

SETTING THE AGENDA IN ADVERTISING: UNDERSTANDING ETHICAL DILEMMAS FROM A COMMUNICATIVE PERSPECTIVE

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ABSTRACT

This article discusses the concept of advertising ethics in the particular case of a controversial advertorial campaign for a major mining project in Roșia Montană, a historical region of Romania. Based on the on the agenda-setting theory (Shaw & McCombs, 1977) and on the tripolar model of agendas (Watson, 2008), the analysis replaces the oversimplifying approaches to the ethics of advertising with a communicative perspective that highlights the need for a contextual examination of the ethical dilemmas arisen by advertorial practices. The study reveals that ethics is not only about solid and undisputable norms to be respected by professionals in the field or about 'black and white' moral verdicts given by ethicists or philosophers, but also about the study of contextual determinations that lead to ethical choices made by advertisers, based on the interactions between three interested agendas – corporate, policy, and media – in an attempt to rule over the public agenda.

KEYWORDS

Advertising; communication; agenda-setting; ethical dilemmas

INTRODUCTION

When it comes to advertising, what people expect from it, in terms of professional behaviour, is encapsulated in some principles that refer to fairness, honesty, truthfulness and frankness in its practices. These are considered, in a certain degree, moral obligations specialists in advertising have to respect in order to rally to ethical and professional standards and engage in transparent communication with the receivers of their messages. Since advertising – due to its pervasive and persuasive nature – is considered one of the most powerful forms of communication (Pollay, 1986), it is often connected to rules that aim at making the advertising companies socially responsible and thus making them review, rectify and even self-censor the messages that are deemed prejudicial to the society. This is why nowadays generally 'most advertisers strive to maintain fair ethical standards and practice socially responsible advertising', and what was once 'a free-swinging, unchecked business' is today 'a closely scrutinized and heavily regulated profession.' (Arens *et al.*, 2009: 40) Nevertheless, despite all laws and regulations set up by regulatory institutions, the debate on the ethics of advertising is still a constant concern in current societies. The general perception is that advertising, as a form of commercial communication, is inherently deceiving, pursuing a particular interest, as opposed to what might be and usually is considered public interest. Many of the opinions issued

over time on the ethics of advertising suggested an irreconcilable incompatibility – or, in Beltramini’s words, ‘the ultimate oxymoron’ (Beltramini, 2003) – between the subjective way products are advertised and how they really are when objectively analysed.

The two conflicting sides of the same concept are more obvious by the polarization of the experts’ views, who divide into defenders and opponents of this highly important component of marketing impacting significantly on economy and society. The majority of those in favour of advertising most often regard this business from a capitalistic point of view, asserting that advertising stimulates competition between companies, keeps consumers informed, empowering them to make intelligent choices from a great variety of products and services being advertised, and, in countries where consumers have high incomes, it could encourage innovation and development of new products. All in all, ‘advertising stimulates a healthy economy. It also helps create financially healthy consumers who are more informed, better educated, and more demanding’. (Arens *et al.*, 2009: 33) This is briefly the-glass-half-full standpoint on advertising. The-glass-half-empty standpoint suggests, from the same capitalistic approach, that advertising not only generates more costs that are added to the product price (to cover the publicity costs), but also that the issue is not about information diversity that allows consumers to make intelligent choices, but about different slogans and formulaic messages that push consumers to make emotional (and not rational) decisions. Frequently, advertising criticism includes references to creating false expectations, distorting, deceiving, and to the biased and deceptive nature of its messages. To these two polarized analytical views, more discussions could be added. These either refer to the morality of advertising and mystification of truth from both a philosophical and professional perspective (Levitt, 1970, Gustafson, 2001, Bivins, 2009), its impact on the consumer habits (Gustafson, 2001), or, from an ethical standpoint, its distortions, spins, exaggerations and manipulative nature (Phillips, 1997, Shabbir & Thwaites, 2007). The debate over these issues turns out to be a perpetual game of disagreement between those who demonize advertising, on the one hand, and those who embellish it, on the other.

METHODOLOGY AND THEORETICAL FRAMEWORK

This article will attempt to avoid the dangerous dualistic approach described earlier. In turn, it will focus on approaching advertising and its ethics from a *communicative perspective*, based on the premise that advertising is not a bidirectional, linear type of communication (from company advertising & PR teams towards consumers), but a complex, interactive, and multilayered process, requiring input from many other players (corporations, citizens, media, civil society, regulatory institutions, etc.) for the final ‘look’ of the advertorial product. Only the mere fact that there are an increasing number of regulatory bodies trying to set boundaries to the advertising industry is a strong indication of its interactive nature and its complexity. Therefore, to reduce it to moralistic perspectives or to ‘black and white views’ that put emphasis on the good or the evil of advertising is proof of a reductionist understanding of advertising multidimensional nature.

In order to research the premise stated here, instead of an *extensive approach* to the ethics of advertising, I apply an *intensive approach*. As Swanborn explains, ‘in an *extensive approach*, we collect information about the relevant properties of a large number of instances of a phenomenon. (...) We use a large set of events, people, organisations or nation-states to ground our conclusions about the phenomenon’ and the dominant extensive strategy to collect empirical data is the large-scale surveying, where hundreds or even thousands of respondents may be involved in the study of a specific phenomenon. (Swanborn, 2010: 1-2) According to the same author,

‘alternatively, in applying an *intensive approach*, a researcher focuses on only *one* specific instance of the phenomenon to be studied, or on only a handful of instances in order to study a phenomenon in depth. (...) Each instance is studied in its own specific context, and in greater detail than in extensive research. Data is collected using many sources of information, such as spokespeople, documents and behavioural observations. (...) Each instance or example is usually called *a case*. Therefore, an intensive approach is generally called a “case study” or a multiple-case study if more than one instance of the phenomenon is studied.’ (Swanborn, 2010: 2).

The case in study in the present article is the decision taken in October 2013 by the National Audiovisual Council (NAC) of Romania to withdraw from radio and TV broadcasting the spots created for a controversial advertorial campaign promoting a project by Roşia Montană Gold Corporation for gold and silver exploitations in the Apuseni Mountains and, implicitly, in Roşia Montană area. For a better understanding on why I selected this particular phenomenon to be studied, a brief historical background of the Roşia Montană issue and a description of the spots will be provided later in this article.

In compliance with the communicative perspective regarding the ethics of advertising, the conceptual frame used for the present case study is to be found in the *agenda-setting model of media effects* (Shaw & McCombs, 1977), Rogers and Dearing’s *model of the agenda-setting process* (1988), and Watson’s *tripolar model of agendas* (2008), all developed from the *agenda-setting theory* (McCombs & Shaw, 1972). I have chosen this theoretical frame based on the co-dependency between advertising and the media, seen as different industries that mutually condition their success and profitability:

‘Without the media to reach large numbers of consumers with an ad or commercial, marketers would have to go door-to-door and try to sell their goods one-on-one through personal selling or consumers would have to wander from store to store wondering which sold the product they needed – both very expensive undertakings. Advertising agencies would not exist if there were no media to run the ads they created’ (Warner, 2009: 8-9).

Moreover, the advertising industry enjoys the popularity of the media and uses it to satisfy its own needs, just as much as the media enjoy and use the money the advertisers are willing to give away so that their products are advertised.

Media are attractive to corporations and politicians, too, because they are a powerful tool to influence the public that they want to get to. As the agenda-setting theory suggests,

‘this impact of the mass-media – the ability to effect cognitive change among individuals, to structure their thinking – has been labelled the agenda-setting function of mass-communication. Here may lay the most important effect of mass-communication, its ability to mentally order and organize our world for us. In short, mass-media may not be successful in telling us what to think, but they are stunningly successful in telling us what to think about’ (Shaw & McCombs, 1977: 5).

Oversimplifying, the agenda of the media becomes the agenda of the public. This initial bipolar model has been criticized and considered dissatisfactory in regard to whether the agenda-setting is initiated by the media, or by some members of the audience, or by different elites in a society (Watson, 2008: 152). Thus, an improvement to the model has been proposed later, Rogers & Dearing describing agenda-setting as an interactional process between public agenda, media agenda, and policy agenda.

The public agenda comprises those issues that are perceived as important by the public. Generally, such issues are determined by polls and surveys applied to some parts of the population, but nowadays, the reactions and evaluations made by the public on social media platforms could be also interpreted as an useful indicator of the configuration of public agenda.

The media agenda includes those events that media outlets decide to cover in a specific period of time (following some professional criteria known generally as ‘news-worthiness’) and represents ‘a list of issues and events that are viewed at a point in time ranked in a hierarchy of importance’. (Rogers & Dearing, 1988: 565) Rogers and Dearing formulated these conclusions regarding the role of the media in the processes of agenda building: (1) “the media influence the public agenda”; (2) “the media agenda seems to have direct, sometimes strong, influence upon the policy agenda”; (3) “the public agenda, once set by, or reflected by, the media agenda, influences the policy agenda.” (Rogers & Dearing, 1988: 579-580)

The policy agenda is the agenda that governments and politicians propagate and that is often driven ‘by counter-agendas – the right of the party, the left of the party’ (Watson, 2008: 153). Being heavily influenced by political perspectives, it includes views of political leaders, positions taken by political parties, and input from consultants, lobbyists, think tanks, and government bureaucrats.’ (Andreasen, 2006: 32)

In his book, *Media Communication*, James Watson suggested an amendment to the agenda-setting model designed by Rogers and Dearing, adding a fourth agenda – the corporate agenda – in order to emphasize the dynamics of public agenda-setting. He explains:

‘To focus on the actual distribution of influence, one would have to add an extra agenda, that of the corporations which dominate contemporary life. Corporate agendas often work in alliance with, and occasionally in competition with, the policy agendas of government, aiming to influence if not order public agendas’ (Watson, 2008: 153).

Of the four agendas, the only one that does not arise from consciously formed and articulated aims and objectives is the public agenda.

‘Governments, corporations and media largely know what they want from the public and how to go about it. The first two are also aware that in order to create and influence public opinion they have to do it through cultural apparatuses of which the media are arguably the most important. On the other hand, pressure groups in society are instrumental in influencing public opinion with a view to using the force of that opinion to influence the government or the corporations’ (Watson, 2008: 154).

A COMMUNICATIVE PERSPECTIVE ON THE ETHICS OF ADVERTISING. A CASE STUDY

The present case study is an analysis of a decision taken by the National Audiovisual Council (NAC) from Romania to ban broadcasting of a series of 11 spots created for radio and television supporting the initiation of a mining project in Roşia Montană, a region from Apuseni Mountains in Romania. NAC’s decision (Decision 53/15.10.2013) was taken after the Council had previously analysed a monitoring report (from September 1 until October 6, 2013) issued by its Media Monitoring Department and over 2,000 complaints received from citizens all around the country, and considering the ads as unethical and deceiving. The controversy around the advertorial campaign is rooted in the mining project itself – notorious not only in Romania, but also throughout Europe. In its 15 year history and throughout endless negotiations and national debates, Roşia Montană Gold Corporation (RMGC), the Romanian branch of the Canadian company Gabriel Resources, has not succeeded to obtain all the necessary authorisations to build Europe’s largest gold mine around the village of Roşia Montană, in the Apuseni Mountains. The conflictive state of affairs culminated last autumn with street protests after the Romanian Government proposed a draft law that was meant to give green light to the exploitations – believed to involve the destruction of three villages and four mountains. The draft law had been sent for approval to the Romanian Parliament, but was rejected by the members from both chambers. In this riotous context, on October 15, 2013, the National Audiovisual Council decided that the ads promoting the mining project at Roşia Montană are to be prohibited from radio and TV broadcasting until the authors modify them so that they conform to the audiovisual rules and regulations.

Based on the premise that advertising is not a bidirectional, linear type of communication, but a complex, interactive and multilayered process, the present analysis adds a communicative perspective to the ethics of advertising, thus replacing the exogenous

approach on the matter (a normative, 'standardized' one and therefore limited to the prescriptions included in the deontological professional codes and regulations) with an endogenous approach. The endogenous approach allows us to examine advertising and its ethics from an inside, more fruitful standpoint and to trace back the discursive logics and strategic choices advertisers make in order to shape their messages in the most convenient form for the company whose interests they stand for and represent.

As stated in the first part of the article, in the case of RMGC advertising campaign for the mining project and the decision to ban it from broadcasting that followed, I will perform an analysis based on the agenda setting theory and on Watson's tripolar model of agendas. Mind that such an analysis can be adequately conducted only in the specific case of those products, services, concepts, etc. which are advertised in such a manner that they socially, culturally, economically and politically are impacting on a social group wide enough and, in doing so, they rise the public interest. In the terms of the agenda-setting theory, it would be about the salience and framing of those advertorials that have the power to make an impact on people's opinions, knowledge and their decision-making processes. Essentially, agenda setting is an exercise of power and influence, which is also easily recognizable in the field of advertising. As in other forms of mass communication, setting the agenda here involves not only getting issues onto an agenda but also being able to determine the way these issues are defined and to determine the solutions considered suitable. (Beder, 2002)

From the perspective of the tripolar model of agendas applied to advertising, an ethical issue would presuppose a conflictive situation between the public agenda and the media agenda. In this case, the media agenda is seen as a promoter of a corporation's agenda, and the conflict resolution is to be found on the policy agenda, set up by government and politicians in the form of law enforcement or – depending on the nature and complexity of the conflict – legislative initiatives. This could cause 'turbulences' between other participant agendas, like between media and policy agenda, or between policy and corporate agenda.

In the particular case of the advertorial campaign for the RMGC mining project, the analysis will aim to document the manner how the games of the three agendas (media, corporate, and policy) impacted the public agenda and with what repercussions.

ETHICS OF THE POWERFUL: CORPORATE AGENDA VS. MEDIA AGENDA

In the current society, advertising is a huge business, and newspapers, radio, TV and Internet, all rely on the inflow of money that it brings. This makes advertising a structural part of the media final products (i.e. newspapers preserve typographic space for ad placement, advertisers buy TV and radio ad space that the broadcasters are willing to sell, etc.) and, consequently, a structural part that contributes to the composition of the media agenda. Most frequently, from all traditional media, advertisers look to television, since it represents the most pervasive tool of mass communication. Television has the ability (and technical capacity) to transfer an issue from one individual agenda (policy or

corporate) to public agenda, by giving salience to some issues in detriment of others, or by framing an issue in a particular desired manner.

Generally, TV ads promote products or services that private companies want to sell to the public and, in contemporary media, normally there is a clear (and regulated) distinction between editorial content (journalistic articles) and advertorial content (placed articles), mainly because there is a deontological line that separates the two professions: while the journalist is oriented towards representing the public interest, the advertiser is oriented towards representing a particular interest. In the case of the RMCG advertising campaign, what stands out about it is that there is no product or service advertised, as it usually happens in advertising. Instead of objects, the campaign promotes opinions which are disseminated through TV spots that can be labelled as ‘opinion advertisement’. In fact, during discussions around the decision of banning the RMGC’s ads on October 15, 2013, Lorand Turo, one of the members of the Council asked: ‘What is the purpose of this campaign? It is an interesting [type of] advertisement that I have never seen before. The campaign does not sell a product or a service. This company pays a lot of money to promote what?’ One possible answer could be found in the distinction between the way reality is conveyed in advertising and public relations, as opposed to how it is built in journalism: the advertiser or the public relations agent ‘is oriented towards reaching a *private* understanding of the *reality* of a situation (though this is by no means necessary), from which a particular interpretation will be communicated. However, this understanding cannot be reached or communicated publicly, rather the agent will attempt to *impose* this pre-defined private understanding on the public. (...) This form of communication is clearly in the class that [German philosopher Jürgen] Habermas refers to as “perlocutionary”, i.e. it is intended to have a particular effect with or without the public consciously understanding, let alone accepting, the whole reality of the situation. There is no orientation to reaching a real understanding, unless an “understanding” that suits the client can be reached, for real understanding has to take place publicly, openly and dialogically.’ (Salter, 2005: 101)

The depictions that follow illustrate how the mining project at Roşia Montană (= the situation) is defined in the TV spots of the advertorial campaign (= the private understanding of the reality of the situation), in order to suit the client’s needs and to achieve its ‘perlocutionary’ mission (= the outcomes derived from private framing of the situation). According to data available from the National Audiovisual Council monitoring report, which covered a period between September 1, 2013 and October 6, 2013, twelve Romanian TV stations aired eleven versions of TV spots promoting the mining project at Roşia Montană. All ads end by displaying an Internet address where the supporters of the mining project are invited (by a *voice-off* comment) to sign for ‘jobs in Roşia Montană’.

Several ads were based on the same narrative structure, in an approach similar to a feature story: using emotionally persuasive words, individuals from different social categories – locals from Roşia Montană – describe the social-economical reality of the village, stressing out on poverty and sadness. Following Vladimir Propp’s structure of an archetypal story which features the existence of a subject/victim and of a helper/ saviour

(Propp, 1970), they pose as victims waiting and wanting to be saved by the investments made by RMGC. Therefore, they promote the exploitations at Roşia Montană as a solution to (end with) poverty and to create new jobs in the area.

Other ads resemble a *vox populi* (voice of the people), in which members of the general public from different cities of Romania are asked to answer the following question: 'Why are you in favour of the mining project at Roşia Montană?' The answers include referrals to 'a stronger economy', 'a better life', 'investments' etc. In the final part of the spots the same individual appears, saying: 'Employment in Roşia Montană is good for Romania and what is good for Romania is also good for me'.

Another ad features the leader of Sindicatul 'Viitorul Mineritului' (English translation: 'The Future of Mining' Union), who is discussing (in an interview?) about 'poverty', 'desperation', 'jobs', 'human solidarity' and locals' willingness to work in the mines again. In the second part of the ad, he states: 'Mining can bring thousands and thousands of jobs. (...) Sign for mining! Sign for employment in Roşia Montană'.

An ad features a physician – manager of a medical clinic from Alba county – who is discussing (in an interview?) the regional economic difficulties and, in this context, the importance of mining project approval, both for the county and for Romania, since it implies 'thousands of jobs', 'economic growth' and 'a better lifestyle' for the population. Other keywords used are 'stability', 'normality', and 'good wages'. In the second part of the ad, he states: Sign for mining! Sign for jobs in Roşia Montană'.

Finally, another ad features the president of 'Meridian' National Union Trade Confederation, who is discussing (in an interview?) about how 'only mining could get us out of the economical crisis and could save the economy'. Other key-concepts highlighted in the spot are related to the gold resources that could boost up development of the area and bring wellness to the community. In the second part of the ad, he states: 'You too should sign for mining! You too should sign for jobs in Roşia Montană'.

Researchers like Berger (2001) suggest that implication of a corporate actor in the process of agenda setting takes the form of an influential two-step process: first, the corporation develops its own agenda of policy issues and secondly, it activates its channels of influence directed to other specific agendas – media, policy and public agendas – in order to achieve favourable outcomes and, finally, to impact upon decision making.

Obviously, the interpretations given to facts presented in these TV ads are meant to support the interests of the main player involved in the situation (= the gold and silver mining project at Roşia Montană), RMCG, although the entire campaign tries to impose a different frame to the public, by highlighting some leitmotifs people are sensitive to (poverty, unemployment, human solidarity etc.) and, thus, concealing the controversies around the mining project whose initiation has not been authorized yet. In other words, the campaign is based on a spinning strategy or, using a more neutral academic term (Andreasen, 2006), a framing strategy: this means that, out of more possible contexts, the raw data of the actual debate on the situation are interpreted within a specific context that shows the particular preference for a certain outcome.

In this strategic action, the role of the media is deliberately reduced to that of a channel of transmission that will allow the corporation to transfer the private understanding of the reality of the situation from its agenda onto the public agenda. The 'success' of the transfer depends on two variables. One of them is the degree to which the media agenda is also that of the public and its discourse an influential part of the public's discourse. Watson (2008) argues that this equation depends in large part upon the *standing* of the media in public perception, its credibility as a source of information and its reputation for accuracy and sincerity. The second variable that could guarantee a successful transfer refers to the degree to which, at the same time and on the same channels of transmission, other frames of the same situation (= the gold and silver mining project at Roşia Montană) circulate and get onto the public agenda. In the advertorial campaign – an 'opinion advertisement' – the desired frame is multilayered: the ads based on a narrative can be interpreted as the counter-frame to the ecological and technological controversies raised by the mining project, by changing the focus to the human factor (i.e. unemployment, unhappiness, poverty); the ads imitating a *vox populi* represent the counter-frame to the failed local referendum organized in December 2012 in the area and an anticipation for the possible national referendum on the mining project issue that could be organized in May 2014, as the President of Romania suggested in an interview (*see below the Timeline included in this article*); the ads that imitate interviews frame the expert voices that express their opinions in favour of the mining project, using the same human factor strategy. Overall, this positive frame supporting the mining project was highly contrasting with another frame that emerged on the public agenda throughout the month of September: street protests in Roşia Montană, in Bucharest, and in other important cities in Romania, as reaction to the Government's law proposal. In such a context, it is a difficult task to predict with accuracy the dynamics of the public agenda, and this can be done only by using measurement instruments (such as surveys, or polls) in order to determine how a social issue is ranked in importance among other topics of great relevance for the public. This is why controlling the two variables described before can make it easier for corporate agenda to impose a predefined reality on the public agenda. Therefore, the co-occurrence of more frames competing in the hierarchy of issues on the public agenda often leads to conflicts whose resolutions can be observed in negotiations between the agendas. An indication of the power of corporations over media is represented by media dependency on the money advertising can bring in. In this regard, the Council's monitoring shows that between September 1, 2013 and October 6, 2013, the TV spots promoting the mining project at Roşia Montană ran more than 700 times, predominantly on three TV stations specialized in news and talk-shows: B1 TV, România TV and Antena 3. Moreover, the same report highlights the fact that RMGC sponsored seven TV transmissions on two of the news TV stations. Another monitoring of the Council (September 1, 2013 – October 11, 2013) revealed that the daily average time that TV stations dedicated to debates on the mining project varied from around 113 minutes to around 30 minutes. To this, some observations made by one of the NAC's members can be added: 'If you have more than a thousand ads generated by the same company, that company is almost like an owner of shares for that television. (...) The situation we are in is that, practically,

some TV stations survive financially by promoting this project', commented Christian Mititelu during the NAC's meeting when the advertorial campaign was banned.

IN THE NAME OF THE PUBLIC: CORPORATE AGENDA VS. POLICY AGENDA

In *Media Communication*, Watson (2008) refers to circumstances when corporations promote their agendas through allegiances with other agendas (with the media agenda or with the policy agenda) in order to influence, if not order the public agenda. Thus, this entanglement of agendas suggests that the decision making process on the policy agenda is not only strongly connected to the movements that take place on the public agenda, but also to how corporations develop strategies of influence to achieve favourable policies. The political context in which the campaign promoting the mining project at Roşia Montană was launched (just a few days after the Romanian Government proposed a draft law fully authorizing the exploitations and before the Romanian Parliament took the final decision later in November and December) is a clear indication that the TV spots aimed both at influencing the public and policy agenda. As a matter of fact, NAC member Lorand Turoş, during the meeting on October 15, 2013, referred to the campaign as 'a problem that it is now in the hands of the Parliament. It's already a political issue that needs a political decision. My opinion is that the well defined objective of this campaign is to obtain a favourable vote in the Parliament. Consequently, it promotes a political interest. As I see it, the statement "jobs in Roşia Montană are good for Romania" is a political message. And political messages... or the promotion of political messages via advertising are prohibited outside the electoral campaign period.' While Watson talks about allegiances, Berger talks about conflicts that can occur between corporate actors and governments, especially in democratic environments, and especially in the case of social issues which are controversial for the society:

'Democratic government theoretically tends to socialize conflict—that is, broaden the number of participants, or voices, in debating and resolving social problems, whereas established business seeks to protect its private interests, transactions, and advantages. Thus, the private interests of business often conflict with the public interests government is considered to champion' (Berger, 2001: 97).

After analysing the TV spots against which more than 2,000 complaints were formulated by citizens, the National Audiovisual Council of Romania decided the advertisements created for the promotion of the mining project at Roşia Montană disregarded some stipulations from the Audiovisual Law, stating that two specific requirements were ignored: (1) 'audiovisual commercial communications shall not encourage behaviour prejudicial to population's health or safety', and (2) 'audiovisual commercial communications shall not encourage behaviour prejudicial to the protection of the environment'. Also, the Council invoked the infringement of two articles from the *Code of regulation for the audiovisual content*: (1) 'Audiovisual commercial communications, irrespective of type and duration, shall comply with the principles for protection of minors, those of the

correct information of the public, of respect for human dignity, and those of providing a fair competition among competitors’, and (2) ‘Advertising and teleshopping using misleading or aggressive techniques shall be forbidden’. The NAC also mentioned infringement on the Law 363/2007, which is the Romanian equivalent of the Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005, concerning unfair business-to-consumer practices. According to the principles of this Directive, the consumer shall not be misled or exposed to commercial aggressive practices, and every message should be asserted with clarity, accuracy and justification, allowing the consumer to make an informed and thus efficient choice. The NAC considered aggressive the fact the trader used in its advantage some ‘unfortunate’ events or special circumstances in the consumer’s life, events or circumstances of such gravity that they can affect the judgement of the average consumer, and of which the trader is aware and uses to influence the consumer’s decision regarding the product. In the analysed case, it is obvious that the message of the ads is built on the ‘unfortunate’ life events (as characterized by the law itself) of some people with a precarious financial status. In these circumstance, they are willing to support a project that is detrimental to the population’s health (including their own) and to the environment (taken into consideration the mining technologies) if there exists the promise for a temporary better life, without considering the consequences or effects of the project.

So far, this analysis has shown the interactions (regarding either conflict or negotiation) between the three agendas (media, policy and corporate) aiming to influence the public agenda and the public discourse. Not only are there interactions across the agendas, but also interactions within each domain and sometimes coalitions are formed:

‘Within the public agenda domain, various interest groups often claim to be the *only* ones speaking “for the people” to convince the media or the policy-makers that only *they* are the ones who should be listened to’ (Andreasen, 2006: 34).

The following timeline, highlighting some important events around the advertorial campaign for the mining project at Roşia Montană, was constructed to illustrate how the dynamics on the policy agenda are modified by agents that are not normally part of the three agendas trying to impact the public agenda:

Date	Events surrounding the RMGC advertorial campaign
December 9, 2012	A local referendum (in Alba county) on the exploitation project was organized the same day as the national Parliament elections. The referendum failed to mobilise more than 50 percents of the voters and consequently was invalidated. The question on the referendum sheet was: ‘Do you agree with reinitiating mining in the Apuseni Mountains area and at Roşia Montană?’
June 12, 2013	Europa Nostra, a European organization dedicated to safeguarding Europe’s cultural and natural heritage, includes Roşia Montană among Europe’s 7 Most Endangered Monuments and Sites.
June 19, 2013	The Romanian Academy reaffirms its position regarding the mining project, expressed on previous occasions (2003, 2006, 2009, and 2011) and released an official statement that includes 21 arguments against the mining proposal.

August 27, 2013	The Romanian Government approves draft legislation relating to the RRoşia Montană project and sends it for approval in the Parliament.
September 1, 2013	Street protests against the mining project begin. Throughout September, they take place all over Romania, with more than 20,000 people joining a protest march in the Capital on September, 15.
September 1, 2013	RMGC launches an advertorial campaign on TV and radio inviting viewers/listeners to 'sign for mining!' and to 'sign for jobs in Roşia Montană' on the website http://darosiamontana.ro/ , (translation: Yes Roşia Montană) the website dedicated to the entire campaign.
September 2, 2013	In an interview with the national newspaper Adevărul, the President of Romania suggested that he was willing to initiate the procedures for a national referendum on the Roşia Montană issue in 2014.
September 17, 2013	The Romanian Orthodox Church, through the voice of its spokesperson, reaffirms its position against the mining project, first expressed in 2003 and based on the analysis conducted by the Romanian Academy.
October 12, 2013	Eugenia Vodă, cultural journalist and a very well-known Romanian TV producer, addresses an open letter to the National Audiovisual Council of Romania asking the council to ban the spots promoting the mining project.
October 15, 2013	The National Audiovisual Council of Romania (NAC) decides to withdraw all the campaign spots from broadcasting.
October 15, 2013	Sindicatul 'Viitorul Mineritului', the trade union from Roşia Montană, considered the initiator of the promotional campaign sponsored by RMGC, issued a press release expressing its disagreement with the NAC decision. The press release is signed by the trade union's president, Cristian Albu, one of the characters featured in the TV spots.
October 15, 2013	Europa Nostra issues a press release in which it appeals to Romania's Parliament to opt for an alternative and sustainable development of Roşia Montană.
October 17, 2013	Sindicatul 'Viitorul Mineritului', the trade union from Roşia Montană, sends an open letter to journalist Eugenia Vodă, entitled 'The mining experts are waiting for you at Roşia Montană, to meet and discuss before speaking for them'. The open letter has the signature of the trade union's president, Cristian Albu.
November 11, 2013	A special Parliamentary Commission for Roşia Montană rejects the draft law on the mining project proposed by the Romanian Government.
November 19, 2013	The Senate (the Upper House of the Romanian Parliament) rejects the draft law.
December 10, 2013	The Chamber of Deputies (the Second House of the Romanian Parliament) also rejects the proposed law.

Table 1

The concatenation of events included in this timeline reveals the implications of other actors that participate in the policy making game without being part of one or the other of the three agendas. The verdict given by the National Audiovisual Council was immediately met by the disagreement of the advertorial campaign initiator – Sindicatul 'Viitorul Mineritului' ('The Future of Mining' Union). They issued a press release on the same day stating, through the voice of its leader, that NAC's decision 'has been taken without any possible debate during which the parts involved could have made their points of view obvious and which could protect their right to freedom of expression'. It is clear now that the campaign aimed at influencing both the public and policy agenda, but this strategy was met by some probably unexpected interference from parties formally uninvolved in the 'battle' for Roşia Montană. Thus, a campaign (essentially an advertorial campaign, let us not forget!) that was apparently trying to offer solutions to social problems (e.g. poverty, unemployment) turned into a social problem. In agenda setting terms, the advertorial campaign became itself an *issue*. Andreasen (2006) explains how an issue can

move up on the public agenda: alongside interactions between the discussed agendas, it requires the involvement of some other players – charismatic spokespeople, leaders of coalitions (because individuals may not be enough), NGO leaders, government legislators and agency heads, journalists, editors, news directors. In the case of this campaign, media speculated that the difference was made by the seven-page open letter that Eugenia Vodă, cultural journalist and a very well-known Romanian TV producer, sent to the National Audiovisual Council of Romania asking it to ban the spots. The document was entitled ‘Why a poisoned lake larger than the state of Monaco is “good for Romania”’. In line with the public debate whether the advertorial campaign proposed by RMGC was a social or a political one, the journalist suggested that the TV ads promote a sort of ‘private referendum’ when asking people to ‘say YES to mining’. Below is an excerpt from the letter that some national media considered to be the trigger for the final NAC decision: ‘Is it “good for Romania”? Why would we trust some people on the street – from all over the country, with the name of the city written on the TV screen –, who tell us, implicitly and explicitly, that the project is a “good” one and, instead, we would not trust the EXPERTS of this country (geologists, chemists, economists, and architects) who tell us – indeed, not so very often and not during commercial breaks – that it is NOT good at all?! Among other things, this Roşia Montană long story is an example of public humiliation of experts.’

As shown in the timeline, the open letter received a counter-open letter signed by the leader of the trade union involved in the advertorial campaign, only two days after the campaign was banned from TV and radio. Issues move up and down when charismatic spokespeople have a say about the social problem under scrutiny. In 2012, for example, the previous major campaign for the mining project at Roşia Montană found opposition in two TV spots (opinion ads) featuring two famous Romanian actors, Maia Morgenstern and Drago Bucur. Another player to be considered is the Romanian Academy. In its official statement from June 2013, the institution suggested that the decision-making process should not ignore the numerous individual and collective protests of the civil society, nor those of science academies or of the two main churches (both Romanian Orthodox and Roman Catholic), of cultural institutes from Romania and abroad, and those of famous personalities and scientists. Sometimes, NGOs could jump in, as it happened in 2009, when another advertorial campaign sponsored by RMGC was banned by the National Audiovisual Council after the Romanian Advertising Council – a professional, non-governmental, non-profit and independent organization whose activity is self-regulation in advertising – analysed the spots. In that case, NAC also received an official complaint from the president of the PRM Cluj (a right-wing political party) asking the Council to ban the spot until the company would obtain all the legal approvals to start the mining project. All these actors can form an advocacy group to put even more pressure on the policymakers and ‘can contribute greatly to changes in social norms’ (Andreasen, 2006: 43).

CONCLUSIONS

The present article aimed at showcasing the intricate nature of advertising and the imperious need to judge its ethics according to this complexity, and not reduce it to the legal discourses (to what is legally right or wrong) or to the moral discourses (to what is morally right or wrong) offered by lawyers, philosophers and ethicists. On the contrary, by using the agenda-setting theory as a rich metaphor that, on the one hand, stands for the 'invisible' negotiations taking place between corporations, media and policymakers and, on the other, stands for the outcomes of such negotiations, 'visible' on the public agenda, this study highlighted the need to analyse the ethics of advertising by tracing back the contexts of ad production and not by solely formulate conclusions on the final result. This latter oversimplification in assessing the ethics of advertising is replaced here with 'contextual ethics' or ethics contextually determined. The communicative perspective preferred here showed that Drumwright's (2004) 'moral myopia' and 'moral muteness' (inability to see ethical dilemmas and little communication about them when recognized) is contagious and that not only does it apply to advertising, but also it spreads within the professional fields advertising is bound to.

Obviously, a contextual ethics involve certain risks: while it moves away from the restrictive perspective imposing irrefutable paragons, it may encourage a sort of relativism around separating the ethical from unethical in advertising. At the same time, unlike the restrictive approach, which is self-sufficient, it encourages communication and, of course, future research. //

NOTES

1. This case study uses data available on the website of the National Audiovisual Council of Romania, at <http://cna.ro/>.

2. The statements of the members of National Audiovisual Council (NAC) participating at the meeting where it was decided to withdraw from broadcasting the spots are translated from Romanian, as they appeared in the national media on October 15, 2013. The original fragments are available here: <http://www.paginademedias.ro/2013/10/spoturile-pentru-rosia-montana-interzise-de-la-tv/>

3. Excerpts from the open letter written by journalist Eugenia Vodă are translated from Romanian, as they appeared in the national media on October 13, 2013. The original fragments are available here: <http://www.paginademedias.ro/2013/10/eugenia-voda-cer-cna-stoparea-reclamelor-legate-de-rosia-montana/>

4. The National Audiovisual Council in Romania is an autonomous public institution which is governed by a board of 11 members appointed by the Romanian Parliament, based on the following formula: three nominations from the Senate; three from the Chamber of Deputies; two from the President of Romania; and three from the Government. The Council's meetings take place every Tuesday and Thursday. They are public and open for all interested parties. Journalists are present at most of the meetings.

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Received: 14-03-2014

Accepted: 05-05-2014