code of advertising ethics

The First Amendment of the United States Constitution places constraints on government repression of speech. Advertising is recognized by the courts as a form of 'commercial speech,' defined as speech 'which does no more than propose a commercial transaction.' Commercial speech is protected by the First Amendment.

The Supreme Court (in Central Hudson Gas & Electric v. Public Service Commission) declared that commercial speech can be regulated if

- it is misleading or concerns an illegal product, OR
- there is a substantial government interest, AND
- the regulation directly advances that government interest, AND
- the regulation is narrowly tailored to that interest.

If the regulation can pass that test, it will be held constitutional.

Advertising must have consumer confidence if it is to perform its communication job effectively. To instill this confidence in the buyer, advertising must ‘tell the truth.’ It is assumed that the consumer will not take every advertising statement literally, yet the consumer expects that demonstration of claims of the product or service will provide an honest picture of that product or service. Thus the question of literal truth is irrelevant; the important question is the impression the advertising makes on people’s minds.

The Better Business Bureau system’s Code of Advertising provides a useful guide for setting standards of ethical behavior and advertising acceptability. This code, the considerations mentioned above, the university’s policies, and regulations by government and some industries have all been considered in establishing the following standards of ethical behavior and acceptability for advertising in UNCW Student Media publications.

Acceptable Advertising

1. UNCW Student Media will strive to ensure that the advertising in its publications
   - serves the public with honest values;
   - tells the truth about what is offered;
   - makes good as promised on any guarantee offered;
   - promotes and sells merchandise on its merits and refrains from reflecting unfairly upon competitors, their products, services or methods of doing business;
   - supports claims made for the product or service within the advertisement;
   - allows testimonials by competent witnesses who are sincere and honest in what they say about the product or service;
   - avoids tricky devices and schemes such as deceit, fictitious list prices, bait advertising, misleading free offers, and fake sales.

2. All advertising is subject to review by the advertising consultant, with input from the S&M director and, at the director’s discretion, from professional staff advisers, to determine whether ads meet our standards of acceptability.

3. UNCW Student Media reserves the right to reject any advertising it considers objectionable. Advertising deemed objectionable includes, but is not limited to,
   - advertising that discriminates on the basis of race, creed, color, handicap, age or sex or that contains personal attacks;
   - advertising containing false or misleading statements;
• advertising for products, services, or promotions that encourage violation of city, state, or federal laws or regulations, including advertising for drug paraphernalia;
• advertising which S&M or publication staff deem obscene or unacceptably indecent;
• advertising that communicates information that is libelous or defamatory;
• advertising that encourages students to purchase term papers, editorial or research writing, or promotes or enables any violation of the university’s code of academic honesty;
• advertising that uses the likenesses of people without proof of authorized model releases;
• advertising that damages the integrity of the publication;
• advertising that directs readers to venues, including Web sites, which promote behavior UNCW Student Media considers otherwise objectionable in light of the intention of these standards.

4. UNCW Student Media will require two local references for advertisement of a questionable nature (advertising that promotes businesses or services that may be legitimate but which traditionally have been used as ‘fronts’ for less legitimate activities). This includes, but is not limited to, dating services, escort services, massage parlors and masseurs (distinct from licensed massage therapists), models, pregnancy referrals, and ‘get rich quick’ promotions.

5. Advertising shall not appear on the front page of The Seahawk newspaper or the front cover of Atlantis magazine.

6. Personal ads will only be accepted on the following conditions:
   • All personal ads must be placed in person; no phone orders will be accepted.
   • The person placing the ad must supply photo identification.
   • No full names or obscenity will appear in the ad.

7. Advertising copy resembling editorial copy will be marked ‘PAID ADVERTISEMENT.’

8. In order to keep political and social views open to those who wish to express particular points of view, UNCW Student Media will accept opinion advertising that does not violate standards listed in 1, 2, and 3. Full identification of the sponsors of opinion ads is required. Names of two or more of the officers of the organization must appear in the ad, as well as the address of the advertiser. If the names of other persons are to appear in the ad, the advertiser must furnish evidence that all such persons have given permission for the use of their names.

9. UNCW Student Media accepts healthcare-related ads for abortion, vasectomy, infertility, adoption, etc. However, feeling that the general welfare of the campus community will be best served by agencies who perform these services on the basis of quality rather than competitive pricing, prices for these services will not appear in the ads.

10. UNCW Student Media reserves the right to alter or refuse to publish any ad that stretches its ‘good taste.’ This includes but is not limited to businesses advertising nude revues, topless bars, and X-rated movies, videos or books. Not acceptable are ads which, through photography or artwork, expose the genitalia or buttocks of men or women or full breasts of women.

11. As a service to our readers, the majority of copy in all ads must be in English. Single-line deviations will be allowed for emphasis. The acceptance of ads in languages other than English may prevent UNCW Student Media from assuring that these standards are followed.

12. All entertainment advertising is payable in advance. This includes but is not limited to all bars and nightclubs.

13. Any advertisers running ads for quitting business must automatically pay cash in advance regardless of their pre-established credit status.

14. UNCW Student Media accepts beer, wine and liquor ads that do not violate local, state, or federal laws or regulations. However, in keeping with the university’s alcohol policy, UNCW Student Media will not accept advertising that encourages any form of alcohol abuse, portrays drinking as a solution to a problem, offers alcoholic beverages at a non-licensed establishment,
or that otherwise violates the university's policy on alcohol marketing (Code of Student Life).

15. It is the responsibility of each ad consultant to check for possible advertising copyright infringements. All material is considered copyrighted upon creation, and words or photos cannot be reprinted without the permission of the copyright owner. It is unlikely that the fair-use exception would apply in the commercial setting of an advertisement.

16. The ultimate authority in determining whether an advertisement is acceptable resides cooperatively with the S&M director and the media manager of the publication for which the ad is intended. When necessary, a student review by the student editors and managers will be held to determine if the ad(s) meet this code of acceptability.

17. UNCW Student Media will never knowingly publish advertising which does not conform to these standards. It is our goal to publish advertising that instills consumer confidence in the publication. Every effort will always be made by the advertising consultants to follow the standards set forth here. Should a reader at any time bring to our attention an ad which does not follow these standards, the ad will be researched and, if deemed in violation, stopped from further publication.

Sources: The University Daily, Texas Tech University; The Oklahoma Daily, University of Oklahoma; USF Oracle, The University of South Florida; The Daily Tar Heel, University of North Carolina Chapel Hill; Law & Ethics, The University of Texas; The Seahawk, University of North Carolina Wilmington; Promoting Honest Advertising, Better Business Bureau Advertising Review Programs.