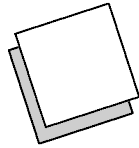


*An executive summary for managers and executive readers can be found at the end of this article*



## Misplaced marketing

Imagine the television commercial: “No stems, no seeds that you don’t need, Baja Gold’s a real smooth weed”

*Herbert Jack Rotfeld*

Professor of Marketing, Auburn University, Alabama, USA

---

**Keywords** *Marketing, Drug abuse, Tobacco industry, Law*

**Abstract** *Discusses issues around marketing and the debate on legality of drugs. Notes that, while there has been a consideration of ways in which drug restrictions could be loosened, there is an underlying fear of the effects of marketing of such products. Looks also at issues surrounding the marketing of such legal products as cigarettes and alcohol, considering the popular “wisdom” that marketing activities cause people to act in a fashion contrary to their own self interests.*

Over three decades ago, US drug laws were starting to be compared to the nation’s earlier failed efforts at alcohol prohibition and many people expected that some of the popular-but-illegal drugs would be legalized in the near future. Back then, stories circulated on college campuses that cigarette companies were copyrighting possible brand names for marijuana, and comedians such as George Carlin or Cheech and Chong described possible television commercials for the branded products. While such a radical change has not come to pass, the growing debate of the war on drugs has considered various ways that the drug restrictions could be loosened and the products could become commercially distributed. And with every discussion, both sides possess an underlying fear of possible marketing or commercial advertising for the potentially destructive products.

Any proposals for legalization usually include severe marketing restrictions or advertising bans (e.g. Karel, 1991; McVay, 1991). All consumer channels for information would be comparable to those now used for the illegal products, the only difference would be that word of mouth contacts would not carry the risk of arrest from talking to the “wrong” person. No billboards or point of sale advertising would be allowed and no one even dreams that there might exist a form for acceptable television commercials. At the same time, arguments against legalization include the strong fear that basic freedoms as applied to other legal products would result in the government being unable to adequately restrict the marketing and advertising that would be expected to ineluctably expand generic consumption (e.g. Inciardi and McBride, 1991).

These fears of marketing’s power are not new, nor are they unique for these now-illegal substances. For many legal products, a significant segment of the population believes that any marketing is misplaced and should not be used (Davidson, 1996). It is ingrained in the popular “wisdom” that marketing activities cause people to act in a fashion contrary to their own self interests. The marketing for name brand products is seen as creating the generic consumer desires to smoke cigarettes, drink alcohol or gamble. Some business critics also believe that misplaced marketing expands demand for handguns and pornography. Numerous people apparently believe that, without advertising, cigarette smokers would never realize how enjoyable addiction to a carcinogenic substance could be. So as a logical extension of

**Severe marketing restrictions**

**Generic consumer desires**

## Specific products

these fears, every discussion of drug legalization carries an underlying concern that unrestricted advertising would create more drug addicts or marijuana users.

But in truth, marketing is not the critics' real problem. Their problem is with the specific products. Host Bill Maher noted on his "politically incorrect" television program that laws restricting the marketing of motorcycles, booze or bungee jumping are pushed by people who would rather ban motorcycles, booze or bungee jumping altogether. In reality, many non-users of these products really wish to prevent other people from using them. When the products are legal, the critics attack marketing, seeing it as a sales tool used to maximize sales. Critics argue that it "improperly" increases generic demand for the products, while defenders assert that it can only influence brand choice for people already predisposed to make a purchase.

Yet a persuasive argument against drug legalization plays on the public's fear that powerful marketing tools control their minds. Even as marijuana usage becomes pervasive despite a lack of brand-based marketing and working against strong anti-drug advertising campaigns, not to mention the weak evidence that its usage or users actually harm anyone (Zimmer and Morgan, 1997), the fear of marketing stands in the way of some legalization efforts. As the Supreme Court has repeatedly refused to uphold restrictions on cigarette advertising, critics become even more worried that legalized drug advertising would create more young addicts.

The US Food and Drug Administration (FDA) under President Bill Clinton and state governments repeatedly attacked cigarette advertising as their main tool to reduce smoking among children from ages of 12 to 18. Left unaddressed is that selling cigarettes to young people is against the law in every state. These laws are often unenforced, and 18-year-old high school seniors can readily supply the product to 14-year-old classmates, but little effort has focused on the age of the product purchasers.

## Reduce purchase incentives

At an academic conference in the early months of the Bush administration, I asked a now-former FDA official why there was so much attention on advertising and so little effort at improving enforcement of the laws on sales. She said that even if compliance with sales restrictions reached 80 percent, the children would still find those stores that violated the laws. And no one believed that it would ever be politically possible for the age for legal purchases to be raised to 21 in a fashion comparable to alcohol. In other words, they don't think they could ever be successful in physically stopping young people from buying cigarettes, so instead they hope to reduce the purchase incentives they think exist in the brand advertising campaigns.

This gives a new twist to the hidden logic in the debate to legalize marijuana and other products. Criminal laws and other "sale restrictions" have been notably unsuccessful in reducing demand for drugs. As some recent cases with movie stars and athletes illustrate, addicts won't "just say no." And with marijuana, most people don't see a problem and don't seem to care (e.g. Zimmer and Morgan, 1997). However, the courts have been increasingly cutting away at advertising restrictions for legal gambling, cigarettes or alcohol. They would probably do the same thing for legalized drugs. But while the products are illegal, no one can run an advertising campaign encouraging sales of a branded product. And without advertising, the children are safe, or so their thinking must go.

The history of marketing for the last century is intertwined with efforts to protect children from its influences. And in the name of protecting children,

## Implicit sense

all sorts of marketing restrictions are enforced. Laws on sales and product distribution also limit the market choices for adults. There also are restrictions on advertising of certain products to adults in contexts in which children “might” see them. Throughout it all, the critics are loath to admit that many adults enjoy using products which might have deadly or destructive consequences from long-term use.

Admittedly, I know of no one who has argued for keeping marijuana illegal as a route to preventing it from being advertised. The logic above has never been stated explicitly, but it makes implicit sense. And it fits with the public’s widespread but misplaced fear of marketing’s power of how consumers think or act.

### References

- Davidson, D.K. (1996), *Selling Sin: The Marketing of Socially Unacceptable Products*, Quorum Books, Westport, CT.
- Inciardi, J.A. and McBride, D.C. (1991), “The case against legalization”, in Inciardi, J.A. (Ed.), *The Drug Legalization Debate*, Sage Publications, Newbury Park, CA, pp. 45-79.
- Karel, R.B. (1991), “A model legalization proposal”, in Inciardi, J.A. (Ed.), *The Drug Legalization Debate*, Sage Publications, Newbury Park, CA, pp. 80-102.
- McVay, D. (1991), “Marijuana legalization: the time is now”, in Inciardi, J.A. (Ed.), *The Drug Legalization Debate*, Sage Publications, Newbury Park, CA, pp. 147-60.
- Zimmer, L. and Morgan, J.P. (1997), *Marijuana Myths Marijuana Facts: A Review of the Scientific Evidence*, The Lindesmith Center, New York, NY.