for advertising agencies and creatives, one also needs to consider how this practice of only executing charitable campaigns on a small scale affects those that the campaigns are aimed at. It can be argued that every bit of help is valuable and necessary and that everyone wins in this situation, but it can also be argued that these agencies are exploiting others for their personal gain. This becomes a very grey area, which can be debated seven ways to Sunday, depending on one's own personal beliefs and convictions. In order to navigate this type of ethical dilemma, one can look at different ethical theories that are discussed in detail in Chapter Four. First, however, in order to understand the phenomenon of scam advertising from the perspective of those who navigate this difficult field daily, one needs to consult the creatives themselves.

CHAPTER THREE: INDUSTRY OPINIONS ON SCAM ADVERTISING

This chapter discusses industry opinions from senior creatives who have been in the industry for many years, in order to gain insights and to help explain the phenomenon of scam advertising. This fulfils the fifth research objective of this dissertation.

The top ten South African advertising agencies – as ranked by Creative Circle in 2013 – as well as the Loerie Awards were contacted and 20 interviews requested from senior members of the industry for the purpose of gaining insights for this dissertation. Less than half of these members initially agreed to share their opinions and points of view on this practise. This highlights the fact that scam advertising is a very prickly subject in the industry, which creatives often shy away from, or try to avoid. Several interviewees eventually requested that their views be excluded from the study. Of these, one withdrew after realising that this researcher worked at MetropolitanRepublic, because the source felt that this researcher could not be "neutral" in their research because of their association with the agency (and the fact that the agency was exposed for creating scam advertising in the past). Considering that this dissertation is based on clinical, unbiased research, that opinion is unfounded. Another source, after reading this chapter for approval, did not want to be associated with this dissertation as they feel that the South African advertising industry is portrayed to be obsessed with winning awards and creating scam advertising and they are, in fact, working towards creating more genuine, big-budget advertising for their clients. None of the opinions or quotes stated here are the researcher's own, but were collected by conducting interviews with senior creatives, and coalescing these opinions into themes that emerged.¹ Another source, after reading this section, stated that they felt that some of these sources and their statements were "slimy". While not exactly an academic statement, it does highlight that creatives tend to have very strong opinions on the topic of scam advertising one way or the other, and often judge each other for their practices or opinions thereof.

It is important to note that this section deals exclusively with interviewees' opinions on scam advertising, advertising that could be considered scam advertising by some, or advertising that contravenes awards show rules. The vast majority of work that the industry creates is genuine, large-scale campaigns or advertising executed to a substantial audience, but since that is not the focus of this dissertation, it is only mentioned in passing in order to explain where scam advertising fits into the industry as a whole. This section may therefore make it sound as if the advertising industry only creates scam advertising, but this is not the case.

In order to explore these views from the industry further and structure the rest of this chapter, answers are explored through themes that emerged from the interview process.

¹ Informed consent letters for participants can be found under Appendix D. Examples of interview questions can be found under Appendix E.

3.1 Defining scam advertising

All of the interviewees agree that advertising that was created and/or entered without the client's consent, and advertising that was created for a fake client constitutes scam advertising, but opinions start differing about the rest of the definition. According to George Low (2014), formerly a Creative Director at MetropolitanRepublic who has been in the advertising industry for 18 years, where to draw the line on what is ethical or not, and what is scam advertising or not is a very subjective one; each person draws their line in a different place. This helps to explain the vastly differing opinions.

As a reminder, this dissertation describes scam advertising as advertising that displays one or more of the following traits, based on combining various rules and regulations found at both local and international advertising awards shows:

1. advertising that was created and/or entered without the client's consent,
2. advertising that was created for a fake client,
3. advertising that was never aired, flighted, published or launched,
4. advertising that was only flighted once or executed in accordance with minimum airing or publishing requirements,
5. advertising that was created for the sole purpose of entering it into awards,
6. advertising created without a genuine brief from a client, and/or
7. advertising paid for by the advertising agency itself.

One is reminded once again that even though some might deem an advertisement to be scam advertising, it cannot be unilaterally deemed as such. One is also reminded that eligibility for awards is also independent from an advertisement's perceived status as scam advertising.

3.1.1 *Advertising that was never aired*

Most interviewees agree that advertising that was never aired constitutes scam advertising, but Paul Warner (2014), Chief Creative Officer and founder of MetropolitanRepublic, points out that there can be exceptions to this rule, and provides the following as an example: in 2012 MetropolitanRepublic created a TV commercial for Fish and Chips Co that was never aired, but still earned the agency a Gold Loerie in the PR Communication category, as well as a Bronze Loerie in the Digital & Interactive Communication – Social Media category (Hunkin 2013, Bizcommunity 2013b). The reason that the commercial was never aired is because it was banned from being shown by the SABC: as can be seen in Figure 14, it depicts President Jacob Zuma eating fish and chips in his Nkandla home, and the state-owned SABC felt that it was "degrading to the President" (News24 2012) – see Appendix F for the video.



Figure 14: President Zuma enjoying a meal from Fish and Chips Co, *Fish and Chips Co Dinner* at Nkandla, 2012. (MetropolitanRepublic).

The client spent R500 000 on making the animated commercial, and the agency's strategy reportedly banked on the SABC banning an advertisement that depicted the President in a manner that poked fun at him. This was indeed the case, and the advertisement received R20 million worth of free PR in 10 days (Bizcommunity 2013b). The TV commercial itself did not receive any awards, the campaign surrounding it did. It would not have been possible to enter the advertisement into the TV category, since it was very publically known that it never aired. For this reason this campaign exempts itself from the status of scam advertising, although the TV advertisement never aired. It was strategically planned to never air, and therefore achieved its aim.

3.1.2 *Advertising that was only aired in accordance with minimum requirements*

Interviewees differ in opinion on whether this practice (only airing an advertisement once in accordance with minimum requirements) constitutes scam advertising or not. Iain Thomas (2014), previously a Creative Director and copywriter for 13 years who no longer works in the industry, states that there are instances where agencies have entered poster campaigns that only ever "ran" within the agency itself, sometimes literally in the agency's bathroom. Khoury (2014) adds to this by stating that in a case such as this, the purpose of the advertisement is not a sell or leverage a product, it is merely done to meet the entry requirements of an awards show, and is therefore scam advertising. Source C (2014), a senior creative at a well-respected top South African advertising agency, repeats this same sentiment by stating that this practice of only

flighting an advertisement once, late at night, will obviously not really have an impact on a client's business from a marketing point of view. Low (2014) states that in order for a campaign to have an effect, it needs to reach people: "if you're doing a piece of work and you're only reaching a couple of hundred people where ideally you should be reaching millions, it's almost like it never happened". He also adds that entering such a case into an awards show is "the equivalent of an architect entering an architect awards show based on a drawing of the building, as opposed to a photo of the building". Khoury (2014), who has been working in the industry for 18 years, points out that the Loerie Awards classify themselves as a "creative showcase" and therefore have no problem with single flightings, whereas an awards show such as D&AD requires substantial flighting to legitimise an entry. According to Tom Cullinan (2014), Creative Partner at The Jupiter Drawing Room that has been in the industry for 17 years, he won his first award for something that only flighted once. Although he finds no fault with this practice, he found it to be a very unfulfilling experience, because none of his friends or family ever saw it. On the other hand, people got excited when he told them he had worked on the original Francois Pienaar Lays commercials that were aired very often, but did not win any awards. He states that this is a tough situation, because the real reward for a creative is in creating advertising that people love, that sells the client's product, that can change people's perceptions about a brand, and that people talk about. Gareth Lessing (2014), a Creative Director that has been working in the industry for 21 years, also believes that while there is nothing legally wrong with flighting an advertisement once, it can make a creative feel very disheartened, because one wishes that the client would see the value of the advertisement or campaign and flight it properly.

There can be another purpose to single or minimal airing however. Khoury (2014) states that agencies sometimes use awards shows as research before substantially investing in an idea. Cullinan (2014) also references a specific instance where their agency did a small flighting of radio advertisements to legitimise them for awards shows, and after their client saw the fantastic responses they were receiving, invested fully in the campaign and is now flighting it legitimately on a large scale. He states that there is a huge advantage for agencies to first "pilot" an idea to see whether the work will do well if it has more of a creative spin on it. It also allows clients to see the potential of an idea. Warner (2014) adds that sometimes one has to show a client the finished product in order for them to buy into it and see the value and impact it can have. Cullinan (2014) states that another reason agencies sometimes also do small flightings of campaigns is to legitimise them for awards shows, when the actual campaign will only launch a month or so after the awards deadline. He admits that this is a difficult situation however, because award entry rules state that one cannot do that.

Warner (2014) states that only flighting an advertisement once can also be a strategic decision on the agency's part. An example of this is FNB's *You Can Help* campaign, which was created by MetropolitanRepublic and aired in 2013. The campaign kicked off with the first ever live broadcast that aired simultaneously across SABC 1, 2, and 3, e.tv, Mnet, eNews, Mzansi, Vuzu, kykNET and SuperSport (Schefermann 2013). Because it was broadcast live from Naledi Secondary School in Soweto, it was therefore only aired once. The broadcast features a

schoolgirl, Kelly Baloyi (as seen in Figure 15), delivering a message from "the voices we seldom hear, the children of our great country" – see Appendix G for the full video and speech.



Figure 15: Kelly Baloyi delivering a message to the nation, *FNB You Can Help live broadcast*, 2013b. (MetropolitanRepublic).

The campaign was very well received by the general public, although the ANC took exception to it. The ruling party found it to have an underlying political agenda and deemed it to be bordering on treason (Schefermann 2013). Regardless of the intention of the campaign, this is an example of how an advertisement may only have been flighted once, but was engineered to be so. Warner (2014) states that if a campaign is briefed to have maximum exposure, and the idea is to only flight it once, there's nothing wrong with that. Another example would be Nando's *SANRAL* advertisement (Figure 16) that appeared as a full-page newspaper advertisement on 3 December 2013: the day that e-Tolls were imposed in Gauteng (Bizcommunity 2013c). Nando's print advertisements are often created as once-off tactical executions that are specifically relevant to current affairs and events in the news. Therefore repeated flighting of said advertisement over a long period of time would very quickly render it irrelevant and out-dated.



Figure 16: Nando's SANRAL advertisement, 3 December 2013.
(MetropolitanRepublic).

In terms of activations that were only executed once, Khoury (2014) states that it's often not the activation that gets the traction, but the YouTube clip thereof. Low (2014) states that if an agency's main goal is awareness, then if one creates an activation and amplifies that activation through social media, then the media is a tool at one's disposal to achieve one's goal of awareness.

3.1.3 Advertising that was created without a client brief

This is deemed as a very contentious issue, and all the interviewees very strongly differentiate between *proactive* advertising and *scam* advertising. Khoury (2014) states that as a creative, "half your job is to think of amazing, world's first ideas...selling the ideas is the second. It doesn't matter what you can think of if you can't sell it". Many feel that it is only when a creative cannot sell their idea to a client, but executes it anyway, that it becomes scam advertising. Thomas (2014) states that it is the responsibility of any agency to "create work that they believe would benefit the client, even without a brief", and that an agency should "constantly be looking at ways, and ... be aware of opportunities to progress [a] brand". Therefore, he states that proactive advertising, in and of itself, is not bad. Low (2014) believes that proactive thinking is an approach that all agencies should have, and that all agencies are

expected to show clients work that has not been briefed in. Thomas (2014) also mirrors this statement by saying that if one sees an opportunity to create something amazing for a client, then it is one's responsibility to go to that client and suggest the work to them. Khoury (2014) believes that creatives should strive to not only create work based on the briefs one has, but one should add value: "A lot of the briefs that you get aren't asking you to change the world. The briefs that you can think of, are". Lessing (2014) mirrors this sentiment that proactive advertising is a very productive way of adding value to existing clients, or even bringing in new business for an agency. Low (2014) states that proactive thinking can sometimes even have a positive effect on a brand's "bottom line", or overall profits. Source C (2014) mentions an example of this that their agency produced, which was entirely proactive. The source states that there was no brief for the campaign; there was a recession and their head strategist devised a way to utilise the client's budget more effectively. The campaign was incredibly successful, and won an effectiveness award. Source C (2014) makes the statement that "reactive work is never as creative as proactive work".

Khoury (2014) states, however, that it is not a creative's job to win awards with scam advertising, "It's to create that kind of communication for your clients that has great business insights, an amazing strategic platform, and a brilliant creative idea that reflects results". Low (2014) makes a similar statement and says that good agencies are the ones who win awards on actual client briefs, but that unfortunately, these opportunities are few and far between. This is discussed in more detail later in the chapter. Warner (2014) also states that the most desired creatives are the ones can achieve highly creative business results for their clients.

Cullinan (2014) states that by implementing rules that work must have been produced in response to a genuine client brief, awards shows are, in effect, allowing less ideas to be put on the table, and removing the added value that clients can experience from blue-sky thinking. He believes that it will also result in blander work in awards shows.

3.1.4 *When proactive advertising becomes scam advertising*

All agree that there is a fine line between proactive advertising and scam advertising. But when does proactive advertising become scam advertising? Thomas (2014) states that he feels he has worked on scam advertising before in cases where the client had no inclination or resources to actually create the creative campaign that they created, or when the client was unaware that a campaign was being created until the last minute. Others, such as Khoury (2014), believe that scam advertising can have many different nuances, and even minimal flighting and advertising that was paid for by the agency itself can qualify something as scam advertising. This is because advertising with these nuances is often created purely for the intent of subverting awards show rules. Thomas (2014) states that advertising that was created purely to win awards and has no value to a brand as a whole can be considered scam advertising.

3.1.5 *Advertising paid for by the agency itself*

This practice also tends to present a point of contention among interviewees. Thomas (2014) believes that if an agency is fully funding a campaign, it "has no value to the client, and the client obviously doesn't believe in it enough to actually pay for it". He states that another reason why an agency may fully pay for a campaign is if an agency goes out and finds a small client that has absolutely no budget for advertising, but their business in itself is interesting, and lends itself to crazy, creative ideas. He sees no problem with an agency chipping in and helping to pay for a campaign in order to have it come to life, however. Lessing (2014) states that the problem with this practice (an agency fully paying for advertising), is that this essentially means that it is the agency doing the advertising, not the client. Khoury (2014) believes that in a case like this, even if the agency has the client's permission, the advertisement or campaign did not really run, and it did not really do anything for their business. If the campaign is successful in awards, however, the client may later decide to actually flight it. This would be a case of a client using awards as a "case study" or "pilot", as discussed earlier in the chapter. Upon seeing the success of the campaign in awards shows, the client may receive calls from international partners or branches to congratulate them, and realise that the campaign might fare well in the market.

Source C (2014) states that agencies sometimes come up with proactive ideas, and clients just do not want to invest in it. It could be that the client does not think it justifies spending any money on it, or that they simply do not want to do it. In a case such as this, he believes that the agency should invest in the idea. He states that, "Right now I just love ideas. [If] someone comes up with a beautiful idea, and the client doesn't have a cent, we put up the money". Because of the relationship that the agency has with the client, they sometimes allow the agency to create the work and flight it for awards. Low (2014) also states that many clients are perfectly happy for agencies to create and flight a piece of advertising once, and then enter it into awards shows. It becomes clear that these two topics, minimal airing and agencies paying for work to air or run, are often linked. Cullinan (2014) also states that because of agencies' relationships with suppliers (such as photographers, editors, productions houses, sound engineers, etc.), they are often able to produce proactive work for very cheap, or even for free. Suppliers want to get involved because it is good for their creative reputation, and it also allows them to work on advertising that is often slightly more exciting than normal work. Suppliers also help out on smaller, proactive projects for free sometimes because when agencies then do have big campaigns that are briefed in, those suppliers tend to be first choice.

Warner (2014) maintains that if an advertisement is created for a charity, it is not scam advertising at all, because there are some clients or charities that simply cannot afford to advertise. This could come down to intention again, however: if the agency is creating work for a charity because they have a desire to help and do good, then that is legitimate. But if the agency is only creating work for a client because they know the client will likely accept any advertising, it becomes very self-serving.

3.2 Interviewees' definitions of scam advertising

It thus starts emerging that interviewees tend to fall into one of two groups with regard to how scam advertising is defined. In order to clarify these definitions when discussing themes for the rest of this chapter, they are divided into two distinct groups, which are defined as follows:

3.2.1 Group A

Interviewees view scam advertising only as advertising created for a fake client, advertising that is entered without client consent, advertising that was never aired (with the exception as mentioned in 3.2.2), as well as advertising created for the sole purpose of entering it into awards. These interviewees do not view proactive advertising as scam advertising.

Cullinan (2014), Warner (2014), Source C (2014)

3.2.2 Group B

Interviewees agree that the different point as listed in 3.2.1 can render an advertisement to be scam advertising, and believe that proactive advertising can sometimes be scam advertising (due to the nuances mentioned).

Khoury (2014), Lessing (2014), Low (2014), Thomas (2014)

3.3 How scam advertising came about

Interviewees have a few different theories on how scam advertising came about: Source C (2014) states that years ago, a lot more businesses were owned by entrepreneurs, who were a lot closer to the marketing, and one could employ solid logical thinking when discussing advertising and strategy. But those entrepreneurs get older, retire and sell their businesses. Those businesses are then run by boards or holding companies, who are not necessarily entrepreneurial thinkers, "...and suddenly the work becomes really, really difficult to do at a level that we love to do work at". Source C (2014) states that "the world is not run by thinkers. It's run by people that are so scared of doing anything different...". He adds that "...pure ideas are born out of simplicity in your thinking ... and often briefs that come in are highly complex, and not single-minded". This makes it very difficult to create high-calibre creative work. Khoury (2014) reiterates this sentiment by stating that the briefs that agencies get are mostly very conservative. Lessing (2014) states that clients very seldom demand very creative and award-winning advertising. Low (2014) believes that South African clients in particular are often not as brave or as educated as international clients, and also have smaller budgets for executing ideas and campaigns. According to Cullinan (2014), scam advertising then comes about when an agency has a great idea, but the client does not buy it, so they go out and find a client for it. Lessing (2014) reiterates this sentiment by stating that agencies often turn to the practice of scam advertising because of pure desperation to have their advertisement air, so they make a plan.

Low (2014) states that there is a sentiment in the advertising industry that "...the idea is king, and the idea is the only thing that matters". And because agencies are sometimes so desperate to have their idea see the light of day, they will do whatever is necessary to make that happen, even if it means sacrificing the ability to share that idea with a broader audience for the sake of at least having a piece of creative work to evaluate against one's peers' work. Many people in advertising feel that that is warranted, that it is a celebration of the idea, and should be recognised as such. Thomas (2014) also believes that scam advertising is a by-product of the awards industry, which exists as a way to reward creatives in what is a relatively low-reward industry. Creatives therefore turn to awards to gain recognition, and feed their egos. He states that a culture has also developed in South Africa that awards are the "...be-all and end-all of a person's advertising career", and creatives therefore turn to scam advertising as a shortcut to win those awards.

As another point of view on why scam advertising is created, Warner (2014) states that clients tend to go where great creative shops are. As mentioned earlier in this chapter as well, agencies receive points based on awards won and based on those points, they receive a creative ranking. Because of this, the agency networks² therefore put a lot of pressure on agencies to produce award-winning work; they put certain performance measures in place. Warner (2014) states that agencies therefore started incentivising their creatives to win awards, and creatives turned to scam advertising. He states that in this manner, the industry therefore created hungry scam creatives that are there to grow their company's position in the rankings so they would get more business, which in turn is good for the creative's career as well. Cullinan (2014) states that there are agencies in South Africa that specifically hire creatives to only come in and work on proactive while other employees work on real briefs. Cullinan (2014) also states that some agency networks, such as Y&R have global budgets that get allocated for proactive advertising. Other agencies, such as Ogilvy, have a global strategy on how to win awards: they invite Creative Directors from all their agencies worldwide to attend a workshop where their proactive work gets presented and it is decided which of it is good enough to be produced. Cullinan (2014) also states that there is pressure from shareholders to win awards when it is seen that other agencies are winning and one's own is not.

3.4 Why creatives create scam advertising

Khoury (2014) believes that everyone in the advertising industry is guilty of creating scam advertising, to varying degrees. Low (2014) adds that most creative people have created scam advertising, although most agencies will deny doing so, depending on how they define scam advertising. Warner (2014) states that one is either a good creative or a bad creative, and the only way to determine this, is by looking at the awards a creative has won; therefore the

² Agency networks are international media and communication holding companies and service groups that own most of the advertising agencies in the world. The most notable of these are WPP (which lists agencies such as MetropolitanRepublic, Ogilvy, Y&R and The Jupiter Drawing Room among their subsidiaries) and Omnicom Group (which lists agencies such as TBWA\ Hunt Lascaris, Net#work BBDO and DDB among their subsidiaries). Joe Public is the only South African advertising agency that is independently owned.

pressure to win awards is "obscene". Low (2014) believes that creatives are more likely to engage in the "grey pool of morality" that constitutes scam advertising in the earlier part of their careers, in order to produce good work and make a name for themselves. He states that retrospectively, he worked on scam advertising when he was younger. He classifies it as such, because the campaigns did not reach a significant audience and did not have a big enough impact in the market. He also states that he has felt pressured to create scam advertising at every agency he has ever worked at because there is so much at stake for the agencies. He believes that a big problem in the advertising industry is that creatives do not all get the same opportunities in terms of client briefs, and that competition to create good work is what ultimately drives creatives to create scam advertising: in order to make a name for themselves. Source C (2014) states that only about one in a hundred briefs allow one to create really beautiful work. Lessing (2014) also mentions that a lack of opportunity on real briefs can become a big disadvantage to creatives. He also states that in this sense, clients are partly to blame for the creation of scam advertising, because they do not necessarily have the appetite for truly creative work. He believes that "We're creative. We need to do creative things". He states that he did a piece of scam advertising recently for Boxman, a moving company, which the client loved, but had no budget to produce, so the agency paid for it.



Figure 17: Boxman *Teacup* advertisement, 2014.
(Ads of the World).

The advertisement, as seen in Figure 17, features a teacup with a crack in it. At the top of the crack is written "102 Freeman Ave.", and at the bottom of the crack it reads "16 Park Str." The implication is that the teacup was cracked while being moved from one address to the

other, and was likely the moving company's fault; therefore one should use Boxman to be one's movers instead. The advertisement is part of a series of three and the campaign won a Bronze Cannes Lion award. The other two executions feature a drum with a torn vellum and a cracked sculpture of an angel.

Lessing (2014) states that he created the advertisement because the agency was desperate to win awards, and also for the sake of the creative that was working on it (he was the Creative Director that oversaw the project), "Because creatives need to get work made. They are so desperate to get work made, [to] get a chance to win awards... [to] grow their portfolio [and] grow their career. And that's one of the main reasons why I do it. Because it becomes a young creative's life". He also states that because his Creative Director allowed him to produce such pieces of work early in his career which allowed him to advance his career, and he feels that he owes it to other young creatives to do the same.

Khoury (2014) also states that he felt pressured to create proactive advertising earlier in his career because he felt he had a lot to prove. He mentions one such example, which was created without a brief: they had a great idea, and then went out to find a client for it. He found the experience to be "fun" and "good for my soul". He states that as a creative, one wants to challenge the status quo and to make things that makes one feel excited. Sometimes that ends up being a brilliant idea that is executed for someone that is not your client, but it pushes the market forward, and serves the client as well as the agency in this regard. Source C (2014) has a similar philosophy, and believes that proactive advertising is the leading edge of creative thinking. He states that in their agency, when they come up with ideas, it is not done to win awards: "...when someone exposes you to a beautiful idea, that moment is actually so amazing, to see the birth of something new. The by-product is winning an award". As an example he mentions an activation that their agency created which did not win any awards locally or internationally, but it did receive more than R20 million worth of PR: "We made it happen because it was a spectacular idea". Khoury (2014) also states that sometimes creatives have to challenge what their clients want, because they can see an opportunity to make a difference and make an impact: "It's not selfish awards that you have at heart, but a beautiful story to tell that the world needs to see. And ... if you do that right, maybe the world recognises you for it".

3.5 Why advertising agencies and creatives strive to win creativity awards

Lessing (2014) states that there is a lot of pressure for agencies to be very creative, and to compete for 'Agency of the Year'. He states that even if a company has done really well business-wise and picked up a lot of billings, if their creative ranking is not up to standard, they will not even be considered. Khoury (2014) also states that agencies want to win awards for the PR value: it allows one to be top-of-mind when clients want to brief out a pitch.

Cullinan (2014) has a different take on it, and states that creatives are essentially egotistical; they search for recognition and a "pat on the back". Because advertising gets criticised a lot by

both clients and the public, creatives therefore look to awards for motivation as well. The assumption also exists that if something wins an award, it must be a good piece of work, although Cullinan (2014) believes that there have been incredible pieces of advertising that did not win any awards, and mediocre advertising that was internationally acclaimed, subsequently rendering it 'good work'. Thomas (2014) also states that winning awards acts as a morale booster for staff, and that it is a way for agencies to win prestige and recognition within the industry.

Warner (2014) also states that creatives tend to be "traded" to other agencies based on their creative ranking within an agency, so one tends to create scam advertising earlier in their career. He states that to a creative, everything revolves around winnings awards: one's salary, position, ranking, and one's ability to attend awards shows, such as the Cannes Lions. Lessing (2014) makes a similar statement and also states that creatives are ranked and judged by the awards they have won, and judge each other on the same basis. He also states that creatives' jobs and salaries are based on the awards they win: it becomes currency to them. Khoury (2014) also states that as a creative one gets more money, a better job, and one can improve their career by winning awards: creatives are often hired purely on the list of awards that they have won.

3.6 Is scam advertising a problem in South Africa?

Interviewees are very divided on whether scam advertising is a problem in South Africa. Group A believes that scam advertising has mostly died out in the South African advertising industry, while Group B believe that scam advertising is rife in South Africa. This difference in opinion is directly related to how the different groups define scam advertising.

Some, such as Khoury (2014) say that it's a huge problem, and that South Africa is one of the biggest culprits of it, but that it's a "necessary evil to keep the creative spark in your staff at an agency level going, and an interest level in your brands". Low (2014) also states that it is a huge problem in South Africa, and it is a reputation that the country has never been able to shake off. Thomas (2014) believes that scam advertising not only exists in South Africa, but is actively encouraged from both the advertising awards shows – because they make money from entries – as well as the advertising agencies themselves, because it is a morale booster to win awards. According to Cullinan (2014), the problem with scam advertising is that it puts the advertising industry's reputation at stake, and states that, "we should be winning on real work. And breaking category norms on innovative stuff". Source C (2014), however, states that he does not believe scam advertising exists in South Africa any more, which is why the entire industry was in uproar about MetropolitanRepublic's *Project Uganda*: that level of scam advertising stopped ten years ago when agencies started maturing.

3.7 Scam advertisements winning creativity awards

Again interviewees' belief on whether scam advertising wins awards or not depends on their definition of it: Group A does not believe that it wins awards (with the exception of Warner (2014)), while Group B believes it does.

Warner (2014) believes that scam advertising (which he terms "prototype advertising", and is discussed in more detail later in the chapter) wins awards because it is a lot more creative than other advertising: "when you don't have a client and you don't have a strategy, and you back-engineer an idea – you start with [a] creative [execution] and you back-engineer it – you can find yourself in a very edgy space". These campaigns are also often specifically created for a jury at an awards-show, not the general public, so the campaigns tend to be off-brief and off-strategy. Lessing (2014) states that he has not really looked at awards shows and identified specific instances of scam advertising, but he believes there are scam advertisements in advertising awards shows, because he knows people create scam advertisements. Low (2014) states that most creatives create scam advertising, but what it comes down to is how well they can 'disguise' their scam advertising: "from time to time someone is unlucky enough to get caught. But everyone does it to some extent or other".

3.8 Should scam advertising be allowed in advertising awards shows?

Warner (2014) states that it is unfair for scam advertising to compete against real advertising in awards shows, because real advertising has a lot longer process it has to follow in order to be created. It has to follow the strategy for the brand, it has to go through consumer studies, be approved by the client, be produced, and then actually produce results and increase market volumes for the client. Whereas scam advertising bypasses all of these processes, and generally manages to be more creative.

Thomas (2014) believes that awards should be attributed both for the creativity that goes into creating a campaign, as well as the hard business work that one does with their client in order to bring said campaign to life. He states that if one has only done half of that job (being creative), then one does not deserve to win an award: "if you want to create art, then you are more than welcome to create art, but then enter it into an art show. Not an advertising awards show".

Khoury (2014) believes that scam advertising should be allowed in awards shows to varying degrees, because it's the challenging nature of proactive or scam advertising that pushes one forward: "...the only way a brand, and people, grow, is at the crossroads between challenge and support. [If] there's too much challenge and no support, there's no growth. If there's too much support and no challenge, there's no growth. When challenge and support meet, you as a person, and a brand, will grow". He states that it challenges one when everything else is safe.

3.9 How scam advertising can be identified

Warner (2014) states that the quick way to identify scam advertising is when the media that is being used does not make sense for the client that it is. If the client is a patisserie, for instance, and they have five radio advertisements and three double-page spread (DPS) newspaper advertisements, it earmarks the campaign as scam, because the price of flighting those three DPS print advertisements even once would bankrupt the client (flighting one single-page advertisement once in the Sunday Times newspaper costs R606 420.00 (Times Media 2013)). Warner (2014) states that advertising gets created for these kinds of clients – butcher shops, meat grills or lubricants (Low (2014) adds marshal arts specialists and Cullinan (2014) adds pizza shops and dogfood clients) – because the agency approaches them and offers them free advertising, which they are glad to accept. And it allows the agency to produce something.

Thomas (2014) states that advertisements often appear to be scam advertising because the companies they are created for would not have the budget or inclination to create such advertising, and also that often one has simply never seen the advertising; it does not exist within the public eye because it often has only been aired once, if at all. Cullinan (2014) also states that advertising has not been seen in mainstream media causes him to question its legitimacy. Lessing (2014) believes that what makes advertising seem suspicious is when it looks like it is not entirely in line with the client's strategy necessarily. Warner (2014) also states that advertising that stands out as different to the client's normal strategy and seems to present a strange message makes him question it. Khoury (2014) mirrors this sentiment by stating that what makes scam advertising stand out to him is if it is not really the brand's personality, or if the brand or client would not normally advertise in that way. As an example, he states that if a poster were to be made for a channel on DSTV: why would that poster be made, and where would it be put up? There would be no practical need for it, since all advertising for DSTV channels is done on the channels themselves. Once-off executions such as this also seem suspicious because they're not part of an integrated campaign, so they would not really be able to affect change.

On a practical note, Source C (2014) states that if a magazine advertisement is presented where the key visual is placed in the centre of the layout, it is likely scam advertising, because it shows a blatant disregard for how print advertising works in reality: a magazine has a 'gutter' where the pages are bound in the centre. According to Warner (2014), what makes scam advertising a lot harder to identify is when it's an integrated campaign done for a large brand, because media schedules that prove that a campaign has aired are easy to fake.

These are a few examples of how scam advertising can stand out and be distinguished according to creatives. These examples tend to overlap with the definition of scam advertising as stated at the beginning of this chapter, which shows an agreement between creatives' perception of scam advertising and award show rules.

3.10 Suggestions on how awards shows can manage scam advertising

According to Low (2014), advertising awards shows should create an 'open' category, specifically designed for creatives to push the boundaries and take risks. He believes that it would be much better for all involved to legitimise scam advertising and control it by putting it into a category. He also believes that agencies should self-regulate their own entries since they know the rules; the onus is on them, not the awards show.

Warner (2014) believes that there should be two halves to every awards show: real advertising and prototype advertising. Prototype advertising would be advertising that is created similarly to how the car industry designs and releases prototype cars: it is known and accepted that these prototypes are not real and they are never expected to be physically created; they are created purely for designers to show off their skill. Lessing (2014) also states that awards shows should create a category for legitimate advertising and non-legitimate advertising, because then proactive advertising can compete against proactive advertising, and briefed-in work can compete against briefed-in work. He states that this is because the ability to actually sell a piece of advertising to a client is often far more brilliant than conceptualising a piece of scam advertising. Source C (2014) has a different suggestion: categorising awards shows according to budget. So for instance, there would be a 'under R500 000 media budget' category. He states that this will provide a good indication of how much work is real, and how much is self-funded proactive work.

Thomas (2014) states that if awards shows had the inclination to eliminate scam advertising, they could easily do so by tracking media schedules to see if an entry is legitimate or not, and also doing more thorough investigations of the work itself. But he believes that awards shows do not actually have the desire to eliminate scam advertising, because it would remove a fairly large source of revenue for the awards shows, since it is such a common practice. He does state, however, that there should be an award for advertising that only flighted once if one wants to play by those rules. Otherwise, he states that awards should only be given to work that flighted and solved a business problem: "If your work doesn't solve a business problem, then your work has failed, and shouldn't be awarded".

3.11 Do clients look at creativity rankings when choosing an agency?

According to Source C (2014) the Top 50 brands, brands that spend above R50 million each year, all care a great deal about creativity rankings when choosing an agency; they want award-winning agencies. He states that when pitching, in order to get onto the "long list", agencies have to first present their credentials, after which the list gets shortened to 4 agencies. Source C (2014) states that the agencies on the long list, and especially the shortlist, will always be the top 10 agencies as ranked by Creative Circle. According to Lessing (2014), in his experience agencies sometimes get selected to pitch for a client purely because of awards show success:

"...when I was at DDB, we won the Cannes Grand Prix, and we got onto the FNB pitch purely because of that Cannes Grand Prix".

According to Khoury (2014), whether or not a client cares about an agency's creativity ranking depends on the specific client. He states that for a client such as Nando's, which is known for their creativity, it matters a lot. An agency's personality also matters. But he states that the client cares more about what an advertising agency is going to do for their overall profits, rather than whether they're going to win awards. If the agency is creating beautiful, creative work that is effective, that is ideal, but one cannot have the one but not the other. Warner (2014) also states that whether a client cares about creativity rankings depends on the client: for Nando's, for instance, it would have to be a highly creative agency, whereas he believes that a client such as Telkom would not care. Warner (2014) also states that large, publically listed companies are mostly looking at BEE ratings, credentials, work an agency has worked on, and how big their footprint in Africa is.

Low (2014) believes that some clients do look at the level of creativity their agency is able to produce: not necessarily to let them create work on that same level, but just to know they have the capability.

3.12 Do clients care about winning advertising awards?

Source C (2014) believes that while clients want award-winning advertising agencies, they don't necessarily want award-winning work, which is an ongoing struggle. He states that it may even be the agencies' own faults: "...we might not believe strong enough that award-winning work works".

Warner (2014) states that again, it depends on the particular client: Nando's, for instance, has built their brand on highly creative, individual pieces of sensationalism, so he believes that for them it is very important. He states that one must remember that there are many different kinds of awards in advertising: effectiveness, marketing, media, etc., and some clients may find some of those more important than creativity awards.

Lessing (2014) states that while clients highly prize award-winning agencies, when it comes down to letting that agency create award-winning advertising for them, they're often too scared to allow it. Khoury (2014) also states that clients often opt for safer and blander advertising, because they do not want to take the chance that the advertising may not be effective, they want consistent growth for their business. He states that "it's a constant contradiction between what creatives need to grow their careers and what clients and brands need to grow their brands".

Low (2014) states that in his experience, clients mostly do not care about awards: "clients run businesses, they care about money". He states that where clients become unhappy is when their agency wins awards for their advertising and act like heroes on stage at the Loerie Awards, but

that same advertising has not done much for their business's overall profits. He states that that is where clients start feeling that their agency is not delivering the service that was promised.

3.13 The role of scam advertising

Low (2014) believes that scam advertising allows for "creativity itself to evolve". He states that it allows for newer, braver and smarter ways of thinking to go out into the world, which is to a large extent a good thing. He does feel, however, that one does not actually need to create scam advertising to fulfil this purpose. He believes that agencies and clients that manage to go through all the formal approval processes and still manage to create ground-breaking advertising are the ones that deserve the actual recognition. Khoury (2014) states that scam advertising allows creatives to get better jobs, and it allows advertising agencies to win awards. He states that if it is done right, and the client buys the executions, it may even do some good for brand awareness levels, but he believes that scam advertising hardly ever sells products.

According to Warner (2014), conceptual or "prototype" advertising allows for the opportunity to create better work: "it teaches young people how to push the boundaries, it finds new areas ... that have been unexplored before".

Khoury (2014) expresses a similar sentiment by stating that scam and proactive advertising allows one to empower and push one's client forward, make them braver, and let them believe.

Thomas (2014) believes that scam advertising has no functional role and does not add anything to the advertising industry. He states that is used as a shortcut to the recognition that creatives crave, which allows for "...a fake set of ornaments for things that you haven't actually done".

3.14 The value of scam advertising for creatives and advertising agencies

Source C (2014) states that creating proactive advertising allows creatives to push their thinking, and believes that creating this sort of work is not self-promotional, but rather a promotion of creativity: it allows creatives the opportunity to grow. Referring to a proactive activation that their agency produced, he states that it allowed them to test new technology, develop new ways of thinking, develop new ways of doing things, and work out many practicalities with regard to the activation: "Those are things you'd never do off a brief that mostly asks you to do a TV ad[vertisement] or a radio ad[vertisement]". He also states that there is a lot of value in the process of creation, as one learns from it. Especially young creatives – who may otherwise not get the opportunity to work on a TV commercial for many years – might come up with a brilliant idea which they sell to the client, and are therefore able to go on a TV shoot, which they would otherwise not have experienced: "...it speeds up their growth". He states that creating proactive advertising is good for the agency if they manage to win awards from it, but either way it's good for the creative team, because they get to execute interesting work.

Khoury (2014) believes that proactive advertising fuelled and sparked his career and allowed him the opportunity to work on bigger projects with more responsibility than he otherwise would have had the chance to at a younger age. He states that because he showed that he had the right mind-set and initiative on smaller briefs, he got the opportunity to work on much bigger briefs. Low (2014) expresses a similar sentiment by stating that the number one value that creatives get out of scam advertising is career advancement. He states that it allows creatives the opportunity to create better and braver advertising earlier on in their careers that they may otherwise not have gotten the opportunity to do.

Khoury (2014) believes that if creatives are going to create proactive advertising, they should be putting their effort into making a difference and making a change in the world. As an example he mentions Droga5's Help *I want to save a life* campaign, which aimed to increase registration numbers for bone marrow donors in America.



Figure 18: Help Remedies *I want to save a life* campaign, 2012. (The Inspiration Room).

The campaign, as seen in Figure 18, was created for Help Remedies, a pharmaceutical company, and features boxes of plasters one can buy that doubles as bone marrow donor testing kits: if one cuts themselves, they simply have to swab a drop of blood, put it into a prepaid envelope and post it. They are then registered as bone marrow donors. By simplifying the process for registration, they increased donor registrations threefold, and increased bandage sales by 1900% (Droga5 2012). Khoury (2014) states that if creatives put their energy into

creating something that will actually be useful for someone, it will wield results, and he believes that that is the future of advertising. See Appendix H for the case study for the campaign.

Source C (2014) states that there is no value in creating work for clients that are not with one's own agency, however. He discourages this, because he would not want other agencies approaching them with ideas for their clients.

Lessing (2014) states that scam advertising fulfils the egos of creatives in the country, but it also fulfils the growing of portfolios. He believes it holds value, even if it is just the experience of getting an interesting piece of work made.

Cullinan (2014) states that he does not believe scam advertising adds any value to creativity, or solving problems for clients or their brands. He also states that it impairs agency and client relationships, because the agency is not focusing on their needs and briefs. However, he does believe that proactive advertising is very valuable, as it is essentially offering the client the agency's creativity for free, and allows the agency to create great work along the way. Low (2014) also states that every great piece of work that an agency creates help to PR them, which helps to get their name out. He states that in this day and age, when the media starts talking about an interesting advertising execution, it often gets discussed on a global scale. Which means that by the time one gets to awards shows, one has practically won already. Low (2014) states that PR is very important to an advertising agency: "We operate in a communication world, and a communication space. It's all about perception; it's all about what people are saying about you, thinking about you. You have your work and you have your reputation, and that's it".

3.15 Why advertising awards shows have implemented more stringent rules

Khoury (2014) states that awards shows tighten their rules because some creatives push them to the limits – breaking them, not just pushing – which actually becomes a disservice to the industry. He states that this is not a case of challenging the status quo, but rather of just making other creatives' lives more difficult.

3.16 Scam advertising as a platform for 'creative freedom'

Interviewees were asked whether they felt scam advertising could be valuable to creatives in terms of creating a platform for 'creative freedom', as client briefs are often very restrictive and constrained. Interviewees were very dismissive of this notion.

Warner (2014) believes that creatives can "sing in the shower if they want creative freedom". He maintains that advertising is a commerce business. Thomas (2014) also believes that creating scam advertising amounts to "creating air", and that it holds no value whatsoever. Source C (2014) believes that nobody should advocate for allowing their creatives to waste their time by creating scam advertising.

3.17 The benefits and disadvantages of scam advertising

Low (2014) states that the biggest disadvantage of scam advertising is that it takes one out of reality; it causes one to work on advertising that is not real and has no real consequence; there is no real effect. He states that in order for a creative to feel like they work in advertising, it is necessary for them to, from time to time, hear their advertisements on radio, see their billboard on the side of the road, or see a newspaper advertisement that they wrote or art directed. He states that, "If your work never gets seen by anyone, then you don't actually work in advertising. You work in some other kind of job".

Warner (2014) states that the advantage of scam advertising is that one can win awards for it, and may get job offers based on that. However, he believes that there are much more important qualities that a creative needs to exhibit, such as the ability to reposition a brand and grow the client's business. He states that "we're in a commercial business, we're not artists. We are hired to increase the bottom line of a brand by using any means necessary". He states that the best creatives in the world have been businessmen and marketers first (such as Robyn Putter, Lee Clow and David Droga), and believes that too many creatives in South Africa simply want to make creative advertisements that tend to hold very little value for the client. He believes that creatives such as this are "busy trying to grow their career[s] instead of trying to grow ad[vertisement]s", which can become a big disadvantage to clients. He also states that creatives that believe themselves to be senior creatives just because they have won many awards are very naïve and will not have lengthy careers, because those awards do not necessarily translate into the ability to reposition and grow brands. Khoury (2014) also states that a creative may have the best CV in world with regard to awards, but he might not actually be the best person to work on a campaign for say, a bank. While his credentials might say he is, he may not have business savvy or insight into implementing strategic work.

Warner (2014) also points out that it is very dangerous for creatives and agencies to just aim to be creative. He states that if an agency is known for winning lots of creative awards, but not for retaining clients or growing their business, the danger is that one is going to lose their clients, or not gain any. Lessing (2014) also states that that time spent creating scam advertising is at the detriment of existing clients, because the agency is then not focusing on the client's needs and challenges and problems that need to be solved: "You're focusing on other creative routes, as opposed to focusing on a creative route that's [going to] solve their problems". Source C (2014) states that even proactive advertising can hold dangers for advertising agencies, in that they may spend a lot of time working on executions that have very little budget behind them. He states that ideally one should be working on big proactive ideas and big campaigns, and the danger therefore lies in getting trapped into just doing small executions. Warner (2014) states that another danger of scam advertising (specifically pertaining to advertising that was created without client consent) is that one is infringing on the client's copyright: that advertising agency is essentially speaking on a client's behalf without their approval on what is being said.

Thomas (2014) believes that the benefits of scam advertising are relatively small and short lived within an agency, such as cultural and financial rewards. He believes that the disadvantages are vast, in that it lowers the integrity of the business that creatives do, and lowers the value and meaning that creatives place in creative work. He also states that it not only affects creatives in the industry, but can also potentially chase away bright young minds that may otherwise have considered working in the advertising industry. Khoury (2014) states that there are both benefits and drawbacks to scam advertising: at best one can get into the hall of fame for an advertisement, at worst one can get caught for the practice and face various sanctions and a loss of reputation. Khoury (2014) also states that if an advertising agency creates scam advertising, it can place them in a dangerous position with regard to their other clients. He states that a client and their company's integrity may be called into question through their association with an agency that creates scam advertising.

3.18 Is scam advertising ethical?

Thomas (2014) believes that scam advertising is unethical, because advertising awards should be awarded for executions that solve clients' business problems in a way that is creative, innovative, elegant, interesting and also benefits the brand. He believes that part of that process is sitting with one's client, media partners and producers and making sure the work one is producing is executed in the best possible way. He states that "To only solve some of that problem, is to not do the work that is supposed to be being recognised". He believes that there is a "massive ethical flaw" in doing that.

Warner (2014) believes that while advertising that was created without client consent is highly unethical, he sees nothing wrong with proactive advertising or any of the nuances thereof, because the client has approved it. He believes that as long as one has client consent, that makes it legal and safe.

Cullinan (2014) believes that proactive advertising is ethical, because it allows clients to "prototype" campaigns and then based on whether it works or not, flight it on a major scale.

Source C (2014) believes that scam advertising is unethical, and creatives that fabricate clients or create advertising without their client's consent should be fired, and not be in business. He does believe, however, that advertising that is not breaking the rules is ethical, such as advertising that was only aired once. He states that the aim, in a case like this, is to market the agency's creativity, but not to the detriment of a client.

Khoury (2014) expresses a similar sentiment and states that as long as advertising adheres to awards show rules, it is legal and therefore ethical. He believes that one cannot let emotion or personal opinion influence this: "The law's the law". He also believes that one should evaluate each situation uniquely: some proactive advertising can do wonders for a client's business, and some can damage the client's business if it's not done responsibly and with respect.

Low (2014) believes that whether scam advertising is ethical or not, depends on where one draws the line on what they believe to be ethical or not. He believes that it is ethical as long as one operates on the right side of their own line. He states that it is not a black and white issue; just because he deems a practice 'ethical' does not mean that that should apply to others as well. He does, however, believe that scam advertising needs to be eliminated, because it is at the detriment of the whole industry, and he believes that everyone knows that it is a practice that is wrong. But again, he states that how wrong it is deemed to be, depends on the person.

Lessing (2014) believes that scam advertising is unethical, but that creatives have been forced into it. He states that similarly to the e-toll system, creatives are forced into being criminals: advertising criminals.

These industry opinions serve to show how divided and polarised creatives are on the topic of scam advertising. Most believe it to be an unethical practice, although the different nuances of it creates differing opinions as to whether it is acceptable or not. There are also many ways to rationalise the creation thereof and explain why this practice occurs. It becomes clear that there are a multitude of reasons why creatives create advertising that can be deemed as scam advertising, from creative desires, to agency pressures, to clients' unwillingness to take risks. It is evident that scam advertising is a highly complex and complicated topic with many nuances, dangers and even possible advantages. In order to explore this complex landscape of ethics and ethical decisions further, the next chapter focuses on examining scam advertising and all its nuances through ethical and rhetorical theory, as well as looking at past research and opinions on ethics in advertising.

CHAPTER FOUR: **LOOKING AT ETHICS IN ADVERTISING**

When discussing scam advertising, chapters Two and Three make it clear that it can be a grey area which is very difficult to navigate. When looking for guidance in making choices related to scam advertising, there are a few places one can turn: personal conscience, company policy, industry standards, governmental law or regulation, and organized religion. These represent iterations of different ethical theories that will be investigated in this chapter, in order to understand different points of view better. It should be noted that one is not discussing an ethical grounding, but rather ethical theories and their implications. Before delving into ethical theory, however, the first objective of this chapter is therefore to look at past discourse surrounding ethics in advertising to understand how it has changed. Then, scam advertising is explored through different ethical theories in order to examine the complicated ethical landscape that scam advertising produces. This serves to provide a solid understanding of how scam advertising is perceived in an ethical framework before applying these theories to case studies in the next chapter.

4.1 Past views on ethics and advertising

According to Zinkhan (1994:4), traditionally it is assumed that researchers of social science are objective, and do not have a point of view. However, since every person has a very explicit point of view with regard to ethics, this might be especially difficult and unrealistic, and discourse can easily become very heated. This researcher aims to engage with the subject in order to explore some of the most prominent ethical complexities. These complexities are examined with reference to existing ethical frameworks and theories, therefore the researcher's own prejudices and judgements are not at issue, and this study in no way concerns the researcher's own opinions on scam advertising.

Zinkhan (1994:4) states that ethics requires every individual to take a stand. One must not only decide what is 'right' or 'wrong' in any simplistic sense, but must also be able to defend his or her stance to others. Ethics is a topic that affects everyone, whether in prominent or subtle ways. As Clarke *et al* (1994:5) put it: "advertising ethics concerns us all — academicians, ad agency personnel, advertisers, attorneys, consumers, media personnel, and regulators — in one way or another". If people shy away from advertising ethics, it is because of the perception that there are no clear-cut answers and also that it tends to be very subjective.

According to Clark *et al* (1994:13), in a study conducted in 1994, it was found that the seven most important topics for the future study of advertising ethics are: 1) use of deception in ads, 2) advertising to children, 3) tobacco advertising, 4) alcoholic beverage ads, 5) negative political advertising, 6) racial stereotyping, and 7) sexual stereotyping. It is thus interesting to note that 20-odd years ago, scam advertising was not deemed to be an important field to study, and, in fact, was not even mentioned in the study. The topic of "Ethical codes of ad agencies and the media" was noted, but was ranked only eleventh out of the possible 33 topics.

Looking at these topics that were deemed at one time to be important for future research, we can thus surmise that two decades ago, the advertising industry was very interested in exploring very 'external' topics with regard to ethical advertising: the ethics of advertising to certain groups (such as children), the depiction of certain people in advertising (thus reinforcing racial or sexual stereotypes) as well as the ethics of advertising certain products (such as tobacco or alcohol). Advertising reaches a lot of people, and can have a large impact, and should therefore be handled responsibly, as the topics in this research suggest.

Self-regulation of the advertising industry is mentioned in Clark *et al* (1994:13), however, it is only deemed a moderately interesting topic, and not a priority for further research. In the context that this appears in, however, it would seem that 'self-regulation' in this instance refers more to advertising agencies regulating themselves in terms of the advertising that they produce; not the ethics that they conduct themselves under.

This idea that advertising is often practiced in a context characterised by ethical relativism could be closely linked to advertising's status as a profession. According to Michael Stankey (1989:419-420), the idea of a profession has become synonymous with a work that is morally desirable: a work that is dignified. To refer to one as a *professional* is to accord him a high degree of prestige and respect. Stankey (1989:424) states that from early on, there has been a push for professionalisation from the Associate Advertising Clubs of America (AACA). Harold Wilensky (in Stankey 1989:421) states that any occupation wishing to attain professional status, must firstly "find a technical basis for it, assert an exclusive jurisdiction, link both skill and jurisdiction to standards of training, and convince the public that its skills and services are uniquely trustworthy". This is an immense task that, to date, has not been able to be undertaken successfully. Stankey (1989:419) maintains that because of this perceived 'low professional status' of advertising, it is therefore implied that the opportunity and prevalence of unethical behaviour in advertising praxis is likely to be great.

Another characteristic of a profession is that it is based on a "unique body of knowledge" (Stankey 1989:433). Because advertising has not been able to establish this as of yet, there are therefore no established standards for practice. The implication of this, of course, is that standards for malpractice cannot be reliably or easily established. One can argue that there are regulatory bodies in place specifically to limit this type of unethical behaviour, but according to Stankey (1989:433) they serve as mild deterrents at best. Stankey (1989:433) maintains that this is because it is difficult to establish, specifically in a professional sense, who the rules are meant to protect. Much of current regulatory activity revolves around the relationship between client and practitioner, whereas relationships in advertising tend to be between client and consumer: the advertiser is merely an accomplice in the act. As has been mentioned previously, it would seem that when discussing advertising and ethics academic discourse has predominantly been focused on externalities; that is, on how advertising affects others, and on how one should approach this ethically.

4.2 Exploring scam advertising through ethical and rhetorical theory

According to Chris Hackley (2010:244), we may seek clues about the ethical status of advertising by looking at the works of modern and ancient philosophers. While these philosophers may not have concerned themselves explicitly (or even implicitly) with the ethics of advertising – or promotional communication – many would argue that this does not mean that it is too trivial to be explored (Hackley 2010:244).

To that end, there are three main normative theories to be explored in this chapter. 'Normative', because these theories seek to set down rules or norms for how one should conduct themselves in everyday life. The three theories are that of utilitarian ethics, deontological ethics (both of which are based on *deontic* judgements¹) and virtue ethics (which is based on *aretaic* judgements²). It is assumed that every action taken has three primary components: the consequences, the action itself (which includes the motive), as well as the agent or doer of the action. This helps to characterise the three different theories, as each is concerned with one of these components (Stewart 2009:11-12). In addition to this, in order to explore the agent or doer of the action even further, the issue of scam advertising will be explored through rhetorical theory: specifically Aristotle's notion of *ethos*, or the character of the agent.

To this end, scam advertising is broken down into topics to be investigated according to the different characteristics which may render an advertisement to be deemed scam advertising, as discussed in Chapter Two:

1. advertising that was created and/or entered without the client's consent,
2. advertising that was created for a fake client,
3. and advertising that was never aired, flighted, published or launched.
4. advertising that was only flighted once or executed in accordance with minimum airing or publishing requirements,
5. advertising that was created for the sole purpose of entering it into awards,
6. advertising created without a genuine brief from a client, and/or
7. advertising paid for by the advertising agency itself.

As discussed in chapters Two and Three, no one definition of scam advertising can be given, as there is no consensus in the industry as to what constitutes scam advertising. This is made especially difficult due to awards shows' differing rules with regard to scam advertising. Thus, when there is reference to scam advertising in this chapter, it is done so in a broad sense, and meant as whatever may be deemed as unacceptable by any one awards show, depending on which awards show one is keeping in mind. Since awards shows have such different rules, this means very different things: scam advertising to the Loerie Awards is very different from scam advertising to the Cannes Lions or D&AD.

¹ *Deontic* judgements are made about actions: whether they are right or wrong, a duty, obligatory or ought or ought not to be done.

² *Aretaic* judgements revolve around whether a person, action, motive, character trait or intention is morally good or bad, virtuous or vicious, blameworthy, courageous, responsible, temperate, just, etc.

4.2.1 *Utilitarian Ethics*

The first theory to be examined is that of utilitarianism: a broad tradition of philosophical and social thought that centralises around the idea that morality and politics should be solely concerned with the promotion of happiness (Mulgan 2007:1). John Stewart Mill (in Mulgan 2007:1), a seminal utilitarian philosopher, defines the Utility Principle as follows: "Actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain and the privation of pleasure". Utilitarians themselves tend to be divided on how to exactly define this "happiness", and have put forward suggestions of "well-being", "utility" or "whatever makes life worth living" (Mulgan 2007:3). According to Tim Mulgan (2007:84), a professor in moral and political philosophy at the University of St Andrews in the United Kingdom, contemporary utilitarians have created an "objective list" that attempts to list the components of well-being:

1. Basic needs. "What we need to survive, to be healthy, to avoid harm, to function properly".
2. Achievement or accomplishment.
3. Understanding or knowledge.
4. Agency, autonomy, freedom.
5. Friendship, deep personal relations, mutual love.
6. Religion.
7. Fame or respect.

Mulgan (2007:86) admits that while this list is presented as 'objective', points such as "religion" and "fame" could still be contested or even disregarded depending on personal preference, and "friendship", for instance, could arguably be included under "achievement". He further goes on to say that "all lists are controversial", and that there are other points which could still be added, such as health, creativity, play, awareness of beauty and living morally. The fact that all these different terms (and more) are used is an indication of the complexities involved in the theory.

In its standard form, utilitarianism can be expressed as the combination of two principles:

1. *the consequentialist principle* that "the rightness or wrongness of an action can be determined by the goodness or badness, of the results that flow from it" and
2. *the hedonist principle* that "the only thing that is good in itself is pleasure and the only bad thing is pain" (Quinton 1973:1).

The consensus is, however, that 'happiness' is a sum of pleasures, which leads to the formulation of the greatest happiness principle: "the rightness of an action is determined by its contribution to the happiness of everyone affected by it" (Quinton 1973:1).

The utilitarian approach can come into play in a situation where it cannot be determined whether a choice or action is intrinsically 'good' or 'bad' in itself, but one can evaluate the

consequences (Hackley 2010:246). This theory proposes that the 'right' choice is the choice that takes others into account, as well as what is best for them. Beauchamp and Childress (2001:346) add that utilitarian theory also states that any means may be deemed acceptable as long as the end provides the most utility or 'happiness'.

David Hume (in Mizzoni 2010:83-84), arguably the grandfather to and precursor of utilitarian ethics, states that ethical decisions are not based on human reasoning and rationality alone, but are informed mainly by feelings and emotions. This is mainly because rational thought alone cannot motivate one to action (in the same way that knowing you should lose weight is not enough of a motivator to actually lose weight). Utilitarian theory thus maintains that all humans are by nature altruistic, meaning they have genuine feelings for others, and care about how actions affect others. The word 'utility' just means 'useful'; this ethical theory is concerned with being beneficial: bringing about things you desire that will benefit yourself and others (Mizzoni 2010:87-89). Utilitarians claim that there is a "natural harmony of interests" in this regard: whatever action brings about the most general happiness will also most fully realise the agent's happiness (Quinton 1973:7). This is because one is unlikely to be happy in a society where everyone around them is unhappy. Quinton (1973:9) explains that this means one has a direct interest in the happiness of the people they love (which is probably a very small part of the human race as a whole), a moderate interest in the non-misery of others whose misery may affect them, and a very strong interest in not causing misery to others who may take revenge on them.

In order to know what will bring about the 'most happiness', Mulgan (2007:56) maintains that one must rely on intuition, and that there is an intuitive appeal in the following principles that incite people to follow them:

1. *The reason to promote the good.* The fact that an action will promote happiness is the reason to perform that action. If there are two actions to choose from, one must perform the action that will produce the greater amount of happiness.
2. *The principle of harm prevention.* If one can prevent something bad from happening, without sacrificing something of similar moral value, one ought to do so.
3. *The principle of aid to innocents.* If one can provide assistance to an innocent party in need with negligible cost to one self, one ought to do so.
4. *The numbers do count.* If one must choose between the lives of one group of people or another, one must choose the larger group.

With regard to the utilitarian ideal of creating the most aggregate happiness, the philosopher WD Ross (in Blanshard 1974:91) – a seminal deontologist whose philosophies are discussed in the next section – raises a critical concern: if one is to consider a world where virtuous men are happy and wicked men are unhappy, surely this would be preferable to a world in which these allotments were reversed, even if the totals of happiness and unhappiness are the same.

However, according to utilitarianism, this does not matter, and either is acceptable. This is one of the big criticisms of utilitarianism.

There are two main formulations of utilitarianism. The first is that of *act utilitarianism*, formulated by Jeremy Bentham – Mill's predecessor in developing the philosophy of utilitarianism – who states that "an act is right if and only if it results in as much good as any available alternative" (in Pojman 2005:115). This formulation looks at each possible action in isolation, and asks the agent to evaluate and weigh their choices every time. This becomes a repetitive and time-consuming process if, for instance, one has to decide on a daily basis whether or not to steal a chocolate every time they are in a shop. Another problem with this theory is that Bentham does not distinguish between different types of pleasures: if one's greatest quantity of pleasure is derived from overeating, watching TV and drinking, then act utilitarianism condones it, and in fact wills one to do it. This led to heavy criticism directed at the formulation, which its critics provocatively labelled "a philosophy only fit for swine" (Stewart 2009:21). This implies a problem in regarding humans to not be in need of having any aspirations on the assumption that we can achieve happiness through animalistic hedonism.

This problematic formulation of utilitarianism led to John Stuart Mill's effort to approve on Bentham's ideas. Thus, Mill proposes *rule utilitarianism*. This theory states that "an act is right if and only if it is required by a rule that is itself a member of a set of rules whose acceptance would lead to greater utility for society than any available alternative" (Pojman 2005:116). A big difference between this formulation and the previous one is that Mill adds *quality* of pleasure by distinguishing between higher and lower pleasures. Again, this specifically combats the "pig philosophy" criticism directed at utilitarianism. A higher pleasure, for instance, would include such things as an appreciation for music, the arts, philosophy and the like, while a lower pleasure would refer to something like eating, drinking, watching television or having sex.

Act utilitarians always ask, "What good and evil consequences will result from this action in this circumstance?" and not "What good and evil consequences will result from this sort of action *in general* in these sorts of circumstances?" (Beauchamp & Childress 1979:26).

Rule utilitarians justify actions and judgements by adhering to rules such as "Do not steal", or "Do not lie", which in turn can be justified in terms of utility. Rule utilitarians try to make these rules by asking, for instance, "What would happen if everyone did the same?" (West 2004:74). This generates a problem if one considers scam advertising in this light: if all advertisements entered into advertising awards shows were deemed to be scam advertising, clients may lose interest in using this as a way of ranking agencies, since the highly creative executions show that the agencies can come up with great ideas, but they may be completely unable to work with real clients to produce great business results.

This then leads to the problem known as "parasitic utilitarianism" (Mulgan 2007:119).

Consider the following hypothetical example: imagine a world where it is generally accepted that scam advertising is not accepted in awards shows, and that agencies should not create such advertisements, because they do not really reflect an agency's true abilities to grow their client's

business. Rather they seem only to demonstrate the ability to think creatively and, in effect, cheat the system. In this hypothetical example, everyone abides by this rule. But, in this example, Agency A decides that they need to attract new clients. The result is that they create scam advertisements for a fake client and also end up winning. Many of the other agencies that entered work may find this behaviour unacceptable, because it begs an obvious question: If Agency A can do this, why can they not do the same? This then could devolve into everyone entering scam advertising, and this would then revert back to the original problem that arises if one makes entering scam advertising a rule: clients may lose interest in using advertising awards shows as a measure of creativity, since awards shows may tend only to demonstrate the creative skill of an agency without demonstrating their ability to practically implement ideas to affect clients' businesses. Clearly, this becomes self-defeating.

Utilitarianism presents many problems, one of which is the generalisation that inherently occurs if one considers rule-utilitarianism. Mulgan (2007:149) points out another evident problem that occurs when trying to practically implement utilitarianism:

1. Utilitarianism tells us to maximise human happiness.
2. Therefore, if we do not know what would maximise human happiness, then we cannot know what utilitarianism tells us to do.
3. But we have no idea how to maximise human happiness.
4. Therefore, we have no idea what utilitarianism tells us to do.

As previously stated, utilitarianism is a consequentialist ethical theory; it relies on looking at the outcomes of choices to decide which would create the most general happiness. The problem with this being, of course, that nobody can tell exactly what the future holds. As Anthony Quinton (1973:52), a moral philosopher and Fellow of New College, Oxford, puts it, "the consequences of an action extend infinitely into the future and, therefore, ... an evaluation of its total consequences is logically impossible". Mulgan (2007:105) adds that "due to the complexity of causal processes involved, we cannot ever be certain what results our actions will have in the long term, or in some far distant place".

Looking past this problem for now, one must then also distinguish between *actual results* and *probable results* for any given situation (Mulgan 2007:150). To illustrate this, suppose that one creates a scam advertisement, enters it into the Loerie Awards and wins a Gold Loerie. If it is then exposed as scam advertising and sanctions are imposed on the agency that created it, *actualist* utilitarianism says that the agent acted wrongly, because things would have turned out better if they had not created the scam advertisement in the first place. The contrasting viewpoint to this is *probabilist* utilitarianism, which looks at the chances or probabilities of winning an award, versus the chances of being found out. This becomes a severely intricate field of thought if one is to work out actual probabilities for an action. If the probability of being found out is smaller than the probability of winning an award, *probabilist* utilitarianism condones the action. The complexities of working out these probabilities are immense, however. According to the Loerie Awards (2013a), MetropolitanRepublic's *Project Uganda* is the only instance – since the company was restructured in 2005 to be a not-for-profit association – where an award has been withdrawn. However, just because it is the only award that has been

withdrawn, is no indication whether other scam advertisements have or have not been entered and awarded. In this instance, when discussing scam advertising, one is discussing scam advertising in relation to the Loerie Awards. Thus only advertising that contravenes the rules set in place by the Loerie Awards would be deemed as scam advertising by the organisers, as only such advertising could be disqualified, not advertising that displays any of the other traits as discussed in Chapter Two. This is not to say that others may not still deem advertising that is eligible according to the Loerie Awards to be scam advertising by their own definition thereof – for instance, if the agency carried the cost of the execution. If Metropolitan Republic's *Project Uganda* is the only scam advertisement to have been entered into the Loerie Awards since 2005 (and caught) then the probability of being caught would be 100%, and *probabilist* utilitarianism would not condone such a course of action. But if other scam advertisements have been entered and gotten away with it, the probability changes depending on how many have been entered, awarded and have gotten away with it (which would be impossible to ascertain).

According to Mulgan (2007:150) most utilitarians base their judgements of right and wrong on probabilities and not actual results. Actualist utilitarians assess decisions by simply comparing the values of resulting consequences. There are many ways of assessing situations based on both probability and value, the three simplest being (Mulgan 2007:150):

1. *Maximin*. "The value of an action is the value of the worst possible outcome it might produce." If one creates and enters a scam advertisement, the worst possible result is that one will get found out and that one will be publically shamed, ridiculed by their peers as well as lose their respect, have sanctions imposed on themselves and their agency, lose their job, lose their client and be sued by said client (if they were not aware of the scam advertisement). If one does not create and enter a scam advertisement, the worst possible outcome is that one will not win any awards through legitimate client-briefed³ work. Not creating scam advertising is thus the better option.
2. *Expected value*. For this approach, Mulgan (2007:150) suggests that one can calculate probabilities mathematically: "We multiply the value of each possible outcome by its probability". This approach is very difficult to justify, however, because it focuses more on luck than it does on the utilitarian aim, which is happiness.
3. *Maximax*. "The value of an action is the value of the best outcome it might produce." If one creates and enters a scam advertisement, the best possible result is that one will win a Grand Prix for the work, be promoted, receive a raise, be respected by one's peers, receive a higher creative ranking, attract new clients for their agency, and be approached by an international agency to work for them. If one does not create and enter scam advertising, the best possible outcome is that one will achieve the exact same results as with scam advertising, but through legitimate client-briefed work. Since both results are equally good, utilitarianism states that one can choose either action. If one considers another scenario, however, the problems with maximax becomes apparent: if one

³ For the purposes of this dissertation, if one considers scam advertising to be at one point of the spectrum, the juxtaposition of that would be campaigns or advertisements that were created based on a genuine brief from the client, flighted more than once and paid for by the client.

watches television, the best outcome is mild amusement. But if one gambles away all of one's money online, the best outcome is that one might win a fortune. Thus the best action according to utilitarianism is high-stakes gambling.

Maximin and maximax are both problematic. If one follows these strategies one will either take so few risks that one does not live at all, or take so many risks that one ruins their life. Expected value thus provides the best guidance according to most utilitarians (Mulgan 2007:151); the right action is the action that has the highest expected value. 'Value' is a rather subjective measure however, that has no absolute scale. Another consideration concerning expected value, is that with regard to winning awards: winning an award will be of far greater value to someone that has never won before, or that has won very few awards, as opposed to someone that has been in the industry for many years and has won hundreds of awards.

Utilitarianism also differentiates between *objective* probabilities and *subjective* probabilities. According to CI Lewis (in Quinton 1973:49), an action is *absolutely* right if it has the best actual consequences, *objectively* right if it is reasonable to expect that it will have the best possible consequences, and *subjectively* right if the agent expects it to have the best possible consequences. Suppose one creates a scam advertisement, enters it into the Loerie Awards, and it wins. If it is then exposed as scam, and the agent is stripped of the award, the action cannot be deemed *absolutely* right, since it does not provide the best actual results. If the probability of being caught is negligible (which as mentioned before, is near impossible to realistically calculate), the act of creating scam advertising and entering it is *objectively* right, since it is reasonable to expect the best possible consequences from this action. *Subjectively*, it is also the right path of action to take, since the agent expects it to have the best possible consequences. Here, an age-old criticism of utilitarianism comes to light: if a few people in an agency create scam advertising that wins awards, and this creates the most overall happiness for the agency, utilitarianism condones this action. To illustrate this manner of thinking in a different way: if the greatest happiness is built on the backs of, for instance, a few slaves, then this means that utilitarianism condones slavery. However, in the case of advertising, this is still a very shortsighted approach, and does not consider the greater good of the advertising industry, only the good of that particular agency.

According to Mulgan (2007:153) some utilitarians use objective probabilities to determine the *rightness* of an action, but subjective probabilities to *praise and blame* people: one should not be punished if they truly believe the course of action taken is the right one. Consider the following example: a junior creative is briefed on a campaign by their Creative Director, and executes the idea as a print advertisement. The Creative Director – who proactively came up with the brief, unbeknownst to the junior creative – loves the execution, runs it once in an obscure newspaper, and enters it into an awards show without client permission. This illustrates an intriguing issue raised by the distinction between objective and subjective probabilities: *culpable ignorance* (Mulgan 2007:153). Subjectively, the junior creative performed the right action, as they did not know any of the extenuating circumstances of the entry that causes it to

be scam advertising, and therefore frowned upon. Quinton (1973:49) maintains that only the subsequent critic of an action can determine what the absolute right course of action would have been. The best guide one can follow in executing an action is that of the objective rightness of said action.

Now that the complexities surrounding utilitarian ethical theory have been investigated and discussed, one can explore how utilitarian ethics views scam advertising as a practise, as per the different awards show rules discussed in Chapter Two:

1. advertising that was created and/or entered without the client's consent,
2. advertising that was created for a fake client,
3. and advertising that was never aired, flighted, published or launched.
4. advertising that was only flighted once or executed in accordance with minimum airing or publishing requirements,
5. advertising that was created for the sole purpose of entering it into awards,
6. advertising created without a genuine brief from a client, and/or
7. advertising paid for by the advertising agency itself.

Looking at advertising that was created without client consent, there are certain issues with this from the get-go. One has to ask why the advertising was created without consent. It could be that the client does not (or would not) agree with their brand being represented in a certain manner depicted in the advertisement. It could also be that the client the work was created for is not a client of the advertising agency that created the work, or even a client of a competitor agency, that would not give the agency consent. While the issue of consent is not a concern of utilitarian ethics, the consequences that arise from not having consent certainly is. If the client found out that scam advertising was created for their brand, the agency could face severe backlash, and even lawsuits from the client for false representation, which would be highly undesirable. Utilitarianism finds no problem with creating advertisements for fake clients, since there are no negative results for anyone involved (except if one considers the argument for possibly taking awards away from agencies that enter client-briefed work; this is discussed later on in the chapter). Advertisements that were not aired or only aired in accordance with minimum flighting requirements, as well as agencies paying for the flighting of advertisements presents a similar non-problem: according to utilitarian theory it does not matter how the advertisement was created or entered. As long as it wins awards and does not get caught out it will provide the most 'happiness' for those that created the advertisement. It does not create happiness for those that lose, however, and there are always more losers than winners. Thus, if the majority of those that enter do not win awards, it stands to reason that their happiness will be negatively affected. If one follows this train of thought, the implication is that advertising awards shows, in general, do more to create unhappiness than happiness. According to utilitarianism all advertising awards shows should therefore be disallowed, since they do not promote the aggregate good. For the sake of continuing this analysis however, this point is noted, but other subtleties of scam advertising with regard to utilitarian ethics will continue to be explored.

Proactive advertising presents an interesting situation: some creatives in the industry consider it their duty to create proactive advertising for a client if they see an opportunity that may further that client's business. And if that opportunity happens to allow them to enter very interesting, creative work into awards, then all the better: both parties can benefit from it. However, proactive advertising can also be created for the sole purpose of creating 'creative' work that holds absolutely no value for the client or their business (for example, an advertisement that never flighted prior to entry would not have the chance to affect people). Again, utilitarianism does not concern itself with the intent with which advertising is created – this is a deontological concern – but in this case, agencies would be wasting resources (both in terms of creatives, money and time) on creating potentially award-winning work, at the expense of their client. They would therefore not be working on legitimate campaigns that would further the client's business objectives, which is a problematic consequence. One then has to question whether alienating one's client for the sake of potentially winning awards is worthwhile. All the while considering that, again, if the agency gets caught entering scam advertising, the effects may be much more severe than just a client that may feel neglected.

While this exploration provides a framework for how utilitarianism views scam advertising as a practice, most of these points are still contingent on whether or not scam advertising is exposed as such in awards shows or not, which awards show it is entered into, and what that awards show's rules are with regard to scam advertising. Since consequentialism forms a large part of utilitarianism, it is therefore important to explore all possible consequences with regard to the creation and entering of scam advertising. To this end, Figure 19 provides a visual aid to explain possible outcomes and consequences of different scenarios.

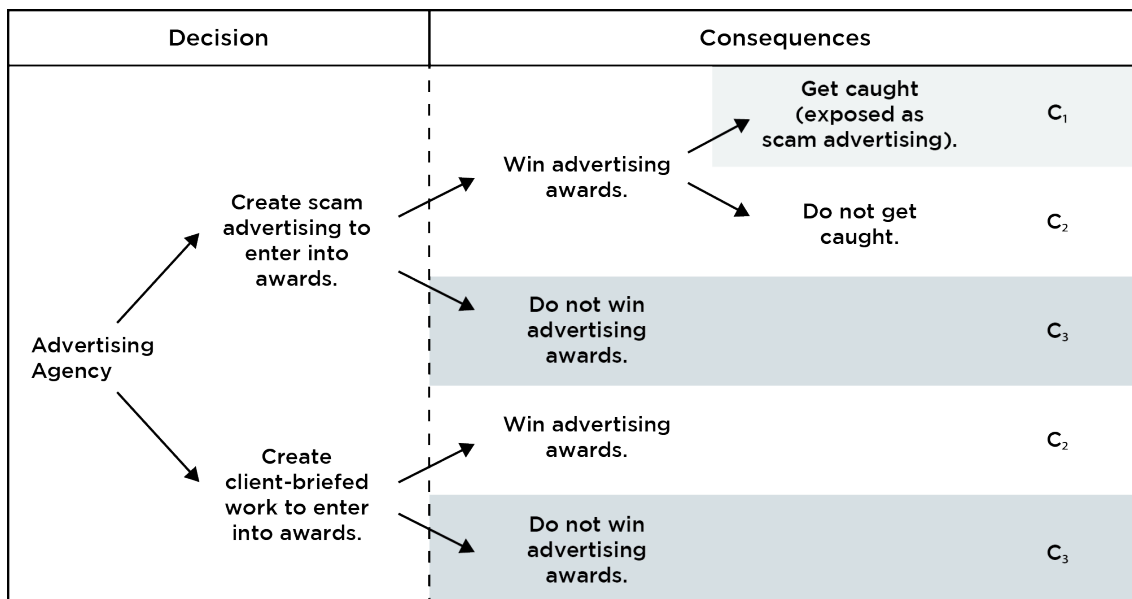


Figure 19: Diagram of the consequences of creating and entering scam advertising, 2015. (Diagram by author).

Firstly, one must discuss the five different scenarios as illustrated by Figure 19. An advertising agency is faced with two choices when awards season comes around: they can either create scam advertising to enter into the awards show, or they can enter existing client-briefed work in a bid to win awards. If the agency decides to rely on client-briefed work, they will either win awards through it, or not. If they create and enter scam advertising, they will also either win awards or not, but if they do win, an additional event must be imposed onto the timeline: either the agency will be exposed for scam advertising, or they will get away with it. This assumes that the advertising contravenes one or more of the rules of the awards show that it is entered into.

These five scenarios lend themselves to three different consequences: if the agency creates scam advertising, wins awards for it and gets caught for it, it will be a very negative experience for the agency (C_1). The creatives involved could be publically reprimanded and embarrassed, which would affect their careers negatively. The agency could face severe punishment from some awards shows (such as being banned or having sanctions imposed on them), as well as public ridicule and scorn from peers in the advertising industry that do not agree with the practice of scam advertising. The agency could also stand to lose the client the advertisement was created for, or even other clients that may deem them unethical. By entering scam advertisements, the agency could also be receiving awards that would otherwise have gone to other agencies that enter legitimate campaigns (a scenario discussed under consequence C_2). This outcome would thus be very undesirable.

It should be noted that according to utilitarianism, even the notions of praise and blame are subject to the requirement that their consequences need to create the most overall happiness (Shaw 2006:208). Utilitarianism holds that whether an act is wrong is distinct from whether an agent should be blamed or criticised for it. Blame, criticism and rebuke can have good consequences by encouraging the agent to not act in the same unsatisfactory manner in the future. However, if the agent acted wrongly due to misinformation or by accident, rebuke may not have the desired effect. Only administering praise or blame because of the consequences those may have becomes problematic, however. Since it is administered due to the consequences they may have, it potentially becomes a very manipulative action on behalf of the person giving the praise or blame; used to reinforce good behaviour and discourage wrong behaviour.

Secondly, C_2 is looked at as an outcome. From the diagram it can be seen that this is the consequence for both winning awards through scam advertising (and not getting caught) and winning awards through client-briefed work. The reason for this is that utilitarianism does not discriminate against the means that was used to achieve a result, as long as that result creates the most overall happiness. Winning awards is certainly the ultimate goal in this overall scenario. The creatives involved in creating said advertisement will be able to advance their careers, they will be sought after, and they may even receive bonuses or promotions because of it. Their advertising agency would also receive accolades, and positive PR because of the event. The

agency would receive a higher creative ranking, which attracts more clients to the business (Cusick *et al* 2001:134-135). The client that the advertisement was created for would also receive a lot of free PR, and even if the advertisement was created for another client of the agency, that client could be proud that they have a highly ranked creative agency. This outcome is thus highly desirable.

The problem with this, however, is that there is a nuanced difference between winning awards through scam advertising, or through client-briefed work. If an agency creates and enters scam advertising, and then wins an award for it, it could possibly be at the cost of another agency that entered client-briefed work. As mentioned in chapters Two and Three, scam advertising is often more wildly creative and exploratory than client-briefed work, which tends to be more conservative. Both agencies want to win the award. Both agencies will experience very positive results if they do win the award. How does one decide which agency should win in this scenario? Should one be allowed to win at the cost of the other, directly affecting their happiness in a negative manner? Suppose the agency that created the scam advertisement is a very large, well-renowned agency, with very big international clients; the other agency (that entered with legitimate client-briefed work) is a small start-up that is still trying to make a name for themselves in the industry. According to utilitarianism, it would probably be right that the large agency that created the scam advertisement should win, even if it is at the detriment of the other agency, because the sheer number of people it will bring happiness to outweighs any other criteria. However, if the small agency were to win, they would value the award a lot more (since it may be their first, as opposed to their 50th award), but it may not bring happiness to as many people. Who gets the award then? How does one ascribe 'value' to an award? How does one measure exactly how much happiness it will bring to either agency? In practice, this is where the failings of utilitarianism come to light: it provides no clear directive for the right action. It does not, it seems, account for the complexities involved in this particular scenario.

In the event that the agency does not win any awards from the work that was entered (C_3), the consequences are not nearly as drastic as C_1 or C_2 . The agency as well as the creatives will have spent time and money preparing entries for the awards shows, and may feel dismayed at the lack of results, but nothing more. They can simply try again the following year, and it may even motivate them to work harder. If the agency entered client-briefed work, it may motivate them to create and enter scam advertising in the future, if they feel there is a better chance that they might win awards from this practise.

All of these hypothetical scenarios hinge on the fact that scam advertising is deemed unacceptable in advertising awards shows – however said awards show may define it – and that one is wrong to create and enter it. Mill (2006:101) states that "we do not call anything wrong, unless we mean to imply that a person ought to be punished in some way or other for doing it; if not by law, by the opinion of his fellow-creatures; if not by opinion, by the reproaches of his own conscience". If one were to suppose a scenario where scam advertising is allowed into awards shows and not frowned upon, the suggested course of action becomes somewhat

different, however. The first scenario would still be applicable: if the scam advertising wins awards, it would bring about a great amount of happiness for all. But if it did not win awards, while it would not bring happiness, it also would not create unhappiness in the form of rebuke or sanctions. It could then almost be considered one's duty to create and enter scam advertising.

Opponents to utilitarianism say that it is a system that is completely unworkable in today's complex modern world, and that uncertainty must paralyze utilitarianism (Mulgan 2007:161). There are two main reasons for this criticism:

1. *We cannot get information about everyone's well-being.* It is impossible to ascertain reliable information about the well-being of large groups of people. This has already been argued with regard to scam advertising scenarios.
2. *We cannot predict the impact of individual actions – let alone complete codes of rules.* This applies specifically to rule-utilitarianism. Even if we could measure aggregate well-being, we could still not possibly know how following one set of rules would be different from following another.

Thus, while utilitarianism provides a solid theoretical base from which to judge actions, it becomes a very complicated, impractical and virtually impossible task to apply said theory to making practical choices. It cannot give one definitive guidance on whether one should create scam advertising or not, as one can judge the rightness of an action by its outcome post the event, but one cannot possibly predict which outcome is likely to occur. Utilitarianism can provide concrete answers with regard to events that have already transpired however, since the outcomes are already known. This is utilised in Chapter Five when discussing two case studies. In a purely theoretical sense, utilitarianism does provide a definitive answer as to the ethical status of scam advertising however: as long as one is not caught for it, it provides the most aggregate happiness, and utilitarianism therefore condones the creation of scam advertising.

While looking purely at the outcomes of a situation, as utilitarianism does, holds some merit, it also presents many problems considering that one has no idea which of the scenarios are likely to transpire. There are many other factors which should be investigated from an ethical point of view, such as the intention with which the act is committed, which is what the next section explores.

4.2.2 Deontological ethics

Deontological ethics holds the belief that an act's ethical status can be determined by whether the act is inherently 'good' or 'bad' (Hackley 2010:245). This implies that judgements should be based on preconceived moral values. This becomes problematic when there is a wide diverge of views on what is intrinsically 'good' or 'bad', however. The word deontology originates from the Greek *deon* which means "duty" or "obligation", combined with the suffix "-ology": it is the scientific study of moral duty (Hartson 1995). It is thus conceived of as a 'duty-centric' framework, where individuals are expected to fulfil moral obligations and perform actions due

to the 'principle of the matter' (Mizzoni 2010:104). The philosopher Immanuel Kant, one of the major proponents of this theory, begins his seminal text *The Groundwork for the metaphysics of morals* by stating that "the only thing of unconditional value is a good will" and maintains that such a will "manifests itself only in doing one's duty for its own sake" (in Guyer 2006:177). Kant takes a stance directly opposed to utilitarian ethics: he proposes that each action a person performs should be treated as an end in itself, not just a means (in Ladd 1999:15). Kant (in Guyer 2006:182) also states that the value of an action cannot lie in the outcome of it, since that outcome or consequence can be produced regardless of its motivation, therefore the value must lie "in the principle of the will without regard for the ends that can be brought about by such an action". This implies that one cannot disallow or even ban something just because of the outcomes that it may have for others, or the fact that it may not provide general happiness or social good. The opposite also holds true however; one cannot allow something 'bad' just because it may provide happiness or social good for some or even many. Actions should first and foremost focus on the 'rights of the individual'. This forms part of deontology, which defines 'right' as adherence to moral laws and duties (Deontological Theories 2002).

As in utilitarian ethics, there are two distinct types of deontology: *act* deontology and *rule* deontology. These are classified according to the same principles as in utilitarianism: act deontologists hold that judgements and decisions in morality are unique to every situation and should not be generalised, while rule deontologists hold that there are general principles and rules to abide by in morality, and judgements and decisions derive from them (Frankena & Granrose 1974:68). Both Kant and WD Ross – another seminal philosopher associated with deontology – are considered rule deontologists, but their philosophies differ. Kant is a proponent of *monistic* deontology, while Ross advocates *pluralistic* deontology. This pluralistic deontology holds that there are various principles that one should adhere to, and this theory recognises some teleological principles. This means that Ross's theory does take the consequences of actions into consideration to some degree when formulating decisions on actions (Frankena & Granrose 1974:80). This is discussed in more depth below.

Kant, on the other hand, is fundamentally opposed to teleological theories; he regards them as turning morality into something else: *hypothetical* imperatives, as opposed to *categorical* ones. To Kant, an 'imperative' is something that one should do or ought to do. If an agent is told that they should perform an action because it is conducive to something they want, that makes the imperative *hypothetical*, since it only holds if they desire the object in question. If the imperative holds regardless of the agent's desires, just because he is a rational being, that makes the imperative *categorical*. Kant holds that moral imperatives are categorical (Frankena & Granrose 1974:117). For this reason, Kant's *monistic* deontology advocates the use of one basic non-teleological principle, that he terms the Categorical Imperative (Frankena & Granrose 1974:112). This principle is used to prescribe what we *ought* to do; a command one is always supposed to follow. O'Neill (1989:126) states that there are three significantly different formulations of this Categorical Imperative; combined they define monistic deontology, or Kantianism (Ladd 1999:16, O'Neill 1989:126). The first of these formulations is the Formula of

the End-in-Itself, or the Principle of Autonomy (Mizzoni 2010:110). As mentioned previously, this formulation states that we should respect everyone: "Act in regard to all persons in ways that treat them as ends in themselves and never simply as means to accomplish the ends of others" (Mizzoni 2010:111).

In this sense deontology may even condemn the entire notion of advertising, since advertising is never created purely for the sake of someone enjoying a beautiful poster, an entertaining TV advertisement or even enjoying an interesting activation. Any form of advertising is created either to entice said person to buy a product or service, or to create brand affinity, which will, hopefully, in turn increase sales and the company's profits. The person or consumer is thus used as a means to increase the brand's bottom line, and is thus used as a means to this end. For the sake of exploring scam advertising through deontological theory, this notion is noted, but set aside.

A second formulation of the Categorical Imperative, the Formulation of Universal Law or Principle of Universality, states that one should always consider how it would be if everyone did what you did: "Act only from the personal rules that you can at the same time will to be universal moral laws" (Mizzoni 2010:113). This formulation may easily be interpreted in a consequentialist framework, and even sound similar to rule utilitarianism, but Kant intended it not as a hypothetical imperative, but a moral imperative. Therefore we view it in a non-consequentialist context.

The third formulation (which is only very briefly stated by Kant) is that of the Formula of the Kingdom of Ends. Kant (in O'Neill 1989:127) states that "morality consists in the relation of all action to the making of laws whereby alone a kingdom of ends is possible". This "kingdom of ends" is described as "a systematic union of rational beings under common objective laws" (O'Neill 1989:127).

Kant distinguishes between two different kinds of duties in deontology: 'perfect' and 'imperfect' duties. Perfect duties are duties that can be enforced by external constraint; generally these duties have specific corresponding laws to them which can be enforced, such as fulfilling a contractual obligation. For this reason they are also known as duties of justice (Westphal 2011:115). Examples of these kinds of duties would be that of fulfilling promises, paying debts, or telling the truth (Ross 1930:18). These are duties that allow no exception whatsoever in favour of imperfect duties, such as relieving stress. Imperfect duties do not have corresponding rights, as in the case of charity, which is why they are also known as duties of virtue (Westphal 2011:115). Kant further characterises these duties: perfect or "narrow" duties prescribe a specific action to be taken, whereas imperfect or "wide" duties give the agent leeway for complying with it in a variety of ways. The duty of beneficence, for instance, does not specify who to donate to, or how much. Kant provides the examples of the conflict between "love of one's neighbor in general" and "love of one's parents" (Mohr & Rühl 2011:122-123). In such a situation the decision would be up to the agent in terms of how to fulfil these

obligations. In the case of duties of justice or 'perfect' duties, behaviour (the act of following the laws or duties) rather than intention is primary (Westphal 2011:115).

Kant also distinguishes between juridical and ethical laws to be followed; these are subcategories of moral laws. According to Mohr & Rühl (2011:123-124), all lawgiving consists of two elements: "(1) a law, which represents the objective ('theoretical') cognition of the duty's content; (2) an incentive, which provides the subjective ('practical') determining ground to act in conformity with the duty". Juridical and ethical laws can be distinguished by different incentives according to which they are performed: if a law makes an action a duty and that duty is the incentive to adhere to the law, it is an *ethical* law. However, if the incentive of duty is not included, or if an incentive other than duty is imposed, the law is *juridical*. Since the "idea of duty" is the incentive to ethical lawgiving, it stands to reason that it can only be based on self-necessitation and self-constraint; such laws are internal and self-imposed. According to Kant (in Mohr & Rühl 2011:124) any ethical law cannot be external, because it makes internal actions duties that one must adhere to. Examples of internal actions would be the adoption of aims and motives. Performing such internal actions, including acting out of respect of the law, cannot be externally enforced or even perceived. In contrast, adhering to juridical law only requires the agent to perform "external actions", which can be observed and enforced. Ethical lawgiving also requires an external action, but has the additional requirement that the duty has to be the incentive to act in accordance with the law. Ethical lawgiving is thus more ambitious than juridical lawgiving in that it imposes an additional level for the agent to adhere to. Both of these clauses rely on an agent following specific laws or regulations – whether self-imposed or imposed by a governing body. The problem that this raises however, is that just because something is legal, does not constitute it as an ethical endeavour necessarily: apartheid, for instance, was legal (Landis 1961:1-52). And as a more contemporary example, one can consider the majority of South Africans' disdain towards the controversial e-toll system in Gauteng, which has been ratified by the South African Constitutional Court (Tolsi 2012). It is very easy to justify one's behaviour by saying that it is legal, and therefore ethical (as in the case of agencies paying for work to run, or the minimum airing of campaigns), but that alone does not necessarily constitute it as ethical.

Kant (in Mohr & Rühl 2011:124) maintains that an act only has "moral value" if its motive is respect of duty itself, not the desire to earn a reward or enhance one's own reputation. For example, helping someone in need only has moral value if the action is performed out of respect for the duty to help. If the motivation is for any other reason, while still beneficial, the action will have no moral value (Mohr & Rühl 2011:124). Ross (1930:16) agrees with this statement, adding that if an agent only performs an action because of he thinks it will promote his own interests, he is acting out of self-interest, not a sense of rightness. If one considers the situation iCONGO (2015) highlights in their video, deontology thus condemns advertising agencies conceptualising and executing campaigns or ideas for charities that only serve as a means for them to win awards. Kant (1930:75) also states that one must not do good because of advantages or pleasure that one derives from doing so, because then the impulse is not moral.

In this he includes people that boast of their good deeds because then those deeds were done for the wrong reasons. Thus, if one does not create scam advertising for the sole purpose of boasting about not creating scam advertising, then it is not moral to do so. It is not enough to do the right thing; one must do the right thing for the right reasons. If one does not create scam advertising, it must be because one does not think it the right thing to do.

Following on from this, Kant (1930:52) then distinguishes between two types of what he terms *praemia*.⁴ One understands that in this context it is meant as different kinds of recompenses for one's actions. The first is *auctorantia* – where an agent's motivation for an action is the promise of a reward; it is the sole reason for the action. The second is *remunerantia* – where the action is performed solely out of a "good disposition, from pure morality", not because of any promise of a reward (Kant 1930:52). According to Kant (1930:53) *praemia auctorantia* are pragmatic, while *praemia remunerantia* are moral. If an act is performed solely for physical welfare, it has no moral value. *Praemia auctorantia* are often merely natural consequences of an action. For instance, good health is *praemia auctorantia* of temperance. In the context of scam advertising this would mean that if an agent were to win an award because they entered scam advertising, that award would be *praemia auctorantia* of scam advertising. However, if the agent entered legitimate client-briefed work and won an award, that award would also be *praemia auctorantia*, but of legitimate client-briefed advertising, instead of scam advertising. Arguably one can *only* get *praemia auctorantia* from any award one receives from an awards show, as one would always enter with the intention of winning: nobody enters work into an awards show for the sake of "pure morality". If one looks at the act of creating scam advertising in the first place, then the agent who does not create scam advertising on moral grounds, qualifies for *praemia remunerantia*, as they have denied themselves the opportunity to win awards in favour of "pure morality".

It has now been established how important intentions are in Kant's formulation of deontology in determining whether an act is good or not. Kant (1930:64) takes this a step further, however, to distinguish how courts of justice and moral and ethical theory differ on the emphasis on 'intentions': if a man enters a room with a knife in hand with the intention to murder but is apprehended before he does so, in the eyes of the law he is not a murderer (although he may be charged for attempted murder). Morally, however, Kant (1930:64) maintains that a complete *propositum*⁵ is as good as the executed deed. Thus if one plans to enter scam advertising into an awards show, creates the work and formulates a plan on how to achieve this, but then changes their mind at the last moment, Kant believes them to be as guilty as someone that did actually enter scam advertising.

Kant (1930:129-131) also discusses the importance of conscience in an agent. He maintains that there is a difference between prudence and conscience: prudence reproaches an action, while conscience accuses. If one creates scam advertising and gets caught for it, it is natural for the

⁴ Latin for "reward" or "recompense" (Latin Dictionary 2008a).

⁵ Latin for "intention" or "objective" (Latin Dictionary 2008b).

agent to reproach himself for it, but mainly for the imprudence that led to his detection. He is not repenting the action, merely the consequences that arose from it. Kant (1930:131) maintains that we must not console such a man for having a semblance of conscience. His reproach must, however, be accounted to his honour, as it shows strength of character for being remorseful.

If one looks at the intention with which scam advertising is created, this tends to present a problem. Since scam advertising is not allowed in advertising awards shows (here one considers scam advertising to be advertising that contravenes an awards show's rules, regardless of what they may be), it is often created in such a way to deceive judges, other creatives and even the general public into believing that it is a legitimate campaign. Even if the deception is for a good cause – to win awards for the agency and thus getting more business, or for creatives to win awards because it would further their careers – it would be classified as unacceptable according to deontology, because one cannot allow something just because it may have a good outcome for some; every act is treated as an end in itself. This intention to deceive would therefore classify the act as unacceptable. Even just the fact that scam advertising is outlawed by awards shows, but agencies often choose to enter it anyway (often violating rules regarding substantial flighting or agencies paying for executions themselves), is enough to have it deemed unacceptable, since one is then not adhering to the juridical law of the awards show.

On the other hand, allowing creatives to create scam advertising upholds the 'rights of the individual', since scam advertising often allows creatives in the advertising industry a level of creative freedom that they are rarely afforded when working on client briefs. It can be argued that it is unethical to withhold this 'creative release' from creatives who are often merely seen as a means to execute marketers' ideas. On a more self-serving level, winning awards can lead to monetary compensation for creatives (in the form of a raise or bonus), professional promotion or peer recognition, which often results in career advancement. These consequences are not a concern of Kant's *monistic* deontology, but does hold some sway in WD Ross's *pluralistic* deontology, as is discussed shortly. If scam advertising is therefore created purely with the intention of giving creatives a 'creative release', the act can be classified as 'good', according to *monistic* deontology. This self-serving ethical egoism becomes very problematic if one applies it as a universal law however (Kant's second formulation of the Categorical Imperative), because if everyone acts solely from self-interest, everyone may be negatively affected in the end. If everyone were to create scam advertising purely to enter work into awards, clients' businesses may suffer due to highly creative but often ineffective advertising campaigns.

As discussed under utilitarianism, it is necessary to explore how deontological ethics views scam advertising as a practice, as per the description in Chapter Two. This is thus advertising that displays one or more of the following traits:

1. advertising that was created and/or entered without the client's consent,
2. advertising that was created for a fake client,
3. and advertising that was never aired, flighted, published or launched.

4. advertising that was only flighted once or executed in accordance with minimum airing or publishing requirements,
5. advertising that was created for the sole purpose of entering it into awards,
6. advertising created without a genuine brief from a client, and/or
7. advertising paid for by the advertising agency itself.

Looking at advertising created without client consent, advertising created for fake clients and advertising that was not flighted or only flighted in accordance with minimum requirements, the problem is the same every time: all of these boil down to the creatives or agency intending to deceive the judges or general public into believing that it constitutes a genuine campaign. This is unacceptable, as Kant's Categorical Imperative does not allow lying for any sake or cause.

Proactive advertising, again, presents a different paradigm. As outlined under utilitarianism, there are two main reasons creatives create proactive advertising: either to further their client's business – with the possible added bonus of being able to express their creativity more freely since there is no restrictive client brief – or for the intention of purely creating advertising to enter it into awards shows. Andrew Human (in Manson 2010), CEO of the Loerie Awards, has in the past categorically stated that "works created solely for the purpose of entering competitions are not eligible in the Loerie Awards". If creatives therefore enter scam advertising, intentionally subverting this rule, deontology rules it as unacceptable. Another point of view could be that it is creatives' duty to win awards for their agency, and should therefore do so by any means necessary, even if it means creating scam advertising.

W.D. Ross, however, believes that one cannot classify moral rules according to such universal absolutes (in Skelton 2012). He discards Kant's views on deontology and states that conflicts can sometimes arise from contradictory moral duties, which his theory — known as *pluralistic* deontology — takes into consideration. In order to revolve these conflicts, Ross names five different *prima facie* obligations that one must consider before executing an action. He suggests the following division (Ross 1930:21; Skelton 2012):

- 1a. Duties of fidelity (the duty to keep one's promises),
- 1b. Duties of reparation (the duty to right previous wrongs),
2. Duties of gratitude (the duty to return favours one has accepted in the past),
3. Duties of justice (the duty to ensure that pleasure or happiness is distributed accurately),
4. Duties of beneficence (the duty to better others' lives in respect of virtue, intelligence or pleasure),
5. Duties of self-improvement (the duty to improve one's own life with respect to virtue or intelligence).

Ross (1930:21) adds one additional duty, which he wishes to distinguish from (4):

6. Duties of non-maleficence (the duty to not harm others).

These obligations are not all equally weighted, and Ross (1930:22) states that the duty of non-maleficence is more binding as a *prima facie* obligation, therefore it should always take precedence: one cannot kill one person to save another, nor steal from one person to give to another. In all other situations, Ross (1930:18-19) states that when an agent finds themselves in a situation of conflicting duties, they must study the situation carefully and fully until they can form a considered opinion as to which is the more pressing duty: "...it is not because I think I shall produce more good thereby but because I think it the duty which in the circumstances more of a duty". Ross (1930:18) maintains that this is much more accurate with regard to how one truly thinks in a situation, therefore his theory is more applicable to everyday life. He also adds that to judge the rightness of a particular act is a very abstract endeavour; he likens it to judging the beauty of a natural object or a work of art. He maintains that neither can have logically justifiable conclusions (Ross 1930:31).

Scam advertising fails on several points of Ross's pluralistic deontology: firstly, since awards shows do not allow scam advertising, simply by entering it agencies are violating the duty of fidelity; they are claiming it as a campaign eligible for entry, when it is in fact not. In some cases it would even be necessary to falsify paperwork such as media schedules in order to claim it as a legitimate campaign. Scam advertising also violates the duty to promote a maximum of aggregate good: an argument can be made to shun scam advertising on the basis that this protects clients from agencies that just want to win awards and up their creative ranking. It could also be argued that shunning scam advertising is fair towards other creatives and agencies that may have spent millions of Rands, and many months of planning on bringing a campaign to life that had a real impact on their client's business, as opposed to just being a great idea that was only fledgling or executed once. It can also be argued that creatives should rather put more effort into selling their clients' products or services if they still want to have jobs in the advertising field in five years (Bouchez 2001). Scam advertising also violates the duties of non-maleficence and justice: scam advertising can harm others by depriving them of advertising awards that they rightly worked for or by losing clients potential revenue by not selling real products. The duty of self-improvement is also not upheld by scam advertising, since it deprives one of virtue.

In conclusion, deontological ethical theory provides a necessary counterpoint to utilitarian ethics by focusing on the morality of an action itself, instead of its consequences. It looks at the intent with which an action is executed, as well as looking at different duties one is expected to fulfil. Deontology finds it difficult to make a definitive pronouncement on the ethical status of scam advertising, as it all depends on the specific situation. If one is knowingly contravening awards show rules, then deontology cannot condone the action, as this amounts to lying, as well as breaking juridical duties.

Having now looked at the ethics of scam advertising as resulting from the consequences of the act as well as the morality of the act itself and adhering to one's duty, the next section looks not

at the act, but rather at the kind of person that performs the act, as well as their character, in order to form a verdict on the ethical status of scam advertising.

4.2.3 *Virtue ethics*

The third avenue of normative ethics that this dissertation explores is that of virtue ethics. The word "virtue" is derived from the Latin *virtus* which translates to "excellence", "capacity" or "ability" (Van Hooft 2006:1). This implies that to have virtue is to have the power or ability to achieve something. It is an avenue of ethics that was first founded by Plato, and more particularly Aristotle, and prevailed in Western modern philosophy until at least the Enlightenment. It made a resurgence in the late 1950's after being heralded by Gertrude Anscombe's article "Modern Moral Philosophy", which distilled an increasing dissatisfaction with the forms of utilitarianism and deontology then prevailing (Hursthouse 2012). According to Hursthouse (2003:184), this theory differs from other normative ethical theories in that it is 'agent-centred' as opposed to 'act-centred'. It is concerned with 'being' rather than 'doing', and asks the question "What kind of person should I be?" as opposed to "What should I do?" It also differs in that it treats ethics as concerned with one's whole life, not just situations where something 'moral' is at stake (Russel 2013:2).

Virtue ethics proposes that one needs to live a life in accordance with virtue in order to accomplish *eudaimonia*: translated as "happiness", "flourishing" or "well-being" (Hursthouse 2012). According to Anscombe (in Hursthouse 2012), guidance on how to be a virtuous person can be found in following the 'v-rules' — virtue and vice terms — such as "do what is honest/charitable; do not do what is dishonest/uncharitable". Telling the truth, to Aristotle, is not about fulfilling a duty — as it is to Kant — but rather a quality of character (Mayo 1974:231). If a person accepts a choice or a practice to be 'wrong', it would be the duty of that person to actively avoid partaking in such an action, as well as shunning those that do. Their motives must not be because of the consequences that may arise from this practice (which would be utilitarianism) nor from adherence to moral duties or rules (which would be deontology). Virtue ethics is concerned with getting the person right, and once this has been achieved, good actions will follow naturally. Kant (1930:244) — who, as discussed in length in the previous section, is a deontologist — dedicates a fair amount of his writings to virtue. He maintains that no man can ever be truly virtuous, it is a practical impossibility, but it is something to strive towards. He goes further to say that it is not enough for a person to have a kind heart, that in itself is not necessarily virtue: "virtue is good conduct not from instinct, but on principle, while a kind heart is in harmony with moral law" (Kant 1930:245). Kant (1930:245) thus states that one can only become virtuous through practice.

Van Hooft (2006:33), an associate professor of Philosophy at Deakin University, Melbourne, makes the point that in order for one to become virtuous, however, one must first have a semblance of the virtue to start with. For instance, if one does not have a shred of courage, they can deceive themselves into thinking that they are acting prudent in a situation where they are

actually being cowardly: one can only recognise a virtue if one already has it. Take for example if a creative were to enter scam advertising into an awards show that had never flighted – thus requiring said creative to falsify a media schedule in order to meet the minimum requirements for entry. If the creative were a wholly dishonest person, they would not recognise anything wrong with being dishonest in this case. They may even think themselves resourceful for coming up with a way to subvert the rule. If one were dishonest oneself, one would not recognise their dishonest behaviour; one may view it as unremarkable or even acceptable. An honest person would recognise the dishonesty, and possibly be embarrassed on behalf of the creative. The point being that one needs to have the virtue in order to recognise it and make judgements about it. This reaction is obviously not objective, however. Van Hooft (2006:34) states that there is no rational, objective basis from which to make such judgements. Duty-centred moral theories (such as deontology or utilitarianism) merely require one to be rational in order to make judgements or decisions, but to make judgements about virtue requires one to be virtuous.

In order to live a virtuous life, it is first necessary to define what a virtue is. Besides being "an excellent trait of character", Aristotle offers another way to describe a moral virtue: it is a mean between two extremes. This is known as his principle of the golden mean: "A moral virtue is a mean between two extreme vices (the vice of excess and the vice of deficiency)" (Mizzoni 2010:23). For example, the virtue of courage is a mean between the extremes of cowardice on the one side, and rashness or fearlessness on the other side. It is about how one handles fear: if one is overcome with fear, one will be cowardly. But if one ignores fear altogether, one will be rash or reckless. Success lies in navigating between the two extremes. Van Hooft (2006:34) states that in order to understand exactly what a virtue (such as honesty or courage) entails, it is necessary for it to form part of a "hermeneutic circle". This means that the more one is exposed to judgements concerning honesty, the more one's frame of reference expands and the more background information one has to draw on when faced with a specific situation. Van Hooft (2006:34) explains it as such: "Every time I experience an act of courage in all its uniqueness and particularity, in myself or others, it contributes to my general understanding of what courage is".

While it is very difficult to establish a finite list of virtues that one must strive to adhere, ancient Greece did establish four cardinal virtues: courage, temperance, justice and wisdom (Stewart 2009:62). Aristotle expands on these to create two distinct lists. Firstly he proposes *moral virtues*: honesty, benevolence, non-malevolence, fairness, kindness, conscientiousness, gratitude and so forth. The second is that of *nonmoral virtues*: courage, optimism, rationality, self-control, patience, endurance, industry, musical talent, cleanliness, wit, and so forth (Pojman 2005:173-174). Modern virtue theorists have also added contemporary virtues such as industriousness, professionalism, sympathy, open-mindedness, organisation, determination, intelligence and loyalty (Stewart 2009:62, 74). Van Hooft (2006:127) points out that the names of virtues are not as fixed in language as, say, pieces of furniture, however. Furniture has fixed characteristics: a table can be distinguished from a chair or a lamp, for instance. These

designations are relatively simple, whereas human behaviour is complex. Motivations form a big part of this. Just because someone is displaying a virtuous characteristic, it does not naturally follow that this is because of a virtuous disposition. For instance, a boy helping an old lady across the street is displaying the virtue of kindness. But the reason for his kindness may be because he wants to impress his peers, or it may be because of a genuine desire to help. The latter is true of a virtuous agent, the primary not. Take for example, if an advertising agency were to create a campaign that provides homeless children with food on a daily basis. The agency would be displaying virtues of kindness, charity, benevolence and conscientiousness. If their motivation is to help those children, then the act and persons would be deemed virtuous. However, it is also possible that the agency only created said campaign with the intention of winning awards, in which case the motivation would be entirely selfish. As in the example that iCONGO's (2015) video portrays, this action could even be potentially unfair and dishonest from the agency. In theory, one can distinguish these two completely opposite sides to the spectrum in black and white terms. In reality, however, intentions and motivations are rarely this clear-cut. A much more likely situation is that an agency may produce and execute a campaign such as this as a means to win awards as well as provide genuine help. This makes providing an ethical proclamation much more difficult.

Van Hooft (2006:38) argues that while the virtues that are admired by any specific group may be culturally determined, there are a few that are universal, such as honesty, courage and the passion for justice. It can certainly be problematic that virtues are culturally determined, and can change over time. For instance, while acquisitiveness is a virtue to capitalists, Marxists will see it as a vice. These virtues, while telling one how they should live, do not provide a clear directive in terms of how one should act or apply these virtues. Take the following for instance: burglars would no doubt admire bravado displayed during a bank robbery. So although the activity is deemed immoral, burglars would be able to describe each other as having the virtue of bravado. This same logic applies to the previous example of scam advertising as well: finding ways to subvert the rules of advertising awards shows (like falsifying media schedules or flighting advertisements once to a minimal audience) could also be seen as innovative and industrious by those that are dishonest. These would be non-moral virtues, however.

Kant (1930:75) also points that being a virtuous person makes one just as likely to experience pain in this life as a non-virtuous person. One can be virtuous, and still find themselves in difficult circumstances. If they were not virtuous it may be easier to bear, knowing that they deserve to suffer. Kant (1930:75) explains it as follows, using the example of one experiencing hardship: "as it is, he is virtuous and hungry, and he cannot still his hunger with his virtue". The same can be applied to scam advertising. A creative may feel himself virtuous for never having created or entered scam advertising into awards shows, but that alone will still not win him awards from eligible advertising, further his career or gain new clients for his agency. But one should also not be boastful about doing the "right thing", or feel pride in being virtuous, as that is not virtuous behaviour. Van Hooft (2006:11) states that one should also not be virtuous for the sake of being virtuous. One should not tell the truth in order to gain the virtue

of honesty, one should be honest because they love the truth and want to respect the truth. He states that an agent that is not fully formed in virtue and still striving to be virtuous may be honest because they strive to be honest, but a relatively mature virtuous person will tell the truth simply for the sake of it. It is therefore not something one flaunts or parades about, it is a quiet action that should be done for the sake of itself: because it will allow one to achieve *eudaimonia*.

When looking for guidance on how to be a virtuous person, van Hooft (2006:18) states that besides looking at existing virtues, one may also look to other agents they consider virtuous and follow their example. Such a person could be an esteemed colleague, a parent, or someone that is known from history such as Jesus, Mahatma Ghandi or Nelson Mandela. An agent faced with a difficult decision may think to himself that John is an honest person, and try to emulate what he thinks John would do in a similar situation. According to Hooft (2006:18) the question one is asking when one looks for guidance in such a situation is not why it is wrong to lie, but why an honest person would not tell a lie in such a situation. The answer to such a question is not always found in rational arguments, but rather in the exemplary nature of a virtuous person. One is inspired and impressed by virtuous people and strives to follow their examples; therefore they become what one measures oneself against.

Van Hooft (2006:22) also points out that virtue ethics, unlike other forms of moral theory, forces one to take responsibility for their own actions and decisions. By following utilitarianism or deontology, one can defer their actions to some degree on the 'system of rules' they follow. One may even be able to consider them 'orders' to follow. But virtue ethics lays that responsibility solely on the shoulders of the agent. Van Hooft (2006:22) maintains that it is not always possible to know for certain if one is making the correct decision when acting from virtue ethics, but one simply has to make the decision, take the leap of faith and take responsibility.

Making that decision, however, is not all that straightforward. According to Ricoeur (in Van Hooft 2006:114-115) one has a variety of forms one needs to attest to. In one context one may be an individual searching for their fulfilment, in another context one may be a wife acting in her husband's best interests. In one context one may be a political agent acting on behalf of the common good without any regard for one's own interests, in another context one may be a religious believer affirming a faith. Ricoeur (in Van Hooft 2006:115) states that the crux of the issue is not whether these varying roles or identities can be integrated: it is that they must all be honoured. Virtue consists in adhering to all of them. This is a difficult field to navigate, however. Consider the following example: a doctor may have a terminally ill wife. As a husband, he would do anything to ease her pain and suffering, including helping her to end her life through euthanasia. But as a doctor, he has committed to preserving life and enhancing health. So even if he personally had no objection against euthanasia, it would be at odds with his professional standing. This merely serves to highlight that a personal ethical commitment and a professional commitment can be in conflict (Van Hooft 2006:158). One's sense of oneself

as a virtuous person is therefore not only formed by one's character and ethical convictions shaped by upbringing, but also by one's professional role. Adding onto this possible conflict of personal and professional lives, Hartman (2013:248-250) adds another context one must adhere to: a businessman that has to act in the best interest of his stakeholders (or at the very least answer to his stakeholders). If one looks at this in the context of scam advertising, this raises a problem: if one decides that being a virtuous person requires one to not create scam advertising, and this in turn results in the agency not winning awards, and thereby not attracting new clients or new business and the agency suffering financially because of it, one needs to be able to justify this to their stakeholders, who may not be very understanding. This is a difficult situation to find oneself in in a professional capacity. Hartman (2013:251) adds to this that "a good ethical decision is not always a good business decision".

The question then becomes: would a virtuous person create scam advertising? The examples so far have presupposed that the answer is no, but one can investigate the matter in more depth.

Again, a quick summary of issues that render an advertisement as scam advertising according to different awards shows:

1. advertising that was created and/or entered without the client's consent,
2. advertising that was created for a fake client,
3. and advertising that was never aired, flighted, published or launched.
4. advertising that was only flighted once or executed in accordance with minimum airing or publishing requirements,
5. advertising that was created for the sole purpose of entering it into awards,
6. advertising created without a genuine brief from a client, and/or
7. advertising paid for by the advertising agency itself.

Van Zyl (2013:174-192) investigates three main theories that have been set forth by philosophers in order to determine what virtue ethics deems as a right action. Two of those are used in this research to explore scam advertising. The first, called the "Qualified-Agent Account" is set forth by Rosalind Hursthouse (in Van Zyl 2013:175), and states that: "An act is right iff⁶ it is what a virtuous agent would characteristically do in the circumstances". As a counterpoint, she introduces a second statement as well: "An act is wrong iff it is what a vicious agent would characteristically do in the circumstances".

In the context of scam advertising, one must first ask whether a virtuous person would create advertising without client consent. This entails false representation of the client, dishonesty, potential malevolence to the client (if the work created is at odds with the public image that the client maintains, or if the work is very controversial and could possibly result in a public backlash against the client), unfairness (towards other entrants who had to work hard to get client consent), unconscientiousness (towards the client and other entrants) as well as unprofessionalism (by potentially endangering a client's business and public image).

⁶ If and only if.

A virtuous agent would not display these traits. A vicious agent would, however. Therefore, according to Hursthouse's (in Van Zyl 2013:175) second statement, the act is wrong. Thus it follows that a virtuous agent would not create advertising without client consent. Advertising created for fake clients presents a similar problem: it entails dishonesty (as the aim is to deceive judges and their peers that the work was created for a legitimate client), unfairness (to other entrants who worked on genuine clients), unconscientiousness (towards other entrants) and unprofessionalism. Again, a virtuous agent would not display these traits, but a vicious agent would. Therefore, the act is wrong, and it follows that a virtuous agent would not create advertising for a fake client.

However, in each of these examples, these creatives that create scam could be praised by vicious or dishonest peers (who also create scam advertising) for finding a way around the restriction of client consent. As in the earlier example of a burglar being praised for his "virtue of bravado", these creatives could be praised for ingenuity, intelligence, cunning, wit or even determination to win awards. This does not make the act virtuous or moral, however. This same act could be seen as sneaky and deceitful; it all depends on who is delivering the judgement. As mentioned before, one needs virtue in order to recognise virtue, or lack thereof.

No or minimum airing of advertising entails dishonesty (in the case of no airing, it would entail faking a media schedule to deceive others that it had aired; in the case of minimum airing, it might deceive others into thinking that it constitutes a legitimate campaign – unless, as stated Chapter Three, the campaign were conceptualised to only air or flight once) and unfairness (towards other entrants that spent a lot of money on legitimate campaigns). However, minimum airing can show frugality as well as conscientiousness and prudence (all with regard to how the agency spends clients' money). There are thus virtues and vices inherent in this point. No airing of an advertisement does not have any virtues attached to it, and is therefore considered a wrong act: a virtuous agent would not do it. Minimum airing does have some possible redeeming virtues, however. But according to Hursthouse (2012), one cannot simply weigh up virtues in this manner – it is not a virtuous response to tally up the components of a situation or seeing which has the most rights, one has to respond to a situation "with all of yourself". The only solution, therefore, is that one must decide for themselves what will enable them to lead a life of *eudaimonia*. Van Hooft (2006:161) also points out that people may struggle when their personal convictions and their professional role come into conflict. In the case of scam advertising, a creative may personally regard honesty and fairness as important virtues, but feel that those do not apply to them in their role as a creative, and therefore find it justifiable to be dishonest and unfair in order to satisfy what they feel is for the greater good (such as winning awards for their agency). Such a situation calls for the agent to have integrity.

Proactive advertising entails practical wisdom, right ambition, committedness (to one's client's business), determination, talent, industriousness, open-mindedness, wit, and can even display charity and benevolence (since proactive advertising is often created for non-profit organisations). However, it can also entail greed, unfairness (towards other creatives that only

work from genuine briefs) and neglect (by not focusing on genuine briefs). Again, an agent would need to decide for themselves how to act in this situation.

Agencies paying for work to air or launch displays determination and endurance (to make sure others see their work), industriousness (by showing initiative), but it may be unfair towards small agencies that cannot afford to foot the bill themselves, and therefore cannot enter their work (as it will not have flighted). Again this leaves one with no clear directive.

This brings one to the second theory that Van Zyl (2013:181) proposes: "Agent-Based Virtue Ethics", as developed by Michael Slote. It states that "An act is right (morally acceptable) if and only if it comes from good or virtuous motivation involving benevolence or caring (about the well-being of others) or at least doesn't come from bad or inferior motivation involving malice or indifference to humanity". This theory thus proposes to look at the motivation or intention with which an act is performed in order to gauge whether it's right or wrong.

Advertising created without client consent is intended to mislead, as it is the agency speaking on behalf of that client without their knowledge or consent. It is therefore not at all virtuous.

Advertising created for fake clients is also created with the intention to deceive, and is therefore wrong. The same applies to advertising that was not aired or only aired in accordance with minimum requirements. Proactive advertising is created with the intention to win awards. One then has to ask why the agent wants to win awards. If the answer is because it will allow them to reach *eudaimonia* (through recognition from their peers, or getting a raise so that they can provide better for their family, for instance), then this theory condones the action, and calls it right. If however, the reasons are for motives of greed, pride or other vicious motives, then it is wrong. If an agency pays for the work to air because they believe in their work and the client is hesitant, or because they have the means to do so and their client does not, then this is right.

To look at this from another perspective, one can also consider a person that may be working in an environment where scam advertising is created. They may consider exposing the situation because they feel it wrong, which may result in personal cost to them, in the sense of losing their job, or being ridiculed by their peers who see nothing wrong with creating scam advertising. Such a person would be displaying courage by exposing the practice in the face of this (Van Hooft 2006:136). But being in an environment where people are performing acts that one finds unvirtuous or even vicious, can be detrimental: Hartman (2013:249, 254) states that people are affected by the environment in which they work. If an agent works in an organisation where the corporate culture is accepting of scam advertising (and possibly deceiving people in order to enter scam advertising), they are likely to adapt and turn into someone that wants to create scam advertising. If one does not wish to create scam advertising, one should not choose an employer that is known for doing so. Hartman (2013:254) maintains that it takes an agent of great strength of character to act on the basis of their values, and to be aware of the influence of their surroundings. It is much easier to give into pressure and then to rationalise it afterwards.

In conclusion, there are virtues and vices inherent in creating scam advertising, which can be listed and rationally discussed, but cannot be tallied up and used to make decisions from. The only solution, therefore, is that agents must decide for themselves what will enable them to lead a life of *eudaimonia*.

4.2.4 *Ethos*

Besides looking at the complex ethical field that surrounds scam advertising, one can also look at rhetorical theory in order to explore this concept of 'what is good'. Rhetoric is the study of how to write or speak to a specific audience with a specific purpose in mind (Fahnestock 2009). There are three integral parts to rhetoric: *ethos*, *pathos* and *logos*. Each relates to a different kind of tactic a speaker can use to appeal to their audience. *Pathos* is an appeal to the audience's emotional side, while *logos* appeals to the audience on a more logical level. According to Aristotle (in Fahnestock 2009) a speaker's credibility, believability and ability to convince is largely determined by the *ethos* that their audience perceives of them. It can be translated as "character", "credibility" or "trustworthiness" and it can be defined as "a kind of proof (according to Aristotle) through which the orator's character is presented in a favourable way so as to influence the audience" (Dominik & Hall 2010:490). Kallendorf & Kallendorf (1985:42) point out that according to Aristotelian rhetoric one need not necessarily *be* a good person or *have* a good character, one needs only to be *perceived* to be as such by the audience. According to Hall (2010:232) an orator has a lot to gain if his projected persona can win the audience's trust and respect. In essence, it is saying to the audience to believe the speaker, because they are they sort of person one can believe (Halloran 1982:60). It is used as a means of persuasion by appearing to be credible through intelligence, character and goodwill (Kallendorf & Kallendorf 1985:43). Halloran (1982:60) states that "To have *ethos* is to manifest the virtues most valued by the culture to and for which one speaks". *Ethos* thus ties into and flows out of virtue ethics, but not necessarily relate to the orator's personal virtue, just his perceived virtue.

Exactly how others determine the speaker's *ethos* is difficult to establish, but is to some extent based in 'natural law': the idea that humans are born with certain norms instilled in them that they adhere to, and inform their decisions (McAdams & Rasmusen 2007).

A speaker's (or in this case, the creator of a scam advertisement's) *ethos* can be influenced by their actions and reputation. Reputation has become analogous to perceptions of character, which can be perceived as good or bad. According to Socrates (in Shaw 2012:155), the best way to earn a good reputation is "to endeavour to be what you desire to appear". This optimistically suggests a convergence of reality and perception. Ideally, this would mean that it is a way to use the virtues one has cultivated in their character in order to speak to an audience in a manner that will appeal to them. But, as mentioned above, this may not necessarily be the case. What is thus at stake when looking at scam advertising is not just the scam advertisement itself, but also the *ethos* of the creatives that created the advertisement, their advertising agency, as well as the client that the advertisement was created for. Halloran (1982:62) states that while *ethos* can

have an individual meaning, it can also refer to a collective, such as a professional group. Or in this case, the advertising industry and the creatives that work in that industry.

There are a few manners in which one's *ethos* can be influenced by scam advertising. If a creative is caught by an awards show entering scam advertising, any future work they create may be tainted by this incident, and perhaps unfairly scrutinised by both their peers in the industry, as well as awards show judges. They may receive a reputation as someone that creates scam advertising, and based on others' perception on whether this is a good or bad practice, it may affect their interactions with their peers. In the eyes of the public this may even demean the *ethos* of all creatives, or the advertising industry as a whole. If a creative goes for a job interview and the Executive Creative Director disagrees with the practice, the creative may be at a disadvantage before even showing their skills or capabilities. But if the Executive Creative Director sees it as a virtue, it may boost their chances of getting the job. If a creative's *ethos* is compromised, it could spill over into all other sorts of areas of their professional life. Employers may scrutinise these creatives' work much more closely, and criticise them more easily. And while the general public is not usually aware of who created specific ads, if a creative that is known for creating scam advertising works on advertising for another brand (or even the same brand) it may be difficult to believe that it is genuine work, even if it is. This in turn compromises the brand's *ethos*, as well as the advertising agency that was involved in it (even if they just employ the creative that created the work). Potential clients may be wary of hiring an agency if it is perceived that they created advertising for a client and entered it into awards without that client's consent (to name one of the more extreme examples of scam advertising). Agencies may even lose accounts based on such perceptions. Clients tend to be very protective of their businesses, and most would not tolerate behaviour like this from their advertising agency, since it would also affect their *ethos* as perceived by the public. Reputation forms a big part of business, and if one's consumers do not find one trustworthy, it can be detrimental to one's business. However, if the client was aware of the scam advertisement and it won awards, it could greatly enhance their perceived *ethos* by the public. In this case, it would also enhance the agency's *ethos*.

An analogy from personal experience serves to illustrate the extremes to which this can be carried: as mentioned in Chapter Three this researcher's *ethos* was called into question by a source that eventually withdrew from the study. The source requested that all information obtained in relation to the interview conducted with them be removed due to the researcher's association with, and the fact that they have worked for, Metropolitan Republic. The source felt that because it had not been 'disclosed' to them where the researcher works, they no longer wished to be a part of the study. Stating that this was information that needed to be 'disclosed' implies that this information would have affected the source's interview and possibly the answers that they gave. There is a notion that people's behaviour and opinions tend to change depending on who is looking or asking, and this seems to ring true in this case. This researcher did not believe their occupation or place of employment relevant to the research being conducted as it is clinical, unbiased research, and was therefore not 'disclosed'. Sources that

asked were told, however. That this dissertation comprises clinical research, devoid of any subjective opinions, was also explained at the beginning of every interview. The source stated that due to the researcher having worked for Metropolitan Republic, they believed it impossible that the researcher could remain neutral on the subject of scam advertising, and expected the researcher to state this "conflict of interest" on the topic. The source does not believe that one can work for an agency and separate personal opinion, professional execution of work, and clinical research. It is, in fact, regrettable that the source could not do the very thing they accused the researcher of.

It would thus seem that as with utilitarianism, a large part of one's *ethos* is based on the consequences of actions. Good consequences – such as winning awards – leads to enhanced *ethos*, while bad consequences – such as being caught out – leads to impaired *ethos*. Again, since it is impossible to determine how the consequences of any action will play out, it is impossible to determine how one's *ethos* will be affected by an action such as the creation of scam advertising. Rhetorical theory, focusing on *ethos*, can therefore not provide an answer as to whether it is good or bad to create scam advertising.

Having concluded the investigation into the ethics of scam advertising through different ethical theories, it is necessary to sum up the conclusions from the different investigations before continuing on to the next chapter where these findings are applied to practical examples of scam advertising in the form of case studies.

4.2.5 Summary of the analyses

By exploring scam advertising through these different ethical theories as well as touching on rhetoric, it is evident that the ethics of scam advertising is a very complicated and intricate landscape that has no concrete answers to offer, only suggestions. It sometimes asks even more questions, which there do not seem to be answers to. These are issues and intricacies that creatives deal with on a daily basis, and in the end most do not even realise that they subscribe to one or more of these ethical theories to rationalise their behaviour or feelings towards scam advertising. Reading through the industry opinions in Chapter Three again after reading this chapter, one can start to recognise the different ethical theories in the way that creatives give their answers about scam advertising.

Utilitarian ethics is concerned with maximising human happiness. When faced with any situation, it supports the action whose consequences will produce the most overall happiness. It sees no problem with inconveniencing or even hurting a few in order to help many. It is a teleological theory, meaning that it is wholly concerned with the outcomes of situations in order to determine what the correct path of action is when faced with a difficult choice. This chapter looked at all the possible outcomes for creatives creating and entering scam advertising, as well as creating and entering legitimate client work. Some outcomes are favourable, while others are not. If one wins awards (whether through scam advertising or legitimate advertising),

utilitarianism condones the action. If one is caught out after entering scam advertising however, utilitarianism condemns it. If one does not win awards after entering (again, whether it be scam advertising or legitimate advertising), utilitarianism condones the action. Which path one should choose hinges solely on which outcome is likely to occur then. But since there is no way of knowing which consequence is likely to transpire, utilitarian ethics provides no clear directive for which choice to make, or whether scam advertising is therefore right or wrong.

Deontological ethics is a duty-based ethical theory: it sees the right action as the one that adheres to preconceived rules and duties that one prescribes to. Monistic or Kantian deontology states that there is but one Categorical Imperative that one must adhere to, with three different formulations of that imperative. It also looks at the intention with which an act is performed. Whether scam advertising is thus right or wrong depends on the person creating it, and their intention when doing so. Some forms of scam advertising are condemned because they violate the Categorical Imperative (by violating duties such as "Do Not Lie", as well as intentionally subverting the award entry rules). Ross's pluralistic deontology discards the Categorical Imperative, in favour of the more flexible *prima facie* obligations. Scam advertising fails every one of these six duties, and is therefore not permissible.

Virtue ethics is a field of moral theory that focuses on the person committing the act and their character, as opposed to the morality of the act itself. It supposes that virtues are character traits which must be practiced and fostered in order to achieve *eudaimonia*. There are both virtues and vices inherent in creating scam advertising, but virtue ethics ultimately leaves the choice of an action up to the person performing it, as it states that one cannot 'weigh up' virtues and vices in order to make decisions. It therefore provides no clear directive as to whether one should create scam advertising or not, and whether it is permissible.

Aristotle's notion of *ethos* forms part of rhetorical theory, which is intended as one of three ways one can persuade an audience that an orator should be believed and listened to. One's *ethos* is largely determined by others' perception of them as well as their reputation. This can be helped by winning awards (whether through scam advertising or legitimate means), and can be impaired by being caught out for creating scam advertising. How one's *ethos* is perceived is also determined by the person they are interacting with: whether the person condones scam advertising or condemns it. *Ethos* is not only applicable to individual creatives however: scam advertising also affects advertising agencies' *ethos*, clients' *ethos*, as well as the advertising industry as a whole's *ethos*. As with utilitarianism however, one has no way of predicting which consequence is likely to transpire. This means that one cannot base a decision on whether to create scam advertising or not based on how one's *ethos* may be affected.

In conclusion: none of these theories seem to offer any kind of clear directive as to whether scam advertising as a whole is right or wrong, or morally permissible or not in a hypothetical, purely theoretical sense. But one starts to understand why it is such difficult terrain to navigate for creatives when they have to juggle furthering their careers, creating work that they are

passionate about, pleasing clients, winning awards, along with still bringing in new business for their agency. It is a very demanding situation to be in, where most of it seems to be a grey area. In order to give a more concrete understanding of scam advertising's ethical status in specific cases, the ethical theories discussed in this chapter are applied to practical examples in the next chapter.

CHAPTER FIVE: CASE STUDIES

In this chapter two case studies are investigated and analysed in order to explore the phenomenon of scam advertising in more detail. This chapter serves the purpose of investigating scam advertising on a more practical level by discussing real-world scenarios in terms of the complexities that arise from the ethical theory in Chapter Four. This aids the research aim of exploring the ethics of scam advertising by fulfilling the objective of analysing campaigns according to the criteria that has been set out in previous chapters: the definition of scam advertising, the judging criteria of the Loerie Awards, as well as ethical and rhetorical theory. It should be noted that an ethical grounding is not being discussed, but rather ethical theories and their implications. The case studies are also analysed according to the Quadruple Bottom Line approach in order to determine their business effects and sustainability (Walker 2014). This chapter also explores how these specific examples of scam advertising affected and is viewed by creatives, agencies, clients and consumers.

The two examples that are discussed were chosen, firstly, because they are South African campaigns, secondly because neither of these campaigns have been discussed in academic discourse before, and thirdly because they both fared well at the Loerie Awards, and are highly awarded examples of recent advertising. It should be noted that as with the MTN *Project Uganda* example in Chapter Two, these examples are isolated cases that should in no way be taken to reflect the agencies' other dealings. Again, the pejorative nature of the words "scam advertising" is to be set aside in order to explore the ethical complexities that these campaigns highlight. Listing these executions as examples of scam advertising merely means that there are aspects to each which contravene some awards shows' rules, and that some may consider them to be scam advertising. While there are gaps in the information available about the campaigns, they still provide more information than other campaigns.

The two awards shows that are considered in this chapter are the Loerie Awards and the APEX Awards. The Loerie Awards, as discussed in Chapter Two, is South Africa's leading advertising awards show that focuses on creativity. The APEX Awards, on the other hand, concerns itself wholly with the effectiveness of campaigns and only awards those campaigns that increased their clients' bottom lines significantly.

5.1 Volkswagen Golf 6 *Silent Band*

The first advertisement, the Volkswagen Golf 6 *Silent Band* activation, was executed in 2011 by Ogilvy Cape Town. This activation was chosen as a case study because there are certain elements of the campaign that could potentially render it scam advertising, which are discussed later on.

5.1.1 Summary of the execution

The roughly one-minute long online video (see Appendix I) for the activation opens on a shot of a promenade, with the ocean in the forefront and apartment buildings and a mountain in the background. Titles then appear on-screen that identify the area as "Sea Point, Cape Town", and the day and time as "Saturday, 2pm". The video then cuts to close-ups of different areas of the promenade, showing scenes of children playing on swings and jungle gyms, adults jogging, children playing soccer and seagulls taking flight. The video then cuts to a long shot of a grassy area and in the distance one sees a marching band in full performance dress walking towards camera. The video then cuts to close-ups of the band walking past different bystanders (Figure 20).



Figure 20: Bystander looking at the silent marching band, *Volkswagen Golf 6 Silent Band case study video*, 2011. (Ogilvy Cape Town).

The band mimes playing their instruments – not making a sound – and the only sounds one hear are waves breaking on the beach, seagulls cawing, children shouting and playing, and footsteps from the band walking. The band walks past various bystanders who stop and gape at them in confusion. Some of these bystanders take photos or videos of the event. The band then passes on either side of the camera, revealing a banner held by two band members that reads: "Enjoy the silence. The quietest cabin in its class. New Golf." next to the Volkswagen logo (Figure 21). The video then cuts to a white screen with the Volkswagen logo.



Figure 21: Activation banner, *Volkswagen Golf 6 Silent Band case study video*, 2011. (Ogilvy Cape Town).

The understanding that one gets from this video is that it is a guerrilla activation that took place in Sea Point, and once one sees the banner at the end, the concept becomes clear: silence is an enjoyable experience, which can also be experienced inside the cabin of the new VW Golf 6.

5.1.2 Results at the advertising awards shows

The Volkswagen Golf 6 *Silent Band* activation won a Grand Prix in the "Live Activation" category at the Loerie Awards (Bizcommunity 2011). The activation received no international awards. The VW Golf 6 *Silent Band* activation did not receive any APEX Awards (APEX Awards 2015a). Thus, while the activation is highly regarded for its creativity, it was not considered to have improved the client's bottom line significantly enough to warrant an effectiveness award.

5.1.3 Analysis of the executions

The video discussed under 5.1.1 is the only source of information available about this activation that this researcher has been able to locate. Ogilvy Cape Town, Volkswagen South Africa, as well as the Loerie Awards were contacted in order to obtain more information. Volkswagen South Africa referred the request to their advertising agency, Ogilvy. The Loerie Awards informed me that they had no additional information on the campaign and also referred the request to the advertising agency. A spokesperson for the agency states that there is no further information available on the execution, as all the persons that were involved in the execution no longer work at the agency. Therefore the following analysis is based on the information provided in the video, as well as educated guesses on the researcher's behalf.

Analysis according to the definition of scam advertising

When analysing this activation according to the description of scam advertising as set out in Chapter Two – which is a combination of the entry rules of different advertising awards shows – one finds the following: it is assumed that the activation was created and entered with client consent, since the client has made no statement to the contrary. However, the video does not appear on Volkswagen SA's official YouTube channel, which hosts all other commercials and activations that have been created for them. This anomaly suggests that the client does not necessarily want to showcase this activation. When a client does not wish to showcase an execution, it is possible that the client does not see value in the execution, or perhaps they simply do not want to spend money on it. Still, the advertising was created for a genuine client – Volkswagen South Africa is a client of Ogilvy Cape Town. The advertising was genuinely executed, as is evidenced by the video, although it appears to only have happened once at Sea Point, Cape Town. No information about flighting of the video exists, except in recent memory. No information about further executions of the activations is available. It is uncertain whether the activation was created for the sole purpose of entering it into awards shows but it seems possible, since this activation does not appear to be part of a bigger campaign for the launch of the Golf 6, but a single, clever execution. Even if only a handful of individuals saw the activation and experienced the activation first-hand, the client would certainly prefer this to no one seeing the activation.

However, since Volkswagen is not a small, niche client with a limited target market but in fact an international client with a target market that likely comprises tens – if not hundreds – of thousands of people in South Africa, executing an activation on such a small scale is incredibly ineffective in reaching that entire target market. When an activation for a brand is thus launched on such a small scale, it makes it appear as though it was only executed on such a limited scale to legitimate it for awards shows, not to actually reach the entire target audience for the product that is being sold. As discussed in chapters Two and Three, there can sometimes be certain strategic reasons why an advertisement is only executed once, or flighted minimally, but this execution does not appear to fit into any of the examples: this execution does not appear to have been a "prototype" or "case study", because even though it was very successful at the Loerie Awards, it does not appear to have been rolled out nationally in order to reach more consumers after the awards show. However, it is possible that it was intended as such, and that the client decided to not invest in rolling the activations out on a national scale post the awards show. If it was a strategic decision to only have one activation, film it, upload the video and let that be the medium for telling consumers about the idea, it was not very successful, as at date of last count there were only 10,564 combined views for the video across the three videos uploaded on YouTube (by the production company, the agency and an individual that worked at the advertising agency). In comparison the *Wimpy Braille Burgers* activation, which was also executed on a very small scale – only 15 people received the special 'braille burgers' – has 662,361 views (MetropolitanRepublic 2013b), thus incurring a very wide reach for the video and the activations.

YouTube may seem like an arbitrary and 'flimsy' platform for measuring the audience that has seen an advertisement, but in this day and age where advertising agencies are trying to gain maximum exposure while spending the least amount of money, YouTube has become a very useful media channel for marketers to utilise in order to get a message across to consumers without having to spend much money. YouTube itself does not require payment in order to host a video, but in order to point people towards the video, advertising and media agencies usually place digital banner ads on other websites which one can click on to link through to the video. Thus while there is still a cost involved in getting people to see one's video, it is far less than paying for flighting on a TV station.¹ When a video is not broadcast on traditional media (such as TV), the ideal is for the advertisement to 'go viral', i.e. be shared across the Internet by consumers who enjoy the video and want others to see it. The number of views may therefore not be a true indication of how many people have actually seen the concept or heard about it, but it gives one an idea of its popularity.

This purportedly limited execution also leads one to believe that it was likely not a genuine brief from the client, but rather a proactive idea from the agency, since it appears to have only been executed once in order to legitimate it for awards shows. And since the video is not uploaded on the client's YouTube channel, it creates the impression that this was an idea that the agency came up with and possibly funded themselves that the client allowed them to do, but does not necessarily want to broadcast to the public. As mentioned in Chapter Three, there could be various reasons for this: the client may have felt that the execution was not in line with the bigger strategy for the launch of the Golf 6 (or even Volkswagen as a brand), or they could have felt, for instance, that the execution did not add that much value to their brand. If the agency executed the activation on their own but with permission from the client, then it is likely the agency that paid for the activation, and not the client.

Therefore, while this is a genuine execution for a genuine client, based on the information available, the execution is labelled as scam advertising according to the description, as it appears to have only been executed once in order to enter it into awards shows. It also appears to violate the rule prohibiting single or minimal flighting. However, the evidence surrounding this execution is shaky, at best. Whether a genuine client brief was issued and whether the agency paid for the execution is unknown, but possible.

Analysis according to the entry criteria of the Loerie Awards

As stated in Chapter Two, not all of the rules used in this dissertation's description of scam advertising are applicable to all of the advertising awards shows. Thus an advertisement's status as scam advertising is independent of its eligibility for entry into an awards show. As has been stated before, the Loerie Awards finds no fault with agencies paying for executions, creating work without a client brief or minimal flighting or execution of a campaign. The Loerie Awards

¹ To flight a 30 second TV commercial once on SABC 1 during the TV show Generations – which is in prime time – can cost upwards of R250 000 (Sithole 30/06/2015).

does not, however, allow advertising that was created solely for the purpose of entering it into awards. The intention with which this campaign was created is unknown. But based on the information available, it appears as though it was created (or at least executed) only to legitimise it for awards shows.

If this were indeed the case, then the Loerie Awards would deem the activation ineligible for entry, and this would render it to be scam advertising. However, this activation went through the judging process at the Loerie Awards, and it won a Grand Prix. As has been stated, this activation appears to only have been executed in order to legitimise it for awards shows. Thus it would appear that either the Loerie Awards does not place much of an emphasis on this specific rule, or in reality it is just a very difficult rule to enforce. It would be very difficult to prove that an advertisement or campaign was only executed to legitimise it for awards. A judge can query an entry and state that it appears to have been created solely for the purpose of entry into awards, and the agency can simply state that it was not: the agency would be given the benefit of the doubt, as the judge has no way of proving the contrary. Again, the onus of responsibility is on the agency to be honest and forthcoming about their entries; awards shows have to believe that they are, as they do not have the means (or inclination, really) to police every single entry that gets submitted (which usually numbers in the thousands). This rule thus serves as more of deterrent before entry, to discourage creatives from conceptualising work purely for the sake of winning awards. But if they do and then enter it, there is almost no way to prove that that is in fact the case.

If the agency did pay for the activation, if the activation was created without a brief from the client and if it was only executed once in order to legitimise it for awards, awards shows such as D&AD, the One Show and Cannes would also find this entry ineligible for their awards shows and label this activation as scam advertising. It is unknown whether this activation was entered into international awards shows, but it seems likely, since an activation that fared this well at the Loerie Awards would undoubtedly have been entered into other awards shows as well.

Analysis according to the judging criteria of the Loerie Awards

By analysing the activation according to the five Loerie Awards judging criteria, one finds the following:

1. It is a very innovative concept, displaying new and fresh thinking.
2. It is executed very well.
3. It is relevant to the brand.
4. It is very relevant to the target market – the Sea Point promenade is an affluent area where potential VW Golf owners can be found.
5. It is relevant to the chosen medium – an activation (as well as the location that was chosen) is the perfect medium for the idea.

The execution fares very well on the judging criteria of the Loerie Awards. The judging criteria does not look at the impact the activation had on the client or consumers, or how many people were reached, so that does not influence the result.

Analysis according to ethical theory

In order to navigate the field of ethical theory successfully when analysing this case study, it is necessary to first determine all the different decisions and consequences that the agency and its creatives would have faced when going through this process. This is firstly because utilitarian ethical theory is a teleological theory, concerned only with the outcomes of a situation, and secondly because deontology, being concerned with one's motives and intentions when making choices, finds it useful to understand all the different decisions the agency would have been faced with. Thirdly, virtue ethics also finds it useful to understand the different choices an agent would have been faced with in order to determine what a virtuous person would have decided to do. Since the series of events that lead to this activation's creation is unknown, one must consider all the possible angles.

Figure 22 provides a diagram as a visual aid for this purpose.

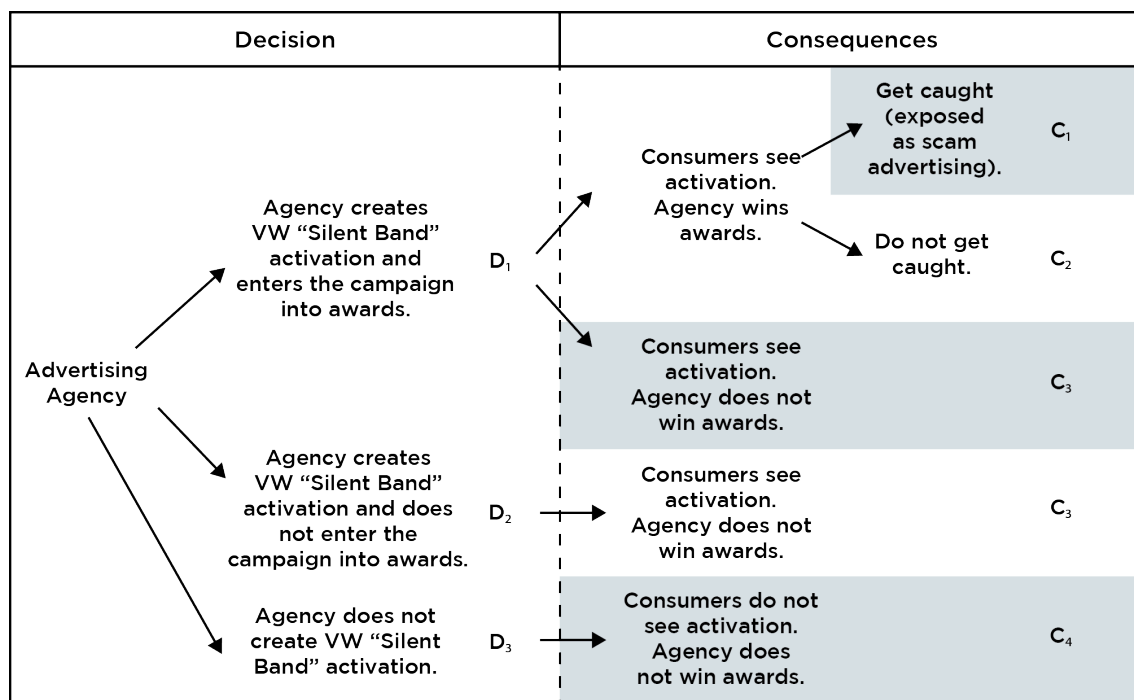


Figure 22: Diagram of the decisions and consequences that would have ensued from creating and entering the Volkswagen Golf 6 *Silent Band* activation, 2015. (Diagram by author).

As has been stated, the actual results that followed from this activation is that the agency won an advertising award for the activation, and it was not heralded as scam advertising. This is consequence C₂. In order to achieve this, the agency made decision D₁, to execute the activation and enter it into the awards show. There are a few scenarios that could have occurred that lead

to this end result. Most likely the agency came up with a proactive idea that they felt would benefit their client and their business and presented it to the client. As stated earlier in the chapter, this assumption is based on the fact that this execution does not seem to be a part of a larger campaign, but a single clever execution that stands out. The client then either did not like the idea, or did not see value in pursuing the idea, since it does not appear to have been executed on a bigger scale. If this is indeed the case, the agency would have been faced with a few different choices. They could decide to either abandon the idea and not have it materialise (decision D_3) – which would mean that they would not be able to enter it into awards shows and thus not win awards from it (consequence C_4) – or they could take matters into their own hands and execute the idea themselves (decision D_1 or D_2).

It is highly unlikely that any agency would create and execute advertising that they pay for themselves that they do not intend on entering for awards (decision D_2). According to Götz Ulmer's (2013) criteria in their agency for creating work as described in Chapter Two, it must adhere to at least two of three criteria: it should be fun, it should make money, and it should be possible to win awards from it. If the team at Ogilvy Cape Town had decided to execute the activation once, but not enter it into awards, it would only adhere to the first point of being fun for the agency to execute, as it would not have the reach to make an impact on the client's business. If the agency had been the ones paying for the execution, it also would not make sense for them to execute the activation on the client's behalf if they did not get something for it in return (i.e. awards). Especially when their client is not a non-profit company that needs the charity, but instead one of the biggest brands in the world: Volkswagen. Thus one can understand why the agency did not make decision D_2 . If the agency had decided to not enter the activation into awards, decision D_3 seems much more likely to have transpired: that the agency would simply not have executed the activation at all.

Thus, it appears as though the client allowed the agency to execute the idea in order to legitimise it for entry into awards shows, but did not want to execute it themselves on a larger scale. As stated earlier in the chapter, executing an activation on such a small scale would not have had a significant impact on helping to sell the client's product. This is not an ideal situation, as agencies always strive to build their clients' brands and businesses as well as add value and solve business problems through advertising. This is something that this activation, with its limited reach, probably did not accomplish. By 'allowing' the agency to execute the idea for awards shows – thus with client approval but without client backing – it generally means that the agency would have had to pay for the execution themselves. This would explain the seemingly single execution: if the agency knew they only needed to execute it once in order to legitimise it for awards shows, they would not have spend the money on large-scale implementation which would certainly benefit their client more, but would not make a difference to the eligibility of the entry (for the Loerie Awards, at least). If this was the case – which again, is speculation because no information is available in this regard – this means that the agency, aiming to merely showcase their idea in order to legitimise it for awards, would be

breaking the awards show rules relating to minimal execution (for other awards shows, and according to this dissertation's definition of scam advertising), and entering work into awards purely for the sake of winning awards. Thus the activation becomes scam advertising, because it breaks those rules.

When looking at utilitarian ethical theory, as discussed in Chapter Four, one needs to evaluate and consider all the different consequences of the activation in order to determine whether utilitarianism condones the action or not. If one considers the entry to the awards show, this had the best possible result for the agency, its creatives and the client as it culminated in winning a Grand Prix, the highest award one can get at an advertising awards show. All the benefits that go along with winning awards as discussed in Chapter Two would be applicable here, and are again discussed in more detail later in this chapter. In this regard utilitarianism condones the creation and entering of the activation. If one considers the actual activation that was executed, even though not many people might have physically seen it, those that did would have found the experience enjoyable, and the brand would have received exposure from those experiences. If the client did not pay for the activation but merely gave the agency permission to execute the activation for awards, this would be an especially favourable outcome for the client, as this means that they would have received positive impressions from potential clients without paying for this. The activation certainly would have had a greater impact if thousands of people all over the country had seen it, but even if only 50 people saw it, it still enhances the 'greater happiness' – even if only a little – and it does no harm. Therefore utilitarianism condones this action.

The only way in which this activation may have detracted from the utilitarian notion of 'greater happiness' is that this specific activation won the Grand Prix instead of another campaign. Other creatives or agencies may have felt that they were more deserving of the award, or may have executed their work on a larger scale, which they may have felt makes it more 'worthy' of an award. This highlights a problem of the entire awards system however: there will always be winners and losers. And especially in the case of something like creative advertising awards, as much as there are guidelines and criteria by which to judge the advertising, ultimately it is a very subjective process where unanimous agreement among judges is highly unlikely. If one looks at it from this perspective, utilitarianism might condemn the entire notion of awards, as there will always be more losers than winners, which will always lessen the 'greater happiness'. Although by entering awards in the first place, all entrants are aware that they might lose. Again, as stated in Chapter Two, one must overlook this difficulty of the awards system for the sake of finding a utilitarian resolve to the issue of the creation and entering of this specific activation. In any case, awards shows are not just concerned with winners and losers, but with the promotion of the advertising industry itself.

If one looks at this activation in terms of Mulgan's (2007:84) 'objective list' for utilitarian happiness or well-being, this activation firstly fulfils the objective of 'achievement or accomplishment' for the agency, creatives and client, and the creatives involved in the project would likely have gained 'understanding or knowledge' by learning from the process of creating

new work. If the activation was created as a proactive project with minimal client input, the creatives would have achieved 'agency, autonomy and freedom' from working mostly independently. Working on any kind of advertising is always a collaborative project, and would therefore have fostered 'friendship and personal relations' between creatives and different collaborators of the project. The ultimate outcome of the project, winning a Grand Prix at the Loerie Awards, ensured 'fame and respect' for the agency and creatives, as well as the client. This project therefore fulfils five of the seven objectives for utilitarian well-being, and utilitarianism thus condones the creation and entering of the activation.

Because deontology as an ethical theory is largely based on the intention with which an action is performed, and intentions are for the most part internal motivations that are not publically known, this is a difficult field to conclusively navigate. However, one can consider all the different possible aspects of it in order to navigate the complications. Here, the different choices as illustrated in Figure 22 help to outline the different decisions the agency and creatives faced when creating the execution. Firstly, in order to analyse this activation by means of deontological ethical theory, one must consider Kantian monistic deontology and the three formulations of the Categorical Imperative.

Looking at the Formula of the End-in-Itself, which states that one should "Act in regard to all persons in ways that treat them as ends in themselves and never simply as means to accomplish the ends of others" (Mizzoni 2010:111), this presents a problem with advertising itself. As stated in Chapter Four, no advertising is ever created as a pure 'end in itself', as advertising, by definition, always strives to either sell a product or service, or to create brand affinity. Advertising thus seems to inherently use people as a means to an end – in order to increase a brand or company's profits. In the case of this execution, the aim would be to create brand affinity through an engaging activation. For the sake of exploring this execution however, one must set aside this view on advertising as a whole. If one considers the activation itself in light of this formulation, one finds the following: if the agency and creatives created the activation purely with the motivation of executing a brilliant idea, then deontology condones the action. In Chapter Four both Khoury (2014) and Source C (2014) stress the importance of executing ideas for clients and telling beautiful stories, regardless of whether they win awards or not; the intention is to have the idea come to life and to have people see and experience the idea. Deontology condones this.

The activation could also have been created solely with the intention of winning awards, or executed only once to legitimise it for entry into awards. While there is actually nothing wrong with a desire to win awards – it holds many positive outcomes for the agency, creatives and the client – deontology frowns on this because it becomes focused on the outcomes of the situation, and moves away from executing the idea for its own sake. However, in reality people rarely, if ever, perform an action with only one motivation or intention in mind. It is therefore very likely that the agency executed the activation with both the intention to see their idea come to life, as well as win awards. If the agency had stated in their entry that this activation was going

to be rolled out on a larger scale after the awards (and knew that it wasn't), then they would have been lying in their entry, which deontology does not condone. But if they had presented the activation simply as a once-off event (assuming that it was only executed once), then deontology finds nothing wrong with the entry.

Secondly, still within the framework of Kantian deontology, one looks at the second formulation of the Categorical Imperative, the Formulation of Universal Law: "Act only from the personal rules that you can at the same time will to be universal moral laws" (Mizzoni 2010:113). If everyone executed ideas for the sake of themselves, with no regard to whether the ideas are actually beneficial to the client, one would likely end in a space where advertising is very interesting, engaging and likely entertaining to consumers, but not necessarily beneficial to the client. This is problematic and counterproductive to creatives' responsibilities to their client, which, as Warner (2014) states in Chapter Three, is first and foremost to grow their client's business. The same problem arises if all creatives only created scam advertising to enter it into awards: the advertising would not necessarily be focused on enhancing the client's business, but rather on pure creativity. In this case, deontology does not condone this execution, because willing this practice into moral law would not be good for all. Looking at the third formulation of the Categorical Imperative, the Formula of the Kingdom of Ends, which states that "morality consists in the relation of all action to the making of laws whereby alone a kingdom of ends is possible". One finds that again, since the intentions with which the activation is executed is unknown, that it is close to impossible to determine whether it adheres to all the laws required to adhere to the Kingdom of Ends. One can also explore this activation through the notion of different laws that need to be followed in deontology: *ethical* and *juridical* laws. Juridical laws are the rules that are imposed by the awards shows. Thus if the activation was only executed once in order to subvert the rule about minimal flighting, this breaks this rule, and is therefore deemed unacceptable according to deontology. If the activation was created proactively, and thus not in response to a genuine client brief, this also breaks a rule, and deontology also deems it unacceptable. The same holds if the agency paid for the execution, or even if the activation was created with the intention to win awards: the action would be breaking awards show rules, and therefore deontology would find it unacceptable. If the activation does indeed break all the rules stated above – which is impossible to know, considering the lack of information surrounding the campaign – and the agency and creatives would have created and entered the activation while knowing they break these rules, meaning that they would also have been lying in order to enter the execution: an action which deontology and the Categorical Imperative entirely condemns.

Exploring this activation through another branch of deontological theory, one must also consider W.D. Ross's pluralistic deontology, which requires any action to adhere to *prima facie* duties or obligations. Again, one can only lay bare different possible scenarios for this activation, as the true intention with which it was created is not known. If the activation were only executed once in order to legitimise it for awards, this would undermine the *prima facie* obligation of fidelity (by subverting the awards' entry rules). The agency also has a duty to their

client to create advertising that improves sales and creates brand awareness. By only executing the activation on such a small scale that duty is fulfilled, albeit on a very small scale. If only 50 people saw the activation, even if every single one of them bought a car, that would not improve Volkswagen South Africa's sales by much. However, if the activation was executed because the agency believed in the idea and wanted to showcase their thinking and possibly convince the client of the idea, or wanted to add value to the client's business, then the execution does fulfil the agency and creatives' duty of self-improvement as well as their duty to their client to create brilliant work. The creatives involved in the project would undoubtedly have learnt from the process of formulating the idea, as well as executing and creating it. Since deontology does not place different values on the different obligations, this leaves one in an unclear space. Thus whether deontology approves or condemns the creation and entering of the advertising depends solely on the intention with which the agency created it, which is impossible to determine from an outside perspective, especially since no information is available in this regard.

Whether the action of entering the activation can be deemed as virtuous also depends on the intention with which the activation was created. A virtuous person would want to add value to their client's business and learn from the experience, but not at the expense of lying to justify an entry. Thus if the creatives and agency lied to enter the award, it would not be virtuous. But if they intended to continue with more activations post the awards in order to add value to the client's business, then it is virtuous. Again, what the actual intention was is impossible to determine from an outside perspective.

Because one's *ethos* is determined by how one's character is perceived by others – which is based in natural law – it is difficult to determine realistically what one's *ethos* is at any given moment. During the course of researching the topic of scam advertising, this researcher has discussed this example with various members of the industry in order to gain more sentiments on how this example is perceived by others. This is a very small pool of opinions and while it is certainly not conclusive or indicative of the industry as a whole's opinion on the topic, it provides some insight as to how one's *ethos* can be determined by their work. It would appear that the agency, the creatives and the client were favourably perceived after the awards, since the idea for the activation is heralded as creative and innovative. There are, however, critics of the execution who feel that it did not deserve the Grand Prix. This is because many believe that the activation was only executed once in order to enter it into awards. For this reason, many perceive it to be scam advertising. The creatives' and agency' *ethos* was therefore decreased in the eyes of these critics, but not necessarily to the entire industry. When asking creatives for examples of scam advertising in South Africa, this execution is one of the most mentioned examples (along with the Engen *Fire Blanket Calendar* which is discussed later in this chapter). Khoury (2014) states that as a creative and an agency, you are "...only as good as your last ad[vertisement]". Ogilvy Cape Town has since created many excellent pieces of advertising, and is ranked by Creative Circle as the number one advertising agency in South Africa for 2014 (Bizcommunity 2015). This undoubtedly raised their *ethos* significantly.

To conclude, therefore: utilitarianism condones this activation as it benefits the greater good. Whether deontology condones or condemns it depends on the intention with which it was executed, which is not possible to determine from the evidence available, but the different possibilities are discussed and laid bare. Whether the activation, agency and creatives can be heralded as virtuous also depends on the intention with which it was created, which, again, is not possible to determine from the evidence available. The agency's *ethos* was diminished in the eyes of some critics of the execution, but has since redeemed itself with excellent work.

Analysis according to the Quadruple Bottom Line

This activation has now been analysed in terms of different rules, criteria and ethical theories, but in order to gain a different perspective on how the activation itself affected the client and consumers, it is useful to analyse it in terms of the economical construct of the Quadruple Bottom Line. This is to determine how the activation fares from a business and sustainability point of view.

Firstly, to understand where the Quadruple Bottom Line approach comes into play, one must first understand where it stems from. Its precursor, the Triple Bottom Line, is a concept that was introduced in the mid-1990's by John Elkington as a new means to measure sustainability and performance in corporate America. He suggested not only measuring a company's profitability and return on investment, but to also include social and environmental measures. The triple bottom line dimensions are commonly referred to as the three Ps: people, profit and planet (Hall & Slaper 2011).

While this is a widely accepted means of measuring companies' sustainability, professor Stuart Walker (2014) introduces the Quadruple Bottom Line model which adds another level to the structure: personal meaning and spirituality. He proposes that the measurement should instead be broken up into practical, social, personal and economic means, and structures the graph as in Figure 23.

Walker (2014) states that the different aspects (practical, personal and social) are all underpinned by an economic means, and as such cannot be separated or viewed independently. He states that by adding 'personal meaning' to this mix, it allows the construct to move from a knowledge-based economy of what one *can* do, to a wisdom-based economy of what one *should* do.

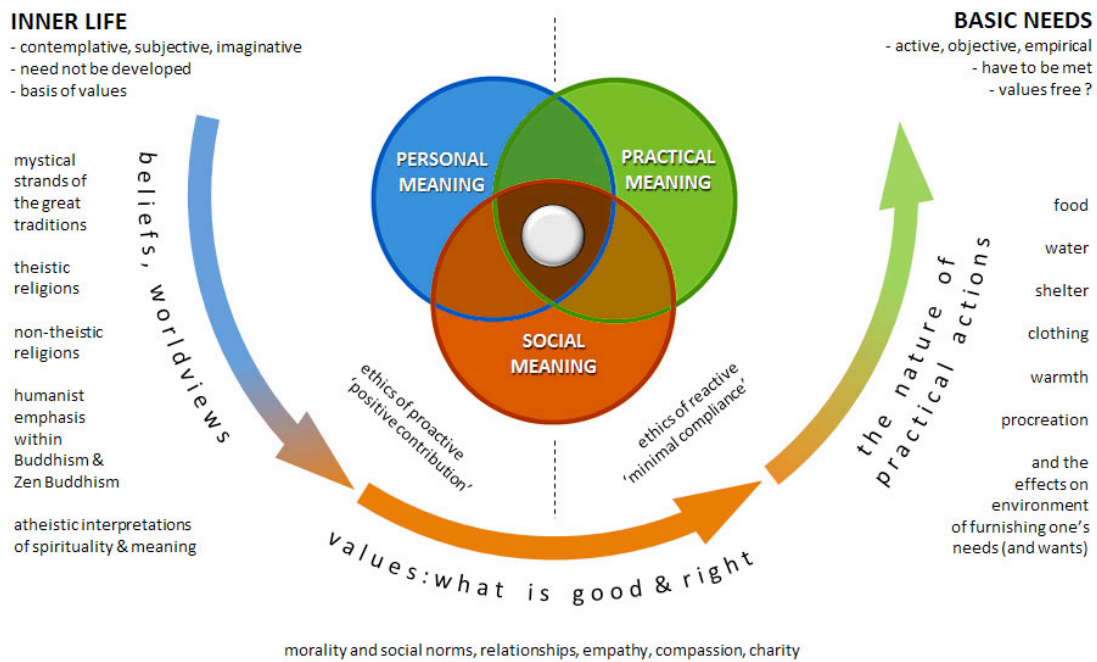


Figure 23: The Quadruple Bottom Line of Sustainability, 2014.
(Stuart Walker Design).

By analysing the VW Golf 6 *Silent Band* activation according to these criteria, one finds that firstly, the activation has a practical meaning in that it is useful to the client by practically displaying a unique selling point of the car: the concept of silence. It does not, however, display a utilitarian function to the people that would have seen the activation, beyond entertainment. Since the activation merely involves a marching band walking around, there is no impact to the environment besides the factor of transport of said marching band to the location where the activation is held, as well as the one banner that was printed for the activation.

In terms of a social meaning, the activation does not display any moral or societal norms, and does not exhibit traits of charity, compassion or build relationships: it is merely an entertaining, light-hearted activation. The activation does not address any social issues beyond demonstrating a feature of the client's product.

Arguably, the activation does not display any deeper personal or spiritual meaning; therefore it does not display a personal meaning. Lastly, in terms of the economic meaning of the activation, it could possibly have had an economic impact on the client's business by exposing potential new (and existing) customers to a feature of a product that they may desire.

Therefore according to this model, this activation is not practically, socially or personally sustainable, although it possibly does have some impact on economic sustainability. Therefore the Quadruple Bottom Line approach does not find this activation sustainable.

5.1.4 Implications of the campaign

How the campaign affected the agency

The agency won a Grand Prix at the Loerie Awards for this activation, which would have resulted in all the positive implications mentioned in Chapter Two: earning the agency PR from blogs and websites as well as word-of-mouth, and resulting in a lot of exposure for the agency and their work. This would also have enhanced the agency's creative ranking (agencies are awarded 300 points for a Grand Prix, 110 points for Gold, 40 point for Silver and 15 points for Bronze (Adlip 2015)). The agency may also have been invited to pitch on new business because of this ranking, and possibly gained new clients. Creatives may also have been drawn to work there due to the agency's success. Clients would also have been proud to know that they are with an award-winning agency.

On the other hand, as mentioned before, the rumours in the industry that the campaign was flighted minimally may have tainted some creatives' perceptions of the agency and their work.

How the campaign affected creatives

The creatives that worked on the campaign received advertising awards which likely gained them recognition from their peers, advanced their careers, and allowed them to be head-hunted by other agencies. If it were the client's decision to not continue with the project on a national scale, creatives would likely have been frustrated by this decision, since they would have spent a lot of time and effort developing the project. Due to the rumours surrounding the campaign's legitimacy, creatives' reputations could possibly have been harmed to some degree, but this is merely speculative.

How the campaign affected the client's business

The award that was received would have made the client proud, and it also resulted in positive PR for the client and their brand. Since the campaign was not flighted on a large scale, it is doubtful that it had any meaningful impact on their business or sales. As already argued, it is possible that the client did not fully believe in the execution, or did not find the cost of the campaign equal to the amount of exposure it would have provided, or even that they had different priorities in terms of another campaign that was being developed.

How the campaign affected consumers

The consumers that saw the activation probably found it entertaining and interesting, but since it appears that only a few people would have seen it, it would not have made much of an impact on most of the target market for the new VW Golf 6 that was launched. As mentioned, roughly 10,000 people saw the YouTube video, which is a very small reach. It is unknown how much of

the general public (outside of the advertising industry) is aware of the campaign, as it appears to not have been widely launched.

5.1.5 Industry responses

When discussing the topic of scam advertising and awards shows in South Africa with various people in the advertising industry, this activation has been the single most mentioned example of advertising that creatives consider to be scam advertising. Most of them found it to be an interesting activation, but do not understand how it won the Grand Prix, as it appears to be a single activation with very limited exposure to the general public. As Thomas (2014) states in Chapter Three, he believes that advertising awards should be conferred on the basis that they helped to solve a client's business problem in a creative, innovative, elegant, and interesting manner that also benefits the brand. If only 50 people had seen the activation, this would not have created widespread awareness of this unique feature of the VW Golf 6 – that it has the quietest cabin in its class. However, as mentioned before, the Loerie Awards does not take impact or reach into consideration when judging, and instead considers itself a "creative showcase" (Khoury 2014). This starts to show a discrepancy between how advertising awards shows award work, and what creatives perceive their jobs to be. This then also shows a discrepancy between different awards shows' rules as stated in Chapter Two: the Loerie Awards encourages proactive advertising, whereas international awards shows such as the One Show and D&AD do not allow this practice.

There is only a single article discussing this activation online (along with 9 websites that posted the video with the official description of it). This supports the argument that not many people are aware of the activation outside of the people who saw the entry video at the Loerie Awards. The only blog that the activation is discussed on is that of an Indian designer, Karan Shetty (2011), who believes the activation to be "One of the most beautifully crafted ads, incisively pointing out that thinking out of the box, does require you to be swimming against the tide invariably", and goes on to discuss how the same activation could be executed in India. This is presumably because the author is in the advertising industry in India, and states that cities in India tend to be incredibly loud, so by drawing attention to this feature of the VW Golf 6 – that it has the quietest cabin in its class – would be able to catch potential customers' attention and gain market share for Volkswagen in India.

According to Source D (2014), because the category that this activation was entered into requires the piece to be performed in a public space and to film the interactions with the public, it is a legitimate piece of work. The source does state, however, that if the activation had been first performed in Cape Town, then Bloemfontein, then Durban, and the same activation had been performed multiple times in multiple locations, it would have made it more legitimate. Source B (2014) is more dismissive of the activation, stating that it is "...completely scam". However, the source states that it did flight and the agency uploaded it to YouTube, so it was eligible. To clarify, while uploading the video to YouTube does not impact the eligibility of the

video from a technical point of view, it does ensure for a much wider reach beyond just the people that would have seen the activation first-hand. As is mentioned in Chapter Three, to many in the industry this renders an activation or a piece of advertising 'more genuine' than if there had only been a small activation with limited exposure to the public. However, the source does not believe there was a brief, and states that the activation feels "fishy" because it wasn't a big activation, and they believe that it did not feel strong enough.

5.1.6 Conclusion

The VW Golf 6 *Silent Band* activation is an interesting and eye-catching concept that certainly would have grabbed the attention of those that saw it. It is highly awarded, and the activation won a Grand Prix at the Loerie Awards. It received no awards internationally. It also received no APEX Awards. Thus while this is considered a highly creative and innovative concept, it was not considered effective enough to constitute an effectiveness award.

While this activation is for a legitimate client and did legitimately flight, based on the information available about the campaign, it is classified as scam advertising due to the seemingly limited nature of its flighting (a single execution), as well as the doubtfulness with regard to whether it was created in response to a genuine client brief or not. It is also not known whether it was only executed in order to legitimise it for awards, but seems likely from the analysis. This last point is in contravention with one of the entry rules of the Loerie Awards. Therefore some may consider this activation scam advertising according to the description of scam advertising that is laid out in Chapter Two.

This activation fares very well on the judging criteria of the Loerie Awards, and one can see why it fared so well at the awards ceremony. As stated, this activation appears to have only been executed with the sole purpose of entering it into awards, but since it went through the Loeries' judging process and was found eligible, it points out how difficult this rule is to enforce in reality.

After looking at the different judging and entry criteria of awards shows, the activation is analysed in terms of the different ethical theories as set out in Chapter Four. Firstly, since this activation had the best actual possible consequences for the agency, the creatives that worked on it, the client as well as the consumers that would have seen the activation, utilitarianism condones the activation. By looking at different deontological theories such as Kant's monistic deontology as well as Ross's pluralistic deontology, one finds that whether deontology condones the action and finds it ethical depends on the intention with which it was created, which is not possible to know from an outside perspective. If it was only created in order to win awards, deontology does not condone this, as it focuses on the outcome of the situation, and does not focus on executing the campaign for its own sake (which becomes counterintuitive to advertising as a whole). If the agency lied in their entry, deontology does then also not condone this. This analysis finds that a virtuous person would want to add value to their client's business

and win awards for the agency and the client, but not if it required them to lie in the entry (if they had, indeed, executed the campaign solely for entry into awards).

Lastly, the activation is analysed according to Walker's (2014) Quadruple Bottom Line approach in order to gauge its sustainability according to the different means. It is found that this activation has little practical, and no social or personal means. And since the activation had such seemingly limited reach, it had little economic means as well. Therefore this activation is found to not be sustainable according to the Quadruple Bottom Line approach.

In terms of the implications that this activation had on the agency, since it won a Grand Prix, one associates all the benefits of winning awards with this: the agency would have received a higher creative ranking, which may have garnered them more business. Clients would also be proud of being with an award-winning agency, and creatives may have been inspired to go and work at the agency. Creatives would have gotten the chance to execute an interesting execution, as well as possibly advance their careers and gain bonuses. The client received a lot of PR from the award won, and would have been proud of the award. The consumers that did see the activation would have found it interesting and engaging, and it may have inspired them to test drive or buy the new VW Golf 6.

Industry responses are difficult to gauge, but while the public industry response was very positive and congratulatory, casual discourse among creatives tends to have a more negative connotation to this activation. Many feel that it did not deserve the Grand Prix, as it is a (seemingly) single activation that would, in all likelihood, not have reached many people.

As has been discussed, it is possible that the agency conceptualised this idea as a genuine way to add value to the client's business, but since the client would not execute the activation themselves on a large scale, the agency was pushed to make a difficult choice, as pointed out in Figure 22. Thus the client is in essence forcing the agency to pay for the execution themselves and to execute it just for awards if they want to enter the idea into awards shows to share their idea with their peers and have them evaluate it. As mentioned in Chapter Three, sometimes agencies just want to create good work and keep their creativity alive. Whether it is ethical to use a client's brand in order to achieve this goal is debatable, however. Just as it is debatable whether it is ethical for a client to be so strict with their agency that they feel they need to create scam advertising in order to win awards. Again, this is scam advertising according to a very loose description, that depends on which awards show one is looking at, as well as the personal conviction of the person looking at the execution. While this may seem like an exaggerated statement, as is discussed in chapters Two and Three, agencies do often turn to scam advertising in order to create work creative enough to be worthy of awards when their clients become too strict.

It is also possible that the agency created the activation because they believed in the idea and wanted to use the awards as a 'case study' to show the client that it was a viable idea. As stated

in Chapter Three, agencies do sometimes do this as a means to practically show clients the feasibility of an idea if they are hesitant or disinterested initially. Since Volkswagen South Africa does not appear to have launched the activation on a wider scale even after it won a Grand Prix at the Loerie Awards, if this was what happened, it was unfortunately not successful.

Thus, in conclusion, while this activation was genuinely executed for a genuine client, seemingly with their consent, there are a few other factors about the campaign that are unknown and could possibly render it scam advertising. This is due to the fact that it is unknown who paid for the execution (but it seems likely that the agency did), it is unknown whether there was a genuine client brief (this seems unlikely), and it appears to have only been executed once, for the purpose of winning awards.

5.2 Engen Fire Blanket Calendar

The *Engen Fire Blanket Calendar* was executed in 2013 by Drafftcb Cape Town. The advertising agency has since changed its name to FCB Cape Town; this is highlighted to explain why different names for the agency may be used in quotes and sources. This activation was chosen as a case study because, as in the case of the previous case study, it is a South African execution that fared incredibly well at advertising awards shows. As is mentioned at the beginning of the chapter, there are gaps in the information available about the campaign, but it does still provide more information than other campaigns. This example is also chosen because there are certain elements of the campaign that render it scam advertising, as discussed later in the chapter.

5.2.1 Summary of the execution

The almost two minute long online video (see Appendix J) for the execution opens on scenes of shacks in informal settlements that are built out of various materials, and discusses the problems that inhabitants of these homes face in terms of fires regularly breaking out. This is due to the use of open flames for heat and cooking, which primarily uses paraffin – a low-cost fossil fuel. The video states that, "It is estimated that in South Africa, ten shack fires break out every day, causing 200 people to lose their lives each year" (Drafftcb 2013d). These fires often sweep through the densely populated shantytowns and cause widespread destruction. The video states that as the leading supplier of paraffin in the country, Engen wanted to make a meaningful change to this problem. Engen provides calendars to communities each year that features paraffin safety tips, and it was decided to instead turn the calendar itself into the fire-prevention tool: the 2013 calendar folds out into a flame-retardant fire blanket four times its original size (Figure 24).



Figure 24: Engen's flame-retardant fire blanket, 2013.
(The Inspiration Room).

The idea is that people can then stop fires as they start (while they are still small fires that are easily put out), and hopefully prevent these fires from spreading through the communities and causing widespread destruction. The video ends on a blue screen with the Engen logo. This execution is presented as part of the yearly Engen Paraffin Safety Campaign, which saw the walls of 26 spaza shops across South Africa turned into murals that illustrate the safe handling and storage of paraffin (Figure 25).



Figure 25: Spaza shop mural depicting the safe handling and storage of paraffin, 2013. (Engen).

5.2.2 Results at the advertising awards shows

The Engen *Fire Blanket Calendar* execution won a Grand Prix for "Outdoor and Collateral Media: Alternative Media and Field Marketing", a Silver Ubuntu Award,² as well as a Gold Loerie in the "Truly South African" general category at the Loerie Awards (Bizcommunity 2013d, Draftfcb 2013a).

Internationally it won a Silver Lion in the "Ambient – Small Scale Special Solutions" category at the Cannes Lions International Festival of Creativity, a Bronze Pencil for design in the "Design Does / Design for the Greater Good" category at The One Show, as well as a Bronze statue in the "Ambient" category at the Clio Awards (The One Club 2013, Draftfcb 2013b, Draftfcb2013c). The Engen *Fire Blanket* campaign did not receive any APEX awards (APEX Awards 2015b). Thus while this was a very creative, innovative and clever idea and campaign, it did not affect the client's sales, market share or bottom line significantly enough to warrant an effectiveness award.

5.2.3 Analysis of the execution

FCB Cape Town, Engen, as well as the Loerie Awards were contacted in order to obtain more information about this campaign. Engen's National Advertising Manager did not respond. The Loerie Awards informed that they had no additional information on the campaign and referred the request to the advertising agency, FCB Cape Town, who after acknowledging the request did not supply more information. Therefore the following analyses are based mainly on the

² This campaign came second to the MTN *Project Uganda* campaign, which is discussed in Chapter Two. Both of these campaigns are regarded as scam advertising by some – for reasons that are discussed shortly – but only MTN *Project Uganda* was withdrawn and publically heralded as scam advertising by the Loerie Awards.

information as stated on Engen's website about the execution, as well as a few websites that discuss the execution, along with educated guesses on the researcher's part.

Analysis according to the definition of scam advertising

As stated in Chapter Two, not all of the rules used in this dissertation's definition of scam advertising are applicable to all of the advertising awards shows. Thus an advertisement's status as scam advertising is independent of its eligibility for entry into an awards show. As has been stated before, the Loerie Awards, for instance, finds no fault with agencies paying for executions, creating work without a client brief or minimal flighting.

When analysing this activation according to this dissertation's description of scam advertising, one finds the following: the advertising was created and entered with client consent – the activation is featured and briefly discussed on Engen's website (Engen 2013). The advertising was created for a genuine client – Engen is a client of FCB Cape Town. The advertising was also genuinely executed, albeit on a small scale: 115 fire blankets were distributed to the settlements of Faure and Macassar in Cape Town (Source E 2014). It is unknown whether the advertising was conceptualised for the purpose of entering it into awards. It is possible, but the more likely scenario (as in the previous case study) is that the agency came up with the idea with the intention of implementing it across South Africa. This is discussed in more detail later in the chapter. The client's website does state that it found the cost of implementing the campaign on a national scale "prohibitive", but "gave Drafftcb permission to develop the concept in order to put it forward for various creative industry awards" (Engen 2013). The website also states that "to date", the campaign had won a Grand Prix at the Loerie Awards, and a Silver Lion at Cannes (Engen 2013). While it is possible that the agency was in discussions with Engen to execute the campaign on a national scale post the awards, and that the agency was thus using the awards show as a "prototype" to show the client the campaign's viability, the client's version does seem plausible.

As Low (2014) and Source C (2014) state in Chapter Three, it is not uncommon for a client to give their agency permission to execute a piece of work purely for the purpose of entering it into awards shows. Following on from this, considering that this means that the agency would have paid for the execution themselves, this means that the scale that the concept was executed on would be a reflection of the agency's budget. If a very small agency had come up with this idea, they may not have had the budget to execute it at all, whereas FCB Cape Town, being a larger agency, could afford to create 115 fire blanket calendars and distribute them to two informal settlements. A capitalist agenda thus starts to emerge from this example: if a client does not want to execute an idea, only those agencies that have enough money to execute it themselves would be able to enter it into awards. And if an agency is then only executing the idea in order to legitimise it for awards, they will likely only execute it on the smallest scale allowable in order to save costs – advertising agencies, at the end of the day, are still businesses. They still have a responsibility towards their shareholders, who would likely not be very

understanding if the agency went bankrupt in the process of providing millions of people across South Africa with fire blanket calendars, no matter how noble the cause may be. As much as one may want to provide charity, even most ethical theories agree that one should not help others to one's own detriment.

According to Engen's (2013) website, the advertising was created without a brief from client – the agency pitched this execution as a proactive idea to the client (Engen 2013). It is uncertain who paid for the execution, but considering the client's statement about finding the costs of the campaign prohibitive, it seems likely that the agency paid for the execution themselves. As discussed in Chapter Three by the interviewees, this is not an uncommon occurrence in the industry.

Therefore, while this is a genuine execution for a genuine client, it can be considered as scam advertising by some, since it contravenes some of the awards show rules as set out in Chapter Two: it was only executed on a small scale to legitimise it for entry into awards (whether the agency knew it was not going to be implemented nationally is irrelevant in this regard), and it was created without a genuine client brief. It also seems likely that the agency paid for the execution themselves. These criteria break awards show rules concerning only creating advertising with the intention of entering it into awards shows, not creating advertising according to a genuine client brief, and an agency paying for the execution themselves.

Analysis according to the entry criteria of the Loerie Awards

As has been stated before, the Loerie Awards finds no fault with agencies paying for executions, creating work without a client brief or minimal flighting or execution of a campaign. However, the Loerie Awards does not allow work created purely with the intention of entering it into awards – which, according to Engen's website (2013), this was. This entry is thus ineligible for the Loerie Awards, and labelled as scam advertising.

Internationally, this same entry also won awards at the Cannes Lions, the One Show and the CLIO Awards. The Cannes Lions requires that the client must have paid for all media, production and implementation costs. If the agency had paid for the execution, the entry would be ineligible and labelled as scam advertising according to the Cannes Lions' entry rules. The One Show requires that an entry be exposed to a substantial audience. It is not specified what a 'substantial' audience constitutes, but since the entry did go through their judging process and the judges would have had all the exact details regarding the amount of fire blanket calendars handed out and then awarded it, it seems that they considered this entry legitimate. The CLIO Awards only state that entries must have been created for a paying client, which Engen is to FCB Cape Town.

This campaign either did not win any awards from D&AD, or was not entered into the awards show. Either way it would have been ineligible for entry, as D&AD does not allow prototype

advertising created only for the purpose of entering competitions. It also requires that work must have been created in response to a genuine brief from client, which this was not. If the agency paid for the execution, this would also render it ineligible, as D&AD requires all work to have been paid for by the client.

Analysis according to the judging criteria of the Loerie Awards

1. It is a very innovative concept, displaying new and fresh thinking.
2. It is executed very well.
3. It is very relevant to the brand – as Engen is the lead supplier of paraffin in South Africa, and runs a paraffin safety campaign each year.
4. It is very relevant to the target market – it will directly impact their ability to fight fires in their communities.
5. It is very relevant to the chosen medium, as the physical calendar is the vehicle for fighting fires.

The execution fares very well on all of the judging criteria of the Loerie Awards, and it is clear why it fared so well at the Loerie Awards themselves. This judging criteria does not make provision for looking at the impact that the campaign had on the client or the community, so as long as it was genuinely executed (which it was), it is eligible.

Analysis according to ethical theory

Because utilitarianism is only concerned with the consequences of a situation, it is necessary to determine all the different possible consequences and outcomes that the advertising agency could have experienced for this campaign. The different choices that the agency faced in creating this work is also highlighted, as deontology concerns itself with the morality of the act itself, which includes the choices one makes. These choices are also helpful in determining virtue ethics' stance on the matter, as one can look at the kind of person that would make these decisions. Figure 26 provides a diagram as a visual aid for this purpose.

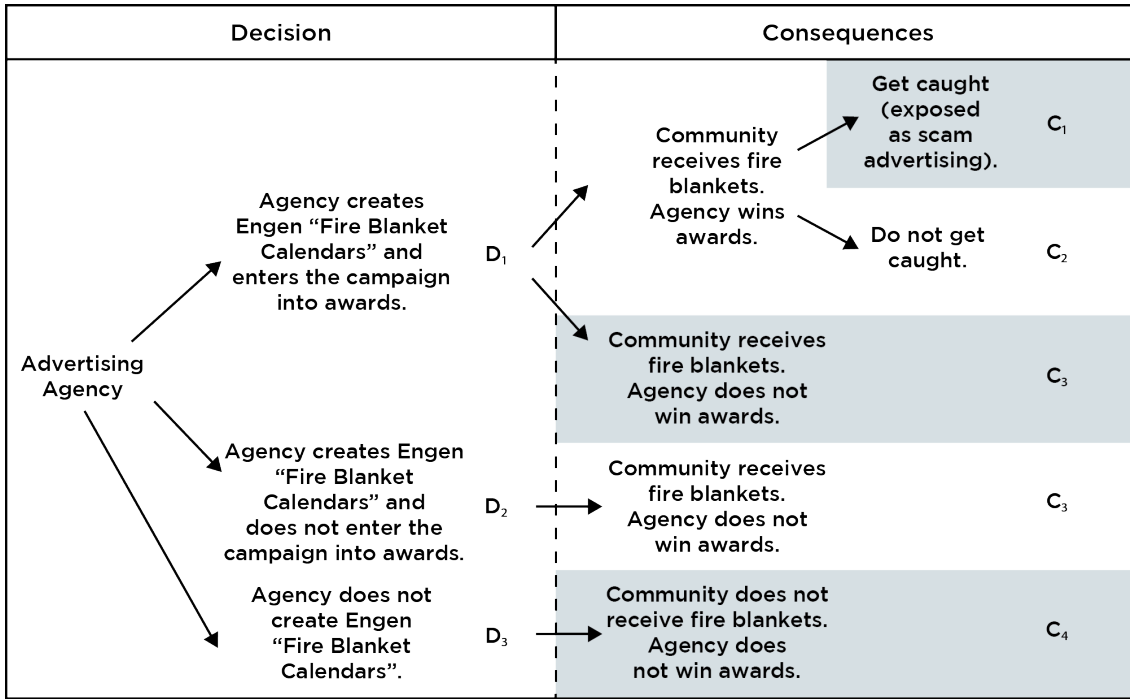


Figure 26: Diagram of the decisions and consequences that would have ensued from creating and entering the Engen *Fire Blanket Calendar* campaign, 2015. (Diagram by author).

Leading up to these decisions, one assumes that the series of events as stated on Engen's (2013) website is correct: that the agency first and foremost came up with this concept as a proactive idea. As is stated in Chapter Three, there is a very big debate in the industry regarding proactive advertising. Many Creative Directors and agencies feel that it is their duty to offer ideas to the client that will grow their brand and benefit their consumers, without prompting – thus proactive advertising and thinking. However, many feel that there is a fine line between proactive advertising that is created to benefit the client, and proactive advertising that is only ever intended to benefit the agency by winning awards from it.

Since the client has been creating and distributing yearly calendars that feature paraffin safety tips since 2010 (Engen 2013), it stands to reason that the agency's proactive idea for the fire blanket calendar was inspired by this existing practice. The agency's version is therefore an attempt to improve on an existing piece of collateral advertising, and add value to a practice that is already in place.

After having come up with this idea, the agency would have presented it to the client, who decided not to go ahead with the project as they found the costs prohibitive (Engen 2013). When the client decided to not to continue with the project on a large scale, it probably placed the advertising agency in a very difficult position. The agency and the creatives could likely see value in the execution, and wanted to share their idea with their peers and gain recognition for it in order to show what they are capable of, as well win awards for the agency, and help the community by distributing the fire blanket calendars. By 'allowing' the agency to execute the campaign in order to legitimise it for awards, this seems to be the symptom of a bigger problem:

a client either not believing in the campaign, not finding it valuable, or not being willing to fund an execution that could potentially save lives and communities. The agency would then have been faced with one of three choices.

Firstly, they could execute the concept and enter it into awards shows, knowing that they would be subverting entry rules because it would only be executed for the sake of legitimising it for awards shows. The agency would therefore know that the client did not plan on carrying the campaign out on a larger scale post-awards, and the agency would essentially be doing the advertising, not the client. This action would also be subverting rules about paying for the execution themselves and not having a genuine client brief. This could then either result in the agency winning awards and getting caught for creating scam advertising (consequence C_1), or in the agency winning awards and not getting caught (consequence C_2). Another possible outcome is that after the agency enters the execution, it does not win any awards (consequence C_3). In all of these scenarios the informal settlement communities would receive fire blankets, as the campaign would be genuinely executed.

The second choice the agency could make is to execute the concept and not enter it into awards (decision D_2), thus still helping those communities, but the agency would not win awards from it. This is also consequence C_3 , as the communities would still receive fire blankets, but the agency would not win any awards.

Thirdly, the agency could decide to simply not execute the concept. This is consequence C_4 . As Ulmer (in Götz Ulmer... 2013) states in Chapter Two, their advertising agency has three criteria for creating work, of which at least two must be present for them to go ahead with the campaign: they strive to make money for the client, to have fun, and to win awards. Inherently, thus, the advertising agency is always striving to either make money, or win awards (or both) from whatever work they produce. Creating the fire blanket calendars and distributing them without entering the execution for awards (decision D_2 in Figure 26) would therefore simply not be a feasible choice for the agency, as they would not be able to make money from the execution or win awards from it.

At this point it can be argued that if the agency had not created and handed out the fire blanket calendars because they did not want to subvert awards show entry rules (in terms of the Loerie Awards, specifically the fact that it appears to only have been executed in order to legitimise it for awards), this deems the rules themselves to be problematic. The rules themselves could then even be seen as unethical, because compliance with those rules would result in inaction from the agency's side: not distributing genuine help to a community. Again, as stated earlier, the agency could still have distributed generic fire blankets to the communities, knowing that this would certainly make a positive difference to those communities, but then without entering the campaign into awards. But, again, it is highly doubtful whether an agency would continue with a project that they could not win awards from and would not make money from. The ethical

thing to do would be to create the execution regardless of whether the agency would be able to benefit from it in terms of awards or not. But advertising agencies also still have capitalistic bottom lines that need to be fulfilled – they cannot execute every beneficial idea pro bono, or they would go bankrupt in the process. Advertising awards shows exist to award brilliant work and to make money from entries: what is ethically correct is not their concern. On the one hand one understands that an advertising agency is still first and foremost a business, but this raises the question whether an advertising agency would truly be petty enough to abandon a potentially life-saving execution for others if they cannot win an award from it or make money from it. From personal experience the answer is, sadly, yes. The advertising industry tends to default to a capitalist bottom line. This means that if the agency had decided not to enter the execution into awards shows following the client's decision, it is vastly more probable that they would have decided to not create the fire blankets or distribute them (decision D_3), which would have resulted in 115 people not receiving fire resistant blankets, and the agency would not have won awards (consequence C_4). Not creating the potentially life-saving fire blankets would mean inaction on the agency's part, which is unethical. While these are the possible choices and consequences that may have transpired from the scenario, the actual choice that was made by the agency is D_1 , and the actual consequence that occurred was C_2 .

Looking at utilitarian ethical theory, one must first consider the actual results that transpired from the creation and entering of this campaign, which is consequence C_2 . This is the best possible consequence, as it culminated in a Grand Prix for the agency and the creatives that executed the advertising – along with all the positive results that this produces, which is discussed again later in the chapter – along with goodwill and brand awareness for the client, and 115 people received useful fire blankets. All of this certainly contributes to the 'greater happiness' of the parties involved, and therefore utilitarianism condones this action in this regard. If the client did not pay for the activation but merely gave the agency permission to execute the activation for awards, this would be an especially favourable outcome for the client, as this means that they would have received positive impressions from consumers and goodwill from others that saw this as charity, without paying for the execution. While this campaign certainly would have helped more people if every person in South Africa that lives in an informal settlement had received a fire blanket calendar, for the 115 people that did receive fire blanket calendars, this was certainly the best result. Therefore utilitarianism condones this action.

As is the case in the previous case study, this execution could be seen to have detracted from the utilitarian notion of 'greater happiness' in that it won a Grand Prix at the Loerie Awards instead of another campaign. But again, this opens up the discussion on whether advertising awards as a whole possibly detract from the 'greater happiness' as there will always be more losers than winners, as discussed in more detail in Chapter Four. Again, for the sake of continuing with this analysis, one must set aside this notion.

Moving on to hypothetical consequences: if the campaign had been rolled out on a national scale, the client and brand would have received much more awareness and goodwill. If every person in South Africa that was at risk for shack fires received a flame-retardant fire blanket, this would be the absolutely best result, and they would be able to extinguish fires as they start, possibly allowing them to save their homes and belongings, and even their own, their family's and their neighbours' lives. However, if Engen were to provide every one of these inhabitants with a fire blanket (keeping in mind that they find the cost prohibitive), this may result in financial losses for the company, which may result in losses for investors and even staff retrenchments, resulting in staff not being able to provide for their families and possibly becoming homeless and starving, if one follows through to the extreme of this train of thought. It is impossible to determine which consequences would realistically happen if this were to transpire. It is also impossible to determine which would provide more 'happiness': if 10 000 people have fire blankets to put out fires, or if 50 000 people are allowed to keep their jobs and can thus provide for their families. This hypothetical situation highlights a problem of utilitarianism again: it cannot possibly predict the actual consequences that either decision would have had. Since this situation has already unfolded however, and this situation did not come to light, one can proceed to analyse the actual consequences of the action instead of having to decide on probable results.

If one looks at this campaign in terms of Mulgan's (2007:84) 'objective list' for utilitarian happiness or well-being, this activation firstly fulfils the objective of 'basic needs' for those inhabitants that received fire blanket calendar. It would allow them the means to avoid harm, survive and be healthy by providing the ability to instantly put out fires that could threaten these needs. The awards that were won also provides the agency, creatives and client with the objective of 'achievement or accomplishment', and the creatives involved in the project would likely have gained 'understanding and knowledge' by learning from the process of creating new work and possibly working with a new medium. Since the campaign was created as a proactive project with minimal client input, the creatives would have achieved 'agency, autonomy and freedom' from working mostly independently. Working on any kind of advertising is always a collaborative project, and would therefore have fostered 'friendship and personal relations' between creatives and different collaborators of the project. The ultimate outcome of the project, winning a Grand Prix at the Loerie Awards, ensured 'fame and respect' for the agency and creatives. This project therefore fulfils six of the seven objectives for utilitarian well-being, and utilitarianism thus condones the creation and entering of the activation. Overall, since the campaign had the best possible actual consequences, utilitarianism condones the creation and execution of this campaign.

Deontology, however, finds this execution problematic. According to deontology, one should be motivated to perform an action because it is the right thing to do, not because one may receive a reward (or an award) for it. If one performs the right action and happens to win an award for it, however, there is nothing wrong with that. There are ways to navigate these complexities however, starting with considering Kantian monistic deontology and the three formulations of

the Categorical Imperative. Firstly, the Formula of the End-in-Itself states that one should "Act in regard to all persons in ways that treat them as ends in themselves and never simply as means to accomplish the ends of others" (Mizzoni 2010:111). This means that if the agency created the campaign with only the intention of helping those 115 people, it was a *moral* action which deontology condones, as it treats the people that it helped as the end in itself. However, if it was created just to win awards it is still a beneficial action, but not moral, as it uses those people as a means to an ends: winning an award. Even though this action – supplying inhabitants of informal settlements with fire blanket calendars – is helpful to them, deontology does not condone this: a good and right act performed for the wrong reasons may be considered beneficial, but not moral or ethical. Winning awards is typically a selfish endeavour: it furthers one's career and may gain the agency new business. But is it necessarily a bad thing for a creative to want to better themselves and win awards? Or to help their agency win more awards and attract new business? No, there isn't. Decisions and intentions are rarely black and white, and rarely a case of 'either', 'or'. It is possible that the creatives that worked on the campaign genuinely wanted to help the inhabitants of the informal settlements, but lacking the large-scale funding to do so decided to execute it on a small scale, and still show their peers their idea by entering it into awards. If this were the case, deontology condones the action.

The second formulation of the Categorical Imperative, the Formulation of Universal Law states that one should "Act only from the personal rules that you can at the same time will to be universal moral laws" (Mizzoni 2010:113). While one advertising agency cannot solve the entire problem surrounding fires in informal settlements, if every advertising agency created a campaign on a small scale like this, or if every agency came up with and executed an idea to help prevent fires, it would go a long way towards helping to stop this problem. Even if every agency just came up with and executed any idea that would benefit the greater good, be it for animal shelters, orphanages or even billboards that produce clean drinking water (through condensation of the humidity in the air), as can be seen in Figure 27 (a concept that was executed in 2013 by Peru's University of Engineering and Technology and advertising agency Mayo Draftfcb (Smith-Strickland 2013)), that would be a good universal law to uphold.



Figure 27: UTEC Potable Water Generator Billboard, 2013.
(Wonderful Engineering).

However, if the agency only created and executed the campaign as a means to win awards, deontology does not condone it. This would mean that it was executed with no regard for helping people and would thus not be a good moral law to uphold, as it encourages using people as a means to an end, as well as possibly not adding value to their client's business. But as stated under the first formulation of the Categorical Imperative, it is possible that the agency could have aimed to help people as well as win awards. It would be a good moral law if all agencies strived to create work that is beneficial to all involved, and deontology condones this.

The third formulation of the Categorical Imperative, the Formula of the Kingdom of Ends, states that “morality consists in the relation of all action to the making of laws whereby alone a kingdom of ends is possible”. Here one finds that again that since the intentions with which the activation is executed is unknown, it is impossible to determine whether it adheres to all the laws required to adhere to the Kingdom of Ends.

Looking at W.D. Ross's pluralistic deontology, which determines the right action by adherence to different *prima facie* duties, one finds the following: assuming that the creatives knew before entering the campaign that the client was not going to be rolling out the campaign on a national scale, this means that they were lying in their entry about the intention with which it was created and entered – the intention to just win an award from it. It is not allowed to create work purely for the sake of winning awards. Lying breaks a *prima facie* duty. However, even if this were true, the creatives and agency were also fulfilling duties of beneficence towards the inhabitants of the communities they were helping, a duty of self-improvement by performing a virtuous act towards those communities as well as a duty towards their client to further their business. These are conflicting duties and as stated in Chapter Four, Ross (1930:19-22) does not explicitly state which duties should take precedence over others, except that the duty of non-maleficence is more binding, and that one must form their own opinion and use their intuition as to what the

more pressing duty is. One can argue that in this instance, the most important duty of the advertising agency is to provide fire blanket calendars to the inhabitants of the informal settlements. It can even be argued that if the agency had not provided said blankets, they would not be upholding their duty of non-maleficence by withholding the blankets that would enable the communities to prevent harm to themselves, their families and their houses. This is a bit of a stretched interpretation of this duty, however.

What makes this assessment particularly difficult, and what deontology largely considers when looking at decisions, is the fact that people have different motivations for performing actions. The agency could have been motivated purely by a desire to help the community, which deontology condones and encourages. But they could also have been motivated solely by the desire to win awards, and helping people may have been a result of this action. This would mean that the agency was using those people as a means to an end, which is entirely unacceptable according to deontology. However, even if the motivation was purely the desire for awards, they did still help the 115 people that received blankets, which cannot be overlooked. Looking at the positive result of any action is more of a utilitarian outlook, however, and while deontology finds this action beneficial, it cannot find it moral. Deontology cannot condone doing the right action for the wrong reasons, even if it has a positive outcome. However, as stated earlier in this section, it is entirely possible that the agency created the campaign with both intentions: winning an award, as well as helping the inhabitants of the informal settlements. As long as the agency was not using the people purely as a means to win an award, deontology condones this execution.

Again, whether virtue ethics condones the entry or not, depends on the intention of the creatives that entered the campaign. If the creatives executed the campaign because they truly wanted to help the community (even if was just 115 people, not nation-wide), then virtue ethics find this a virtuous action. But if they only executed the campaign in order to legitimise it for awards, this means that they knew they were not going to be helping and reaching as many people as they could, as well as lying on their entry. Virtue ethics does not find this a virtuous action. But again, as stated under deontology, the campaign could have been executed both with the intention to help the community, as well as the creatives and the agency. A virtuous person would strive to help as many people as possible, but not at the cost of lying, especially in this case, as it would be a self-serving lie.

In terms of *ethos*, this activation highlights how strongly opinions and perceptions can shape a person or agency's *ethos*. By engaging in discourse with people from various disciplines in the industry (creatives, producers, strategists, etc.) throughout researching this dissertation, it became known that there have long been rumours in the advertising industry that this activation was only executed minimally, with some creatives believing that as few as 35 fire blankets were handed out – and then only to legitimise the execution for awards. There is no information publically available on the number actually handed out, and it would appear that none of the creatives that doubted the campaign's legitimacy have enquired after the true number.

These creatives that doubt the campaign's legitimacy do not think very highly of this practice, and therefore the agency and creatives that created the campaign's *ethos* has been diminished in their eyes. There are many others that applaud the campaign and its ideas however, and think very highly of it: the creatives and agency's *ethos* is therefore very high in their minds.

After analysing this case study in terms of different ethical theories, one finds again that this is a rather complicated landscape to navigate. Utilitarian ethical theory condones this execution outright, as it resulted in the best possible consequences for all involved. Deontology cannot offer one consolidated judgement on the execution, as it is unknown with which intention the execution was created. Depending on the intention, and whether one looks at monistic or pluralistic deontology, one finds differing answers. Virtue ethics delivers a similar result: different scenarios offer differing judgements, and since it is unknown which is the true scenario, there is no conclusive answer, but many suggestions. Looking at the agency and creatives' *ethos*, on the one hand it was increased since it was such a brilliant idea that had the potential to genuinely help people, but on the other hand some creatives dismissed the campaign on the grounds that they felt it was only executed in order for the agency to win awards, and therefore scam advertising.

Analysis according to the Quadruple Bottom Line

This activation has now been analysed in terms of different rules, criteria and ethical theories, but in order to gain a different perspective on how the activation itself affected the client and consumers, it is useful to analyse it in terms of the economical construct of the Quadruple Bottom Line. This is to determine how the activation fares from a business and sustainability point of view. To recap, Walker's (2014) four criteria that he uses to measure sustainability are practical meaning, social meaning, personal meaning and economic means (Figure 28).

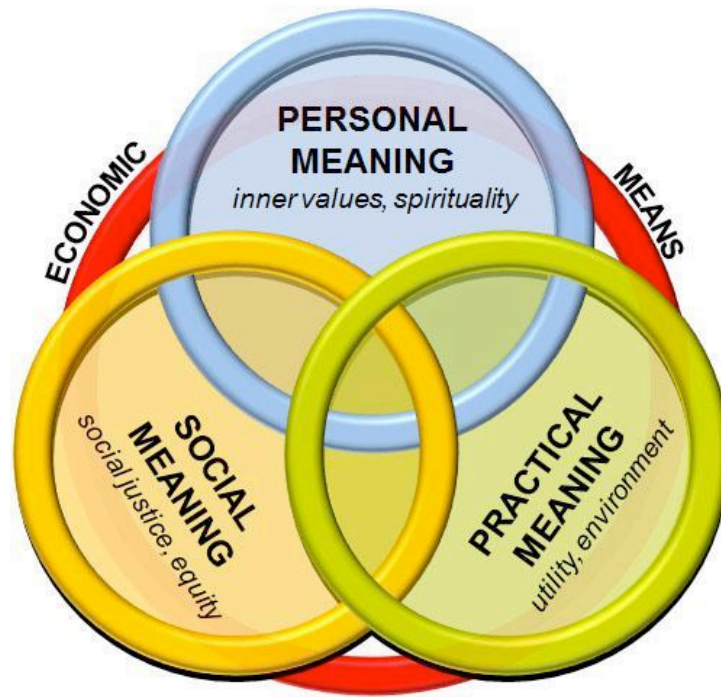


Figure 28: The Quadruple Bottom Line of Sustainability, 2014.
(Stuart Walker Design).

By analysing the Engen *Fire Blanket Calendar* execution according to these criteria, one finds the following: firstly, it has practical meaning to those in the informal settlements that received the blankets by being useful and practical in their function of fighting fires in the communities. It is therefore an apt response to a very real need that exists in these communities: the need to extinguish fires as they start so that they don't burn down entire settlements and cause lives to be lost. These fire blankets therefore help to preserve these people's basic needs for survival: their shelters (which offers protection from the elements, thus ensuring warmth), and inside these shelters would be their clothing, food and water, which would be destroyed by fires.

In terms of the environment, the blankets are also very beneficial as they stop the fires from turning into wildfires that harm nature. On the other extreme though, some may see it as a good thing for the environment if these shacks get burnt down, because if they do not get rebuilt, nature would be able to reclaim the space. However, as these shacks are generally built from any material that can be found or scavenged, it is very possible that if they do get destroyed, people may chop down trees for wood to rebuild their houses or parts thereof. Therefore it would be more sustainable to ensure fires don't spread. The fires that devastate these settlements and communities also burn everything that is in the houses, which is often synthetic materials such as plastic, or other materials that release toxic gasses when they are burnt. This pollutes the air and is certainly not good for the people inhaling these gasses. As part of environmental consideration, one would also need to take into account how much the manufacturing process of the physical fire blankets, the printing process that would be involved in branding the blankets, as well as the cars or trucks needed to transport and distribute these blankets pollute the environment. The exact statistics that would be needed to estimate the environmental impact

from both sides are difficult to acquire and would require extensive calculation, which is beyond the scope of this dissertation. But the communities' need to extinguish these fires as they start, along with the pollution that fires cause, surely outweighs the pollution that the production and distribution of the fire blankets would cause.

In terms of the social meaning of the execution, this very much focuses on what is 'good', 'right' and 'moral' to do. The previous section has covered this extensively by analysing the example according to different ethical theories. We find that utilitarianism condones the activation as it enhances the greater good, while the verdict from a deontological and virtue ethics point of view depends mainly on the intention with which the execution was created. By creating this campaign, the creatives and agency would certainly be displaying virtues of empathy, compassion and charity for those that live in the informal settlements.

The 'personal meaning' aspect of this execution is more difficult to determine, however. From an outside perspective it is not possible to determine whether this campaign accorded with the inner values of those that executed it. If the persons were religious and their respective religions encourage charity, empathy and compassion towards their fellow man, then they would certainly have fulfilled with those obligations. Even if the persons were not religious but still upheld those virtues, then this execution would have personal meaning to them.

Lastly, one must consider whether this campaign allows a company the economic means to sustainability. As stated earlier in this chapter, Walker (2014) does not see economic means as a separate bottom line to consider, but rather as a means that underpins the other three (as illustrated in Figure 28). If the agency paid for the execution (which seems likely, considering that the client "allowed" them to create the work (Engen 2013)), then it creates an interesting scenario. Advertising agencies are not meant to pay for advertising, their clients are. Otherwise it is the agency that is doing the advertising, not the client. If an agency always paid for the advertising they were creating for a client, that would defy the entire point of the business, and the agency would go bankrupt very quickly. Of course, when agencies do pay for executions, they tend to be small executions, not large campaigns; therefore the costs involved are not prohibitive to the agency. It is also not that often that agencies do pay for executions. But it would mean that the agency was creating work for their client for free, which the client benefits from. One can argue that the agency does this with the intention of possibly winning awards from the advertising that they pay for; thus the reward they plan on receiving from it is not monetary, but in the form of awards and recognition, which may gain them new clients and more business. It's difficult to determine the value of this way of thinking and whether it is actually sustainable. Since it does appear to be an accepted practice in the advertising industry, one assumes that advertising agencies must find the rewards they receive greater than the costs involved, or else it would not occur. On the other hand of this economic means scale, one must consider the client that the work is created for. If the client does not pay for the work, and still receives positive brand impressions from people, it is certainly advantageous to them to allow the creation thereof.

All in all, analysing this campaign according to the Quadruple Bottom Line approach, one finds that it condones this campaign and the creation thereof, as it ensures sustainability for each of the four bottom lines.

5.2.4 Implications of the campaign

How the campaign affected the agency

The agency received six awards for the campaign: a Grand Prix and two other Loerie Awards locally, as well as three awards internationally. This is considered a very good result, and earned the agency a lot of PR from advertising blogs and websites, which meant a lot of exposure for the agency and their work. In a press release by the agency, FCB Cape Town Executive Creative Director Mike Barnwell (in Drafftcb 2013a) states after their Loerie Awards win, "Engen's *Fire Blanket* is an idea that has caught the world's imagination, and we look forward to a long life for the initiative".

As discussed in Chapter Two, the agency would also have received a higher creative ranking because of the awards won, and the agency may have been invited to pitch on new clients because of this. Creatives may also have been drawn to work there due to the agency's success. On the other hand, as mentioned before, the rumours in the industry that the campaign was flighted minimally tainted some creatives' perceptions of the agency and their work, but it does not appear to have had any lasting negative impact.

How the campaign affected creatives

The creatives that worked on the campaign received advertising awards which likely gained them recognition from their peers, advanced their careers, and allowed them to be head-hunted by other agencies. If this execution had indeed been a prototype or case study to show the client the viability and usefulness of the campaign, creatives would likely have been frustrated by the client's decision to not continue with the project on a national scale, since they would have spent a lot of time and effort developing the project. Due to the rumours surrounding the campaign's legitimacy, creatives' reputations could have been harmed to some degree, but it does not appear to have had a lasting negative impact.

How the campaign affected the client

The awards that were received would have made the client proud, and they do mention the awards for the execution on their website. They also received PR for the awards and the execution through blogs and websites that discuss advertising and the different awards shows. Since the client found the cost of implementing the campaign nationally "prohibitive", it is

possible that the client did not fully believe in the execution, or did not find the cost of the campaign equal to the amount of good that it would have done.

How the campaign affected consumers

The 115 consumers that received fire blanket calendars would undoubtedly have been very grateful, and found the calendars very useful and possibly life saving. However, this campaign does raise concerns as pointed out in Chapter Two about how scam advertising affects the those that it is intended to help: people living in neighbouring communities may have felt that they also deserved fire blankets, as that their need for them is as great as the communities that did receive the fire blankets. It is possible that people living in the Faure and Macassat settlements requested more fire blankets to share with friends and family in other informal settlements, only to be told that there were no more, and that the campaign would not be continued. It is possible that these communities and their problems were exploited in order for the agency to win awards, but again, as it is impossible to determine the agency and creatives' motivations, one must give the agency the benefit of the doubt that they truly wanted to help these communities, and after being told that they client found the campaign's costs prohibitive, distributed as many fire blanket calendars as they themselves could afford.

It is unknown how much of the general public (outside the advertising industry that saw the entry video at the Loerie Awards) is aware of the campaign, as it was not widely launched as far as can be determined.

5.2.5 Industry responses

By discussing scam advertising in South Africa with people from various disciplines in the advertising industry, it would appear that many of them have heard rumours about the execution's legitimacy, and therefore view it in a negative light. When asked their opinion on the piece, Source F's (2014) only response was that Engen's Marketing Director should be asked how many blankets were handed out – the implication being that the source did not believe it to be a sufficiently wide-spread campaign.

According to Götz Ulmer (in Adlip Channel 2013), chairman of the 2013 "Print, Outdoor & Collateral Media" panel for the Loerie Awards, he finds the Engen *Fire Blanket Calendar* a "really strong piece" that is very simple and has an interesting insight. He states that one can undermine the entry by saying that the agency only handed out a few fire blankets for the case study, but "...if only one blanket saved one house in a township, then it was all worth [it]". He believes that this execution should be a Grand Prix at the Loeries because it is very South African, very simple, easy and striking. He states that it is "one of those ideas which makes you think the famous 'I wish I [had done] that'". Interestingly enough, this is a very utilitarian outlook on the campaign: if one blanket put out one fire, it would already create greater happiness, and Ulmer believes that this justifies the entry, whatever its criticisms may be.

Saya Weismann (2013), assistant editor for Digiday, a media and marketing website, writes about the execution after seeing it at the Cannes Lions that "It's always awesome to see ad[vertisement]s that are actually useful to people", and states that she hopes that the trend continues for useful advertising that actually serves a very important safety purpose. This reiterates Khoury's (2014) statement that one should strive to make advertising that will change the world and be useful to people.

5.2.6 Conclusion

Turning Engen's yearly calendar which features paraffin safety tips into the actual vehicle for fighting fires – a fire blanket – is a very interesting and innovative concept, which had positive outcomes for the agency, the creatives, the client, as well as the people in the communities that received fire blanket calendars. The campaign fared very well at the Loerie Awards, receiving a Grand Prix, as well as one Gold and one Silver Loerie. It also received a silver and two bronze awards at international creativity awards shows. The campaign received no APEX awards.

This campaign is nonetheless labelled as scam advertising as it was not created in response to a genuine client brief, it was executed only to legitimise it for entry into awards (Engen 2013), and it is assumed that the agency paid for the campaign, since the client states that they "allowed" the agency to execute it (Engen 2013). Thomas (2014) states in Chapter Three that if an agency is fully paying for an execution, he believes that it has no value to the client, because they then do not believe in it enough to pay for it themselves. Khoury (2014) also states in Chapter Three that if an agency pays for an execution, it was not really executed, and did not do anything for the client's business. On the other hand, Source C (2014) believes that it is necessary for agencies to create and execute brilliant ideas; if the client does not want to pay for said idea, then the agency should pay for it.

According to Engen's (2013) website, the campaign was only executed in order to legitimise it for awards shows. Thus it was created purely with the intention of winning awards, which technically makes it ineligible according to the entry criteria of the Loerie Awards, rendering it scam advertising. Still, the campaign fared very well on the other judging criteria of the Loerie Awards, and thus one can understand why it received a Grand Prix, as well as two other awards at the awards show.

When analysing this execution according to ethical theory, and by looking at the different decisions that agency would have been faced with as well as the consequences that would have arisen from these different decisions, one finds that the course of action that was taken had the best actual results for the agency, the client, as well as the communities. This is because it resulted in the agency winning awards, and the communities receiving fire blanket calendars. Utilitarianism therefore finds this course of action ethical, since it created the most happiness for all involved. As Götz Ulmer (in Adlip Channel 2013) states, even if only one house was saved by one fire blanket, that would already have helped the community. But if that one

blanket was only handed out because the agency wanted to win an award, does that constitute the campaign as ethical? Utilitarianism says yes, because it still enhanced the greater good; deontology and virtue ethics say no, because the intention was not pure. But if that blanket was handed out both because the agency wanted to win awards, as well as help the community, then deontology and virtue ethics finds the judgement more difficult to make. And since decisions and intentions are never as black and white and clear-cut in reality as one can set out in theory, it is a lot more difficult to determine what the ethical decision is in a case such as this. Deontology and virtue ethics' determination on the ethical status of the campaign depends on the intention with which it was created, which is not possible to determine from an outside perspective, and likely a mixture of different intentions.

Looking at rhetoric theory and Aristotle's notion of *ethos*, one finds that the agency and creatives' *ethos* would have been greatly increased directly after winning awards, as this is considered a great honour. However, there are some in the industry who believe (still) that the agency only executed the campaign minimally and used those in the communities as a means to win awards. These people do not approve of this practice, and this would have diminished the creatives and agency's *ethos* in their eyes.

The last analysis in this case study focuses on Walker's (2014) Quadruple Bottom Line, which looks at the sustainability of the campaign on different levels: practical, social, personal and economic. It finds that this campaign has a practical meaning, as it is very useful to the people that received the fire blanket calendars, and beneficial to the environment by preventing fires from spreading. The campaign also has a social means, as it shows compassion and charity from the agency and the creatives' side. If the creatives adhere to any kind of religion or adhere to a moral code that encourages compassion, charity and advocates helping those less fortunate, then the campaign would also have a personal meaning to those involved. The campaign presents an economic means to the agency not through monetary value, but in terms of awards and exposure, which has the potential to allow them to accrue new clients, which would mean more business for the agency.

In terms of the implications of the campaign on the agency, the creatives, the client and the consumers, one finds that all the positive benefits that arise from winning awards as discussed in Chapter Two are applicable here. This means that the agency would have received a higher creative ranking, which in turn could have allowed them the opportunity to pitch on new clients and win new accounts, resulting in more business for the agency. Creatives could also have been enticed to work at the agency because of the higher creative ranking. The creatives involved in the project could possibly have received bonuses and promotions, and could have been headhunted by other agencies due to their success on the project. The client received a lot of PR from the awards won, and consumers' perception of the brand would have been favourable. The people in the informal settlements that received fire blanket calendars would have found the blankets very useful, and would have been grateful towards Engen for providing them. However, as discussed in Chapter Two, the risk with executing a campaign such as this

on a small scale in order to enter it into awards carries the risk that inhabitants can start feeling used by agencies and big corporations for their own selfish need for awards.

What this campaign thus highlights is that agencies do not necessarily create proactive work with the intention of it being scam advertising. But since the client would not execute this campaign on a larger, national scale, it forced the agency into a difficult position, and to make a difficult choice. As Low (2014) mentions in Chapter Three, agencies faced with this kind of decision then often execute it minimally on their own, thus sacrificing the ability to share it with a larger audience, in favour of and entering it into awards so that their idea could still be evaluated against their peers' work. The agency could also have decided to still distribute fire blankets (or even still execute the fire blanket calendars) without entering the idea into awards, but as discussed earlier in the chapter, it is highly unlikely that an agency would perform an act like this if they could not receive some sort of return on it (either by means of awards or PR). In this event, it would be much more likely that the agency would simply not have executed the campaign at all. The problem in this case then, is not that the agency created scam advertising; it is that they were essentially forced to do so because the client would not legitimise the campaign by airing it properly. However, it was still the agency's decision to do so.

If, after the client had decided not to execute the campaign due to the costs involved, the agency had then decided to not execute the idea themselves (as it would contravene awards show entry rules relating to the agency paying for the execution as well as having only executed the campaign in order to legitimise it for awards), this would have resulted in inaction from the agency's side, which would undoubtedly be unethical. This then renders those very rules to be unethical, as they would in essence have prevented 115 people from receiving fire blanket calendars that are potentially life-saving.

The fact that this campaign had the potential to save lives, and certainly would have affected the 115 people that did receive fire blanket calendars in a positive way, puts this campaign's status as scam advertising into question. Certainly a campaign that has the potential to do so much good cannot be considered unethical. But as deontology points out, even a good and right act performed for the wrong reasons may be considered beneficial, but not moral or ethical. However, again, utilitarianism points out that the campaign would certainly have benefited the greater good. And virtue ethics states that a virtuous person would have handed out the fire blanket calendars, but may not necessarily have entered the campaign into awards knowing that they were contravening some of the entry rules. The creatives' and agency's *ethos* would have been greatly increased directly following the awards, specifically because of the PR garnered, as well as the charitable and beneficent nature of the campaign. But as has been mentioned, many creatives do not perceive this execution favourably, as they believe it was only executed minimally in order to legitimise it for awards, and thus earned awards instead of other campaigns.

While Chapter Four discusses advertising and scam advertising on a theoretical level and analyses the general practice of this accordingly, this chapter and these two case studies have served as practical examples and applications of this practice in South Africa. It has aided the research aim of exploring the ethics of scam advertising and awards shows in South Africa by fulfilling the research objective of practically applying the theoretical research that was set out in previous chapters. It is very clear that scam advertising is a very complicated topic, which has a multitude of ways in which it can develop: often due to doings of the client, forcing agencies and creatives into difficult positions. It is also clear that agencies are often faced with very difficult choices relating to furthering their businesses and creatives furthering their careers, and therefore sometimes enter into grey areas of practice, in favour of doing so.

CHAPTER SIX: CONCLUSION

6.1 Summary of the chapters

This research project has explored selected ethical issues raised by scam advertising in the South African advertising industry, as well as in relation to a wider discourse on advertising awards. In Chapter One the aims of the study were introduced, and some background information on the practice was provided. A literature review was also performed on previous research that has been conducted on this subject. It was discovered that very little of this sort of research has been done, and none of it has been done in a South African context.

Chapter Two focused on the phenomenon of scam advertising in order to gain a better understanding of the practice thereof. Advertising agencies rely on creative rankings in order to get onto long and shortlists to pitch to new clients and thus gain new clients and new business. This fulfils the first research objective: to understand how advertising creatives attract new business and clients, and how this has changed over the years. The second research objective is to examine how this shift in attracting clients has caused scam advertising to come about. One finds that the only way to better one's creative ranking is to win more awards at both local and international awards shows. However, once agencies are appointed by a new client, the client rarely allows them to work at a creative level sufficient to win more awards, thus agencies and creatives turn to scam advertising in order to fulfil this need.

At this point it can easily start to appear that advertising awards shows only exist to fuel this need for creative rankings, and may therefore even unintentionally encourage scam advertising. Awards shows fulfil important roles in the industry: they serve as inspiration for creatives, and allow for an official ranking by an independent authority. There are many critiques against advertising awards shows as well, however, and Raszl (2009) points out a few areas that he believes needs to be reformed: not taking the effectiveness of a campaign into consideration when judging, not being strict enough against scam advertising, the high cost of entry into awards shows, and that awards shows should not only exist to reward creatives. Adding onto this, Goodwin (2015) also proposes that awards shows should include new categories, such as "Biggest Failure", "Performance Marketing", "Experience Design", and "Best Business Solution". In order to combat the trend of scam advertising, advertising awards shows have implemented increasingly stringent rules. There is no consensus in the industry or among creatives as to what constitutes scam advertising, however, which leaves one unable to form a clear definition of scam advertising. But by combining the different rules from advertising awards shows, one is able to list different characteristics that may deem advertising as scam advertising by some:

1. advertising that was created and/or entered without the client's consent,
2. advertising that was created for a fake client,
3. and advertising that was never aired, flighted, published or launched.

4. advertising that was only flighted once or executed in accordance with minimum airing or publishing requirements,
5. advertising that was created for the sole purpose of entering it into awards,
6. advertising created without a genuine brief from a client, and/or
7. advertising paid for by the advertising agency itself.

As has been mentioned, not all of these rules hold for all of the awards shows, however: what is considered acceptable by one awards show, may be regarded as scam advertising by another. Therefore eligibility for entry into an awards show is separate from an advertisement's perceived status as scam advertising by some. This fulfils the third research objective: to explore the role of advertising awards shows and their rules, and to formulate a description of scam advertising to be used in this dissertation.

Scam advertising also holds many benefits and disadvantages for both creatives and advertising agencies. This is explored by looking at an example of scam advertising that was exposed at the 2013 Loerie Awards – MetropolitanRepublic' *Project Uganda* which was executed for MTN Uganda. Through examining this example it was discovered that agencies that get caught out for scam advertising can face the following consequences:

1. The agency's reputation can be harmed.
2. The agency can be reprimanded by official bodies, such as the Loerie Awards or the ACA.
3. The agency can lose the client that they created scam advertising on behalf of.
4. The agency can lose other clients that do not want to be affiliated with an agency that creates scam advertising.
5. Damage can be incurred to the brand of the client for whom the scam advertising was created.

When looking at possible benefits for an agency that enters scam advertising and does not get caught, the following can occur:

1. The agency can win creativity awards which would mean:
 - a. receiving a higher creative ranking and
 - b. reassurance for existing clients that they're in safe hands.
2. The agency can win new clients.
3. The agency can draw in creatives that want to work there.
4. The agency can receive exposure due to their work.
5. The agency can gauge the quality of their work against their peers'.
6. Clients may be encouraged to take more risks and trust the creative process.

By looking at all of the different benefits and disadvantages that creatives face from creating scam advertising, one finds the following:

1. Creatives can gain recognition, respect and acknowledgement from their peers.
2. Creatives can be promoted.

3. Creatives can be headhunted by agencies.
4. Creatives can receive commissions for work.
5. Creatives can get to create level of creative freedom not normally allowed to them by normal client briefs.

If the creative is found out, however, the following can occur:

1. Sanctions can be imposed on the individual creatives.
2. Creatives can be "named and shamed".
3. Creatives' reputations may be harmed.
4. Creatives could even be fired in order to keep clients happy.

It is thus clear that there are many benefits and disadvantages for creatives and advertising agencies that create and enter scam advertising.

To look at the phenomenon of scam advertising from another perspective, iCONGO's video appeal to the Cannes Lions judges was considered. This highlighted the fact that when advertising agencies create charity or goodwill campaigns and only execute them for a few months leading up to an awards show in order to make them eligible for entry, it affects those that it is created for, often negatively. It exploits these people and their daily struggles, and uses them as a means to win awards for the agency, without taking their needs into consideration. Looking at comments from the industry that arose after this video was released, one realises that some creatives do not believe it their responsibility to sustain these campaigns, and feel it sufficient to just create awareness of a problem and then abandon a campaign. Some even believe it the communities' own responsibility to not be exploited by advertising agencies. This is an example of victim-blaming however, and grossly unfair. Others suggest taking effectiveness into consideration to a larger degree in order to combat this. Others still, such as Geoghegan (2015) believe that agencies involved in this practice engage in "greenwashing" or "goodwashing" in order to appear charitable, but should rather create meaningful, lasting campaigns. Thus the fourth research objective of determining the benefits and disadvantages of scam advertising for creatives and advertising agencies, as well as how it affects those that these scam advertisements are created to help, is fulfilled.

Chapter Three comprised interviews from senior members of the industry in order to gain their insights. When asked their opinions on scam advertising, one realises that many of these senior members of the advertising industry are very sensitive to the issue. Even though participants were informed that interviews were purely for clinical research purposes, less than half of the 20 interviews that were requested were granted, and several interviewees eventually withdrew from the study and requested that their views not be included. And even then, participants were very nervous and very wary of the purpose of this dissertation. Most were concerned about how their quotes would be used, and very hesitant in signing standard informed consent documents with many adding their own disclaimers, such as that they wanted to read the final material before publication. One participant even threatened to sue when (not if, when) the audio recording of

the interview was released, even though the source was repeatedly assured that this would never occur, and that the recording would only be used to quote them accurately. This particular source eventually withdrew from the study altogether after learning that the researcher worked at MetropolitanRepublic, as they felt the researcher could not be neutral in their analysis of scam advertising due to their association with the agency. One can understand that participants are concerned for their own reputations, but considering that this dissertation comprises clinical research, it would be highly unethical (as well as ironic, considering the topic of this research), if the researcher were to slander or misquote any source that participated in the study. Considering that this researcher works as an art director in the advertising industry, it would also constitute career suicide to slander or misrepresent potential future employers.

From the interviews, it is clear that scam advertising is considered a very contentious issue, as evidenced through that even the combined description of scam advertising divides the interviewees into two distinct groups: those that do not see proactive advertising, minimum airing or agencies paying for executions as scam advertising, and those that find those instances nuances of scam advertising. Most interviewees consider advertising that was never aired as scam advertising, but Warner (2014) pointed out an example that MetropolitanRepublic did for Fish & Chips Co that never aired and yet won many awards. Because the advertisement was banned by the station it never aired, but it also was not entered into the TV category, because of that reason. The reason this example is an exception is because it was strategically planned to have this effect. It is therefore not deemed scam advertising. Many interviewees find no fault with minimal or even single flighting of advertisements to legalise them for awards. Agencies sometimes do this in order to use the awards as a 'case study' to show their client an idea is worth pursuing. It could also be that the client is not interested in the idea (due to the costs involved, or simply because they are preoccupied with a bigger campaign), but will allow the agency to execute the idea for awards. Minimal flighting can also be a strategic decision, as is evidenced by the FNB *You Can Help* live broadcast that was broadcast once, live. Advertisements are also sometimes banned from TV shortly after launching, as is often the case with Nando's advertisements. Tactical print advertisements that comment on newsworthy events are also usually only flighted once or twice, otherwise they would lose their relevance.

Interviewees also differentiate very strongly between scam advertising and proactive advertising. Most feel that while proactive advertising can be scam advertising, it is almost always conceptualised with the intention of actually adding value to the client or their business by exploring areas of the client's business that they may not have thought about. Creatives are also very vocal about the value of a good idea, and how necessary it is for creatives to have ideas come to life and execute them for audiences. Interviewees are also very divided about agencies paying for executions, with some feeling that this adds no value to the client, while others feel that it allows the client to see the execution as a "pilot" created by the agency that the client may later invest in. There are many different theories with regard to how scam advertising came about. The first is that entrepreneurs are not really involved with their own advertising any more. The second is that clients' briefs are too complicated for creatives to create single-minded

great ideas from. It was also suggested that clients are simply too restrictive in what they allow their agencies to do, resulting in agencies turning to scam advertising in order to 'prove what they can do'. It was also suggested that the agency networks put a lot of pressure on agencies to perform well, and therefore agencies in turn put this pressure on their creatives, which often results in scam advertising.

There are also many different theories as to why creatives create scam advertising at all. A few have already mentioned, but another suggestion which is mentioned a few times is that creatives tend to involve themselves with scam advertising in the earlier parts of their careers in order to win awards. Another suggestion is that creatives do not all get the same opportunities in terms of briefs, therefore some turn to scam advertising in order to win said awards. There are also a few reasons why creatives and advertising agencies want to win awards. Firstly, by winning awards, creatives can create a name for themselves, as well as gain recognition and status among their peers. It also has a lot of PR value for agencies to win awards.

Interviewees are divided on whether scam advertising is a problem in South Africa, depending on their definition of scam advertising. Those that do not see proactive advertising, minimal airing and agencies paying for executions as scam advertising, believe that awards shows have the practice under control, and that scam advertising is not a problem in South Africa. However, those that do see those instances as nuances of scam advertising, believe that this practice is rife in South Africa. All frown on the idea of it, and believe that agencies should be winning awards on real briefs. But this is often difficult to accomplish, due to the reasons mentioned before.

Interviewees' opinions on whether scam advertising wins awards or not are also divided. Group A does not believe that it wins awards, while Group B believe it does. Interviewees all agree that it is unfair for scam advertising to compete against briefed-in advertising, because scam advertising tends to circumvent the 'real business' of the client by not following a strategy, and not needing to go through various rounds of approvals by the client (which is generally where more creative executions falter).

Interviewees pointed out a few different ways of identifying scam advertising in awards shows:

1. The media that is being used for the execution does not make sense for the client it is (for instance a small patisserie creating DPS newspaper advertisements).
2. How and where the advertisement is aired does not make sense for the client that it is; thus if there is no relevance to target market.
3. Limited budget in terms of execution and airing, i.e. not being seen in mainstream media.
4. Not following the client or brand's general strategy.
5. Visuals placed in the centre or 'gutter', in terms of magazine advertisements.

Suggestions regarding how scam advertising in awards shows can be managed were as follows:

1. Creating an 'open' or 'prototype' category where agencies can enter completely

- conceptual work which is labelled as such.
2. Categorising awards shows according to budget.
 3. Tracking media schedules more effectively.

While these are a few suggestions on how awards shows can manage scam advertising, some feel that awards should only be awarded to advertising that solves a real business problem, otherwise it is not advertising.

Some interviewees believe that clients definitely look at creative rankings when choosing an agency, and other believe that it depends on the client. They believe that in the end clients ultimately want business results, however. If that can be integrated with creativity, then all the better.

Again, interviewees are divided about whether clients care about winning creativity awards or not, but agree that even those that do care, rarely allow the agency to produce the highly creative work which this would necessitate. There are also many differing opinions on what the role of scam advertising is. Some believe that it allows creativity to evolve, some believe that it is good for brand awareness levels, while a few believe that it has no place in the industry, and should not be allowed. Some interviewees believe that proactive advertising holds a lot of value for agencies and creatives alike, allowing them to push boundaries and further their careers, as well as create PR for the agency and the brand. As to why advertising awards shows have implemented more severe and stringent rules, it is believed that it is because some creatives abuse and challenge them, resulting in more strict rules for all the others. Interviewees tended to sneer at the idea that scam advertising can be a platform for creative freedom; it is believed that if creatives want creative freedom they should take up hobbies.

With regard to the disadvantages of scam advertising, interviewees listed the following:

1. It can result in creatives working on advertising that is not real and has no real consequence.
2. It can disadvantage clients if the creative is more concerned with creating scam advertising than advancing their client's business.
3. Creatives and agencies may become known for winning awards and being creative instead of growing their client's business.
4. It may infringe on a client's copyright (if the scam advertising is created without client consent) by speaking on the client's behalf without their consent.
5. It can lower the integrity of the advertising industry.
6. Other clients may question the agency's integrity.

Interviewees listed the benefits of scam advertising as follows:

1. Creatives can win awards for it.
2. There can be cultural and financial rewards within an agency.
3. Creatives can get into the 'hall of fame' of advertising.

Whether interviewees believe scam advertising is ethical or not, depends on the way they define it. All interviewees agree that advertising created without client consent and advertising created for a fake client is unethical, but from there opinions differ. Most believe proactive advertising is ethical, and sometimes even see it as essential in growing a client's business. Many also believe that as long as the advertising is legal (i.e. adheres to awards show entry rules), that means that it is ethical as well. This therefore fulfils the fifth research objective of this dissertation: consulting senior creatives in the industry in order to gain their insights with regard to scam advertising.

Chapter Four explored scam advertising from an ethical perspective, and started by discussing past views on ethics and advertising, which is the sixth research objective. By looking at previous research, it became clear that ethical studies in advertising have tended to focus on how the advertising agency conducts itself towards the public, as well as how, and to whom they advertise. Advertising's lack of status as a profession also plays a role in how the vocation is perceived: because there are no established standards of practice, standards for malpractice also cannot be reliably established. This leads to the prevalence of unethical behaviour.

Getting to the main body of this research, the exploration of scam advertising through ethical and rhetorical theory, proves that this is a very difficult and complex field to navigate. This fulfils the seventh research objective. Utilitarian ethics is concerned with maximising human happiness. When faced with any situation, it supports the action whose consequences will produce the most overall happiness. It saw no problem with inconveniencing or even hurting a few in order to help many. It is a teleological theory, meaning that it is wholly concerned with the outcomes of situations in order to determine what the correct path of action is when faced with a difficult choice. All the possible outcomes for creatives creating and entering scam advertising, as well as creating and entering legitimate client work were considered. Some outcomes were favourable, while others were not. If one wins awards (whether through scam advertising or legitimate advertising), utilitarianism condones the action. If one is caught out after entering scam advertising however, utilitarianism condemns it. If one does not win awards after entering (again, whether it be scam advertising or legitimate advertising), utilitarianism condones the action. Which path one should choose hinges solely on which outcome is likely to occur then. But since there is no way of knowing which consequence is likely to transpire, utilitarian ethics provides no clear directive for which choice to make, or whether scam advertising is therefore right or wrong.

Deontological ethics is a duty-based ethical theory: it sees the right action as the one that adheres to preconceived rules and duties that one prescribes to. Monistic or Kantian deontology states that there is but one Categorical Imperative that one must adhere to, with three different formulations of that imperative. It also looks at the intention with which an act is performed. Whether scam advertising is thus right or wrong depends on the person creating it, and their intention when doing so. Some forms of scam advertising are condemned because they violate the Categorical Imperative (by violating duties such as "Do Not Lie", as well as intentionally

subverting the award entry rules). Ross's pluralistic deontology discards the Categorical Imperative in favour of the more flexible *prima facie* obligations. Scam advertising fails every one of these six duties, and is therefore not permissible.

Virtue ethics is a field of moral theory that focuses on the person committing the act and their character, as opposed to the morality of the act itself. It supposes that virtues are character traits that must be practiced and fostered in order to achieve *eudaimonia*. There are both virtues and vices inherent in creating scam advertising, but virtue ethics ultimately leaves the choice of an action up to the person performing it, as it states that one cannot 'weigh up' virtues and vices in order to make decisions. It therefore provides no clear directive as to whether one should create scam advertising or not, and whether it is permissible.

Aristotle's notion of *ethos* forms part of rhetorical theory, which is intended as one of three ways one can persuade an audience that an orator should be believed and listened to. One's *ethos* is largely determined by others' perception of them as well as their reputation. This can be helped by winning awards (whether through scam advertising or legitimate means), and can be impaired by being caught out for creating scam advertising. The person one is interacting with also determines how one's *ethos* is perceived: whether the person condones scam advertising or condemns it. *Ethos* is not only applicable to individual creatives however: scam advertising also affects advertising agencies' *ethos*, clients' *ethos*, as well as the advertising industry as a whole's *ethos*. As with utilitarianism however, one has no way of predicting which consequence is likely to happen. This means that one cannot base a decision on whether to create scam advertising or not based on how one's *ethos* may be affected.

In conclusion, none of these theories seem to offer any kind of clear directive as to whether scam advertising is right or wrong, or morally permissible or not, as it hinges either on consequences that are impossible to determine, or intent which is impossible to garner from an outside perspective. But one starts to understand why it is such difficult terrain to navigate for creatives when they have to juggle furthering their careers, creating work that they are passionate about, pleasing client, winning awards, as well as still bringing in new business for their agency. It is a very demanding situation to be in, where most of it seems to be a grey area.

After establishing all the nuances that scam advertising can take, as well as how ethical theory views this practice, the different criteria were applied to case studies in order to understand the practice better. This fulfils the eighth research objective.

When looking at the Volkswagen Golf 6 *Silent Band* activation, it is found that it won a Grand Prix at the Loerie Awards, but no APEX Awards. Some may deem the activation to be scam advertising since it appears to have only been executed on a small scale to legitimise it for awards. It is unknown whether the agency had a genuine brief from client, and whether the agency paid for the execution themselves, but it is possible. The entry fared very well according to the judging criteria of the Loerie Awards, and one can understand why it won the Grand Prix.

However, if the activation were only created and entered for the sake of winning awards, this contravenes the entry criteria of the Loerie Awards, which would render it scam advertising to the awards show. This pointed out that this is thus a very difficult rule to enforce. Exploring this activation by means of ethical theory, it is found that utilitarianism condones the creation and entering thereof, as the actual results that transpired – winning a Grand Prix – produced the most aggregate happiness for the agency and the creatives that worked on the idea. The intention with which the activation was executed is unknown, and therefore deontology cannot produce a definitive answer. Different possible scenarios and choices the agency faced were looked at, and one can determine that if the agency executed the activation because they felt they had a great idea and wanted to share this, then deontology condones it. However, if the agency knowingly contravened awards show rules in order to enter it, they would be breaking juridical duties, and deontology does not condone this. This activation also breaks several *prima facie* obligations, which deontology does not condone. Thus whether deontology approves or condemns the creation and entering of the advertising depends solely on the intention with which the agency created it, which is impossible to determine from an outside perspective, especially since no information is available in this regard.

Whether a virtuous person would have created this activation is also difficult to determine for the same reason: one cannot know what the intention is with which the activation was executed. It would appear that the agency and creatives' *ethos* was diminished by those that believed it to be scam advertising directly following the Loerie Awards, but this does not appear to have had a lasting impact.

According to Walker's (2014) Quadruple Bottom Line approach, one found that this activation is, in fact, not sustainable, as it is not practically, socially or personally sustainable, although it possibly does have some impact on economic sustainability. The campaign would have affected the agency by improving its creative ranking, and possibly garnering them new clients. Existing clients would also have been proud that they are with an award-winning agency. Creatives that worked on the campaign won an award, which likely gained them recognition from their peers, advanced their careers, and allowed them to be head-hunted by other agencies. Their reputations could have been damaged to some extent by those that deemed the activation scam advertising, but does not appear to have had a lasting effect. The client would have been proud of the award that their agency received, and they also received positive PR from both the activation as well as the award won. The consumers that saw the activation would undoubtedly have enjoyed it, but it is uncertain how many people that was. Many in the industry consider this activation to be an example of scam advertising, and are unsure as to how it won an award if it was only executed minimally. In conclusion, this is an interesting activation that is certainly a clever idea, but it appears to be scam advertising since it seems to only have been executed in accordance with minimum flighting requirements in order to legitimise it for awards.

The second case study that was conducted is for Engen's *Fire Blanket Calendar*. It won a Grand Prix at the Loerie Awards, as well as a Silver Ubuntu Award and a Gold Loerie in the "Truly

South African" general category. The campaign also received a silver and two bronze awards internationally. The campaign did not receive any APEX Awards. It is a genuine execution for a genuine client, but some may consider it to be scam advertising since it was only executed in order to legitimise it for awards, and it was created without a client brief. It also seems likely that the agency paid for the execution themselves. The campaign fared very well according to the judging criteria of the Loerie Awards, and one can understand why it fared so well at the awards themselves. While the Loerie Awards finds no fault with proactive advertising (and does, in fact, encourage it), it does not allow advertising that was created with the intention of winning awards, which renders it to be scam advertising in this instance. This was a complicated campaign to analyse according to ethical theory, as it comprises a charitable element to the campaign. Utilitarianism condoned the campaign, as the creation thereof ensures the greatest happiness for all involved: the agency and creatives won awards, and the people in the communities received fire blankets which have the potential to save lives.

Deontology found the campaign a bit more problematic, as the intention with which it was created is not known. If the agency executed the campaign purely for the sake of winning awards, they would be exploiting the people that live in the settlements, and using them as a means to an end, which deontology condemns. However, if the agency had executed the campaign purely with the intention to help these people, their intentions would be pure, and deontology would approve of this. However, in reality motivations and intentions are rarely as clear-cut and as black and white as this, and the likely scenario is that the agency had a bit of both of these intentions in mind when creating the campaign.

Again, whether a virtuous person would have created this campaign depends on the intention with which it was created. A virtuous person would want to be benevolent and charitable and find ways of helping a community. But a virtuous person would not exploit people living in poverty just to win awards, and potentially lie in order to make the entry seem legitimate. The creatives that worked on the campaign's *ethos* could either have been enhanced or decreased, depending on whether the person believed the campaign to be genuinely helpful or to be scam advertising.

By analysing the campaign according to Walker's (2014) Quadruple Bottom Line approach, it is found that it is deemed sustainable according to all four approaches. The campaign has practical meaning in that the fire blanket calendars fulfil a need that exists in the communities: to extinguish fires as they start. It has social meaning, as the campaign is charitable, and displays virtues of empathy and compassion towards those that live in informal settlements. The campaign also has a personal meaning, as it allows the creatives that worked on it to realise their inner values if they subscribe to a religion or some form of moral value. Lastly, the campaign also has an economic value to the advertising agency: even if the agency paid for the execution themselves, the chance of winning an award appears to be enough of a 'currency' for the agency to engage in this practice, as it allows the opportunity for a higher creative ranking, and thus the potential to attract more clients. In terms of how the campaign affected the

agency and creatives: since the campaign won numerous awards, it would have ensured a higher creative ranking for the agency, potentially attracted more clients, and gained the agency and the client a lot of PR. Creatives may have been drawn to work at an award-winning agency, and clients would have been proud to be with such an agency. The creatives that worked on the campaign could have received bonuses or career advancement, and potentially be headhunted by other agencies because of their success. The client would have been proud of the awards, and does in fact mention them on their website. They also received a lot of positive PR from the campaign and the awards. In terms of how the campaign affected consumers, one finds that those that received fire blanket calendars would undoubtedly have been very grateful, and this would have given these communities the ability to fight fires. The concerns raised in Chapter Two come to light here, however: it is not fair to execute a campaign intended to help people on such a small scale if it is only done in order to win awards. This raises the question again about whether it is the advertising agency's responsibility to create a campaign that is sustainable and will have long-lasting effects, or if it is sufficient for them to showcase an idea, with the possibility that someone else (such as an NGO) may take up the project long-term. It can also be argued that one should not be shouldering responsibility to others if one can fix a problem oneself.

Some in the industry responded very well to the campaign, with Götz Ulmer (in Adlip Channel 2013) stating that "...if only one blanket saved one house in a township, then it was all worth [it]". This is a very utilitarian outlook on the execution however, which only focuses on the outcomes of the campaign, without taking into account how the campaign affected those it was created for, and how much of an effect it was. Many others in the industry felt the campaign to be scam advertising due to the seemingly limited number of fire blanket calendars that were handed out, and the limited effect this would have had. To this point, if the agency had decided to not execute the idea because they felt that it could be seen as scam advertising by some (due to limited execution and self-funding which breaks some awards shows' rules), this would have resulted in inaction from the agency regarding the creation and distribution of potentially life-saving fire blankets. While this is but one example and not necessarily widely applicable, this points out that in some instances the very rules set in place by awards shows may be unethical.

Thus after looking at these two case studies, one notices a few similarities. Firstly, both campaigns appear to have been executed minimally in order to legitimise them for awards. Both appear to have been conceptualised proactively, and to have been funded by the agency itself. From following the creation-process step by step, it seems as though both campaigns were conceptualised as ways to add genuine value to a client's business, but in the case of the Engen *Fire Blanket Calendars*, the client simply found the cost of executing it on a large scale prohibitive. In the case of the VW Golf 6 *Silent Band* activation, it is possible that the client simply did not find the activation valuable enough to invest in it. For both of these campaigns then, the fact that there seems to be elements to them that can render them scam advertising is due to the clients not wanting to invest in legitimising the campaigns and rolling them out on a

substantial scale. While it is true that the clients did not force the agencies to continue with the campaigns, and the agencies could simply not have executed the campaigns instead of engaging in possible scam advertising, as Ulmer (in Götz Ulmer... 2013) points out for his agency, it is highly unlikely that they would create work if it did not either make money, or stand the chance to win awards. This then highlights a capitalist agenda in the advertising industry. Making money for one's client, increasing their bottom line or creating brand affinity – with the hope that this converts into sales – is obviously the main aim of any advertising. But through winning awards, as discussed in Chapter Two, agencies increase their creative rankings, and thereby increase their chances of gaining new clients and new business – again, increasing their chances of profits.

These case studies also highlight once again that in certain instances agencies can be driven to create scam advertising due to pressures and limitations placed on creatives. In both of these cases, if the clients had invested substantially in the campaigns and executed them on large scales, the label of scam advertising would not be applicable. Also, if these two agencies had been very small agencies that lacked the necessary budget to execute these ideas without backing from their clients, these executions would not have happened, and the agencies would not have even had the chance to receive awards or the benefits that go along with them. Again, this points to capitalist agenda in the advertising industry.

It is thus clear that scam advertising is a complicated, multi-faceted phenomenon that affects advertising agencies, creatives, clients, as well as the general public and those that it is created for. The very fact of contravening a rule does not render an action unethical, especially if the rule itself can be called into question and potentially considered unethical. Therefore one cannot simply dismiss scam advertising as 'unethical', as doing so diminishes the complexities of the advertising industry itself.

This study has explored the ethics of scam advertising and awards shows in South Africa and by meeting each of the research objectives, thus fulfilled the core aim of this dissertation.

6.2 Contributions of study

Not much research has previously been done with regard to how advertising agencies attract new business and how this has changed over the years, and this study has added to that body of knowledge. There is also very little academic discourse regarding scam advertising, and none in a South African context, which this study has sought to remedy. Very little research has been conducted with regard to ethics in the advertising industry, and none in terms of the internal ethics of how creatives conduct themselves – previous research all relates to how one advertises products to the public and which products (such as cigarettes and alcohol) should have specific rules in place. This study explores the ethical landscape of scam advertising in the South African advertising industry in detail, which has not previously been done.

6.3 Limitations of study and suggestions for further research

Because of the nature of qualitative research – the interviews conducted – it "occurs in the natural setting [and] it is extremely difficult to replicate studies" (Wiersma 2000:211). This is a limitation for other researchers that may try to replicate the study or gain similar insights from interviews: their research may yield entirely different results.

While the senior creatives interviewed do give very valuable answers that span opposite views on the practice of scam advertising, there are undoubtedly many more opinions and insights that this study did not manage to incorporate and investigate due to time constraints, as well as hesitation and unwillingness to participate on the part of other creatives in the industry.

In terms of the case studies conducted, it is difficult to know whether the information gathered from the analyses would be able to be applied in a more general sense, as one cannot make casual inferences from said case studies, since one cannot rule out alternative explanations (Goes & Simon 2013). However, the lack of information available regarding the advertising campaigns analysed in the case studies is also a limitation, and requires the researcher to make educated guesses about topics such as intent.

Throughout the study there are a few topics that have been mentioned as worthwhile themes for further research. Advertising awards shows and the phenomenon surrounding them are of interest: is it really a worthwhile pursuit for creatives and agencies to devote time and energy to creating and entering scam advertising instead of working on real client work that will have an effect on consumers and the client's bottom line?

It is also worth investigating whether awards shows should judge on effectiveness and reach more, or if their main focus should stay on awarding creativity and ideas. Continuing along this same line of thought, the history of creativity at awards shows would also be interesting to investigate. A topic that is always a source of debate in the industry, and that some research has been done about – but not in a South African context – is the tension that arises between effectiveness and creativity with regards to advertising. It is also worth investigating what creatives consider their jobs to be – creating effective work that solves problems, versus advertising awards shows that award creativity, not effectiveness.

The capitalist agenda inherent in advertising awards shows is also worth exploring further: are these awards shows even fair if small, independent agencies may not be able to afford entering their work? Is the best work competing for the top prizes, or just the biggest agencies that can afford to enter numerous campaigns into various awards shows?

Lastly, a topic that springs from informal discourse: what constitutes 'good' advertising; who determines this and how?

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APPENDICES

Appendix A, B, C and F, G, H, I, J can be found on the DVD below.

While the copyright of these videos does not belong to myself, the videos are freely available in the public domain.

APPENDIX D: Signed informed consent letters from interviewees, 2014.



LETTER OF INFORMED CONSENT

Department of Visual Arts, University of Pretoria

Researcher: D.E. Spangenberg

Cell: 072 1322 188
Email: Lizz_S2@hotmail.com

Dear Participant:

Re: Invitation to participate in a Research Study on Scam Advertising

I would like to extend an invitation to participate in a qualitative research study titled 'An exploration of the ethics of scam advertising and awards shows in South Africa'. This study forms part of the requirements for the Masters Degree in Information Design, for which I am currently registered, at the University of Pretoria.

An overarching aim of the study is to explore selected ethical issues raised by scam advertising in the South African advertising industry, as well as in relation to a wider discourse on advertising awards. Scam advertising, which is also referred to as fake or ghost advertising, may be broadly described as fictional advertising for existing clients, or advertising for fictional clients. This either means that the advertising has been created for an existing client without their knowledge or consent, or that work has been created for an imaginary client. This advertising is usually created for the express purpose of entering it into advertising awards shows.

As part of the above study, Executive Creative Directors and Creative Directors from top South African advertising agencies (as determined by Creative Circle's 2012 rankings), as well as other notable persons in the industry will be asked to participate in face-to-face, informal interviews/conversations between the researcher (myself) and yourself, as participant. It is envisioned that these informal interviews/conversations will take place between October 2013 and July 2014. The interview should last approximately an hour. Regardless of whether or not you choose to participate, please let me know if you would like a summary of my findings. To receive a summary, please contact me at the number or email address mentioned below.



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UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

**FACULTY OF HUMANITIES
DEPARTMENT OF VISUAL ARTS**

Information arising from these interviews/conversations may be used in the writing of my dissertation. The interviews/conversations will involve no risks or discomfort to you. The interviews/conversations are solely for research purposes, and not for any form of personal gain. Any information that is obtained in connection with this study and that can be identified with you will remain confidential and will be disclosed only with your permission. There will be no financial gains for you as participant or for myself as researcher. Your participation is voluntary and you may withdraw from participation in the study at any time, without any negative consequences. The data arising from this study will be stored in electronic format at the Department of Visual Arts (UP) for 15 years.

Should you not wish to have your name revealed in the thesis, anonymity will be assured. The data will be destroyed if you decide to withdraw from the study. You are free to contact me at the below contact numbers should you wish to clarify any issue or should doubts arise.

The study will take place only in accordance with the approval of the Head of the Department of Visual Arts at the University of Pretoria, as well as the UP Ethics Committee. If you have any questions or concerns about being a participant in this study, you may contact me either by email or telephone, listed below.

I shall be grateful for your co-operation in this research study.

Thank you,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lizette Spangenberg'.

Lizette Spangenberg

Principal researcher

Cell: 072 1322 188

Email: Lizz_S2@hotmail.com

University of Pretoria
Pretoria 0002

Tel. 00 27 12 420 2353
Fax 00 27 12 420 3686

www.up.ac.za



STATEMENTS OF CONSENT BY PARTICIPANTS

A. Consent Statement

I Tom Cullinar, agree to participate in this research study. I am aware of the terms and conditions regarding my participation in this research study, as outlines in the letter of invitation handed to me. Accordingly, I know what I will have to do and that I can stop at any time.

Signature

23 / 6 / 2014

Date

B. Audio Recording Consent Statement

I Tom Cullinar, agree to be interviewed according to the conditions stipulated in the letter of invitation to participate in this research study. I note that the interview will be digitally recorded on audio equipment for research purposes. This interview will be held at

Rivonia on 23 / 06 / 2014.

Signature

23 / 6 / 2014.

Date



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UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

**FACULTY OF HUMANITIES
DEPARTMENT OF VISUAL ARTS**

I have been told that I have the right to hear the audio recording before it is used. I have decided that I:

(tick whichever is applicable)

- a) want to hear the tapes.
- b) do not want to hear the tapes.


Lizette Spangenberg may use the digital recording made of my interview/conversation for research purposes.

Signature

23 / 06 / 2014

Date

C. Audio Recording Review Statement

I  _____, acknowledge that I have reviewed the audio recording of the interview held on _____, in which I participated.

Comment:

Signature of Participant

Date



STATEMENTS OF CONSENT BY PARTICIPANTS

A. Consent Statement

I Peter Khoury, agree to participate in this research study. I am aware of the terms and conditions regarding my participation in this research study, as outlines in the letter of invitation handed to me. Accordingly, I know what I will have to do and that I can stop at any time.

Peter Khoury
Signature

20/08/13
Date

B. Audio Recording Consent Statement

I Peter Khoury, agree to be interviewed according to the conditions stipulated in the letter of invitation to participate in this research study. I note that the interview will be digitally recorded on audio equipment for research purposes. This interview will be held at

25 Metropolitan Republic on 25/03/14.

Peter Khoury
Signature

25/03/14
Date



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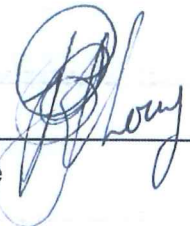
I have been told that I have the right to hear the audio recording before it is used. I have decided that

I: Peter Khoury.

(tick whichever is applicable)

- a) want to hear the tapes.
- b) do not want to hear the tapes.

Lizette Spangenberg may use the digital recording made of my interview/conversation for research purposes.


Signature

20/08/13.
Date

C. Audio Recording Review Statement

I Peter Khoury., acknowledge that I have reviewed the audio recording of the interview held on _____, in which I participated.

Comment:

Signature of Participant

Date



STATEMENTS OF CONSENT BY PARTICIPANTS

A. Consent Statement

I Gareth Lessing, agree to participate in this research study. I am aware of the terms and conditions regarding my participation in this research study, as outlines in the letter of invitation handed to me. Accordingly, I know what I will have to do and that I can stop at any time.

Signature

18/07/2014
Date

B. Audio Recording Consent Statement

I Gareth Lessing, agree to be interviewed according to the conditions stipulated in the letter of invitation to participate in this research study. I note that the interview will be digitally recorded on audio equipment for research purposes. This interview will be held at

Metropolitan Republic on 18/07/2014.

Signature

18/07/2014
Date



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**FACULTY OF HUMANITIES
DEPARTMENT OF VISUAL ARTS**

I have been told that I have the right to hear the audio recording before it is used. I have decided that I:

(tick whichever is applicable)

- a) want to hear the tapes.
- b) do not want to hear the tapes. ✓

Lizette Spangenberg may use the digital recording made of my interview/conversation for research purposes.



Signature

18/07/2014

Date

C. Audio Recording Review Statement

I _____, acknowledge that I have reviewed the audio recording of the interview held on _____, in which I participated.

Comment:

Signature of Participant


Date



STATEMENTS OF CONSENT BY PARTICIPANTS

A. Consent Statement

I GEORGE PIETER LOW, agree to participate in this research study. I am aware of the terms and conditions regarding my participation in this research study, as outlines in the letter of invitation handed to me. Accordingly, I know what I will have to do and that I can stop at any time.



Signature

26/03/14
Date

B. Audio Recording Consent Statement

I GEORGE PIETER LOW, agree to be interviewed according to the conditions stipulated in the letter of invitation to participate in this research study. I note that the interview will be digitally recorded on audio equipment for research purposes. This interview will be held at

RIVONIA on 26/03/14.


Signature

26/03/14
Date



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YUNIBESITHI YA PRETORIA

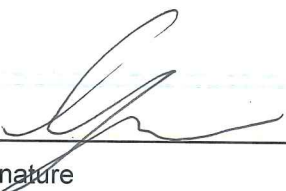
**FACULTY OF HUMANITIES
DEPARTMENT OF VISUAL ARTS**

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(tick whichever is applicable)

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b) do not want to hear the tapes.

Lizette Spangenberg may use the digital recording made of my interview/conversation for research purposes.



Signature

26/07/14

Date

C. Audio Recording Review Statement

I _____, acknowledge that I have reviewed the audio recording of the interview held on _____, in which I participated.

Comment:

Signature of Participant

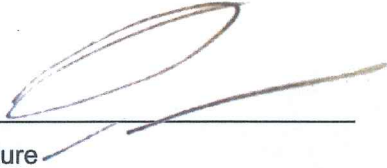
Date



STATEMENTS OF CONSENT BY PARTICIPANTS

A. Consent Statement

I Iain Thomas, agree to participate in this research study. I am aware of the terms and conditions regarding my participation in this research study, as outlines in the letter of invitation handed to me. Accordingly, I know what I will have to do and that I can stop at any time.



Signature


26/08/2013

Date

B. Audio Recording Consent Statement

I Iain Thomas, agree to be interviewed according to the conditions stipulated in the letter of invitation to participate in this research study. I note that the interview will be digitally recorded on audio equipment for research purposes. This interview will be held at

Benoni/Cape Town on 20/03/2014
(via skype)



Signature

26/08/2013

Date



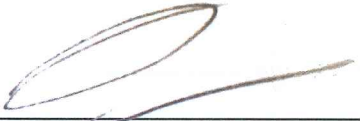
**FACULTY OF HUMANITIES
DEPARTMENT OF VISUAL ARTS**

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(tick whichever is applicable)

- a) want to hear the tapes.
- b) do not want to hear the tapes.

Lizette Spangenberg may use the digital recording made of my interview/conversation for research purposes.



Signature

26/08/2013

Date

C. Audio Recording Review Statement

I _____, acknowledge that I have reviewed the audio recording of the interview held on _____, in which I participated.

Comment:

Signature of Participant

Date



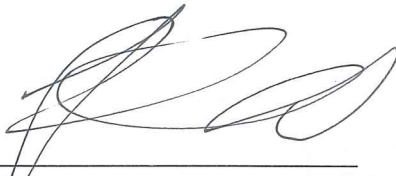
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FACULTY OF HUMANITIES
DEPARTMENT OF VISUAL ARTS

STATEMENTS OF CONSENT BY PARTICIPANTS

A. Consent Statement

I P WARWER, agree to participate in this research study. I am aware of the terms and conditions regarding my participation in this research study, as outlines in the letter of invitation handed to me. Accordingly, I know what I will have to do and that I can stop at any time.



Signature

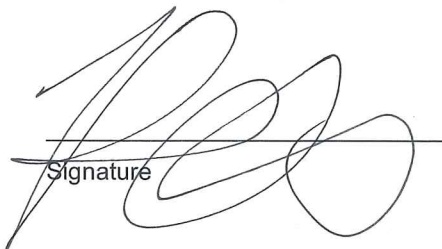
12/05/2014

Date

B. Audio Recording Consent Statement

I P. WARWER agree to be interviewed according to the conditions stipulated in the letter of invitation to participate in this research study. I note that the interview will be digitally recorded on audio equipment for research purposes. This interview will be held at

Rivonia on 12/05/2014.



Signature

12/05/2014

Date

approval, on me
hearing/reading
the final
material,
before submission.



**FACULTY OF HUMANITIES
DEPARTMENT OF VISUAL ARTS**

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(tick whichever is applicable)

- a) want to hear the tapes.
- do not want to hear the tapes.

Lizette Spangenberg may use the digital recording made of my interview/conversation for research purposes.

Signature

Date

17/08/2015

C. Audio Recording Review Statement

I _____, acknowledge that I have reviewed the audio recording of the interview held on _____, in which I participated.

Comment:

Signature of Participant

Date

APPENDIX E: Examples of interview questions, 2014.

Before we start, I just want to make it clear that in my research, I am a completely impartial observer; my own opinions and views on the topic do not factor in. I'm not judging or moralising any aspect of scam advertising, merely investigating the different ethical implications it can have. And I'm interested to get some views from senior creatives in the industry.

1. By looking at some of the competition and entry rules from D&AD, the CLIOs, the One Show, Cannes and the Loeries, I've formulated the following definition of scam advertising:
 - a. advertising that was created and/or entered without the client's consent
 - b. advertising that was created for a fake client
 - c. advertising that was never aired or only executed in accordance with minimum airing requirements
 - d. advertising that was created for the sole purpose of entering it into awards, which would include:
 - i. advertising created without a brief from a client, and/or
 - ii. advertising paid for by the advertising agency itself.

What do you think of this definition? Do you think it is fair and reasonable, or not? Would you change anything about it?

Would you change anything about the definition?

2. Do you think proactive advertising can be considered scam advertising and what would your reasons be for saying so?

Why do you say that?
3. Do you think advertising that was fully paid by the agency can be considered scam advertising and what would your reasons be for saying so?
4. Why do you think agencies sometimes pay fully for campaigns?
5. Do you think ads that were only flighted once on late-night TV or radio can be classified as scam advertising?
6. Do you think this practice (flighting an ad once) is ethical, considering it attempts to follow the letter of the law regarding flighting of scam ads, but not the spirit?
7. Award shows like the One Show and D&AD have implemented rules that campaigns must have been produced in response to a genuine client brief. Do you think this excludes proactive advertising then?

Why do you think they implemented rules like this?
8. How do you think scam advertising came about?
9. What role do you think scam advertising fulfills?
10. Do you think scam advertising is a problem in South Africa? Why/ why not?
11. Do you think scam advertisements win creativity awards?
12. Have you seen any ads/campaigns in advertising award shows that you felt was scam?

Why did you think it was scam?
13. Can you think of any specific South African ads you've seen that you would consider scam?

Campaigns that I should look into as examples?
14. Do you think scam advertising should be allowed in advertising award shows?

15. If not, how do you think award shows can eliminate scam advertising?
16. Why do you think advertising agencies place such a high value on winning creativity awards?
17. Do you think clients look at creativity rankings, like creative circle when choosing an agency, or choosing agencies to shortlist for pitches?
18. Do you think clients care about winning creativity awards?
19. Have you ever worked on a campaign that you felt was scam? If so, why did you feel that way?
20. Have you, in your career, ever felt pressured to create scam advertising?
21. Have you ever seen fellow creatives work on something you considered to be scam advertising?
22. Then, on *Project Uganda* that MetropolitanRepublic entered last year; what is your opinion on what happened, in terms of how it was entered; the fact that the agency claimed no knowledge of the fact that it was entered?
23. Are you aware of the sanctions that the Loerie Awards imposed on MetropolitanRepublic afterwards? What do you think of those sanctions?
24. Why do you think the Loeries imposed sanctions on MetropolitanRepublic, but not on any of the creatives that were involved? D&AD has a "Name and Shame" policy, for instance. So if you're found out at D&AD for entering scam work, they publish the creatives' names and say "They created scam."
25. How do you think the agency was affected by it?
26. How do you think the creatives that worked on the campaign were affected by it?
27. Do you think scam advertising holds any value for creatives; for instance providing a platform for creative freedom?
28. Do you think there are other platforms creatives can utilise for this end result?
29. What would you perceive are the benefits and/or disadvantages of scam advertising for creatives?
30. Do you think scam advertising holds any value for advertising agencies?
31. Do you think scam advertising holds any dangers for advertising agencies?
32. How do you think scam advertising affects existing clients of an advertising agency?
33. How do you think scam advertising affects the client that said scam is created for?
34. How would you view the 'ethical status' of scam advertising? Do you think that it's an ethical practice to create scam advertising?
35. Any other thoughts or opinions on scam advertising which you feel I maybe haven't addressed, that you would like to add on?