
Ivan L. Preston: 1931–2011

Ivan Preston, a world-renowned legal scholar who never attended law school, finally ended his career on March 2, 2011. Even without formal legal training, his work was used in revising part of the Uniform Commercial Code in the 1990s. He was a consumer protection expert and advocate who joined ACCI and attended its conferences starting in the 1960s, before he was an expert. He played an important role in the organization for decades. Ivan was added to the *Journal of Consumer Affairs* editorial board in 1973, and in 1980 he very nearly became the *Journal's* editor when his friend, Bob Hermann, stepped down from that role. He likewise was a member, and for four years the director, of the Wisconsin Consumers League. But his research reputation was built on studies of advertising puffery and consumer deception.

Ivan was a true academic who profoundly affected the fields involving consumer research, and continued to expand his contributions until the day he died. He officially retired a dozen years earlier, but he continued as a prolific researcher, publishing and presenting work nearly until his last breath. Most academics seem to retire and abandon their professional life, but Ivan continued to frequent academic conferences, attending at least two in the last year of his life. He was inexhaustibly curious and reflective, with a sharply honed sense of right and wrong.

Over the years, Ivan became what the *Wall Street Journal* once called the “world’s greatest expert on ‘pure baloney’ in advertising.” There likely is no one who would disagree that he was “the” expert on advertising puffery. His reputation did not end at puffery, either; it covered all deceptive practices in advertising. But that only describes the last 35 years of his life.

At one time, he was a sergeant in the US Army, and his experiences during those years continued to influence him throughout his life. After the Army he became a newspaper photographer in Elyria, Ohio. But probably the first truly formative step in his eventual career was a couple of years he spent as an account assistant in the Ketchum, McLeod & Grove advertising agency, in Pittsburgh. He went into advertising because he thought it was writing and designing. He imagined himself a

copywriter, and did not realize he had chosen a wrong turn by taking a position in the account management department.

Ivan eventually opined that he probably would never have made a good ad man, because he simply could not get excited about selling products that did not interest him. And he was especially unenthusiastic about selling products that had no inherent advantage over their competition, relying solely on image. That appears to be where the seed of his interest in puffery was planted, because he later worked with a professor named Vince Norris who encouraged Ivan to try to articulate his feelings about such sales techniques.

Not long after that he became a public relations account executive at the EWR&R agency. An interest in marketing communication had taken hold of him, and it never let go. He had also met a young undergraduate intern at Ketchum who became a lifelong friend and, later, a very influential advertising professor, Kim Rotzoll.

Ivan received a bachelor's degree in English from the College of Wooster in 1953, but after his experience in the business world he decided to seek a graduate education. He finished his master's in 1961 and a PhD in 1964, both from Michigan State University (MSU). At MSU, he not only worked under a professor named Dave Berlo, but also did research with Erv Bettinghaus, who went on to become dean of that university's communication school. Bettinghaus recalls that Ivan "was the first person I ever collaborated with on a research project. It was my idea, but Ivan took it, developed it, collected the data, and analyzed the data. I wrote it up, and it became his first publication. We were testing Rokeach's dogmatism theory, and Ivan built that theory into both his teaching and research for many years."

His dissertation had nothing to do with the area in which he would eventually make his name. The title was "Temporary Coalitions in the Process of Coalition Formation" and it talked about group dynamics. He was the twentieth doctoral graduate of the MSU Department of Communication. And 20 years later, in 1984, that school gave him a Distinguished Alumni Award.

He went on to teach at Penn State for five years, where he happened to teach with his old friend, Kim Rotzoll. It also was there that he worked with Vince Norris, who clearly had an impact on Ivan's eventual research interests. And, not coincidentally, his friend Kim also ended up doing research dealing with social concerns about advertising.

He then was recruited away by the University of Wisconsin. According to Ivan, some faculty became disenchanted with him because he had been hired as a die-hard quantitative researcher, only to watch his

research take a different direction. His seminal piece, his book *The Great American Blow-Up: Puffery in Advertising and Selling*, was not published until 1975. However, it took a few years to write the book, and there was some work in the area that preceded his decision to attack such a big project, so he was well into studying advertising law before then.

Indeed, as he began researching advertising puffery he could find no authoritative material to guide him, so he had to dig through court cases. He had no training in the law, which meant he had to figure out on his own how the courts worked, how the Federal Trade Commission (FTC) worked, and how to interpret legal opinions. This is an onerous task without law professors directing you. Not only is it difficult, but it also is enormously time consuming, which helps to explain why there is no other self-taught legal expert in the entire field of advertising education. In fact, there are no others of which I am aware in the entire history of marketing education.

That book, too, was wholly unique. No other work of this sort ever had been published in the marketing or consumer science literature. He dug through cases going back to at least the fourteenth century, and then wove a story about how consumer protection developed over those centuries. It was a story that elevated our understanding of consumer protection, and I predict it will continue to be cited a century and more from now.

In those early years at Wisconsin, Ivan was jointly appointed to the School of Journalism and the School of Family Resources and Consumer Sciences. As such, he was making a name for himself both within the advertising and journalism literature, as well as the consumer sciences literature. In fact, he had been publishing in traditional journalism and communication journals until 1969, when he published one article in the *Journal of Consumer Affairs* and another in the *Journal of Advertising Research*, signaling a change in his focus.

In addition to those two fields, it was not long before he was receiving mail addressed to him, erroneously, at the School of Business. And his book led to him being cited in a number of law journal articles. That is how I discovered him.

In 1980 I was beginning my last year of law school, and conducting research on the regulation of pictures in advertising. I kept running into Preston's name, eventually contacting him for insights into parts of my research. Coincidentally, that year was when he published his first law journal article, coauthored with Dee Pridgen of the FTC. Ivan had just finished a year as a marketing consultant for advertising practices at the

FTC, which is how he met Dee. It also is how he came to befriend Wally Snyder, then an attorney for the FTC, who later would become the head of the American Advertising Federation.

During his FTC year, Ivan made himself well known at the agency. And it was not just because he rode his bike to work every day in downtown Washington, DC, which he did. He worked on a number of important issues, including cigarette warning labels. But more importantly, he introduced a more rigorous scientific method to the evidentiary process in the agency's cases, by pushing the use of surveys over individual consumer testimony. This actually began years earlier, in 1973, when he was an expert witness for the FTC in the Sun Oil case. He holds the distinction of conducting the first survey ever commissioned by the agency for use in a hearing as proof of consumer perceptions.

A couple of years later, I decided to return to graduate school for a PhD. When I discovered that the University of Wisconsin had a top communication program, I recalled that Ivan Preston taught there. I wrote to him and he encouraged me to apply. I ended up postponing it for a year, but finally decided to do it. I contacted Ivan, and he suggested I come to visit. When I did, he showed me around, he took me to lunch, and he even invited me to join him at a regular "happy hour" he had with students in one of his classes. He introduced me, we drank beer—something that would become a tradition—and we talked about the doctoral program. I decided then and there to attend. It was my kind of place.

When I moved to Madison that August 1984, Ivan invited me to his house the very first day. It was memorable. We sat in a hot tub in his back yard—again, drinking beer—and talking dissertation research ideas. He could not just relax in the tub, he needed to talk research. It was his nature. Then and there he also invited me to join him as a coauthor on a study. I cannot adequately explain what a turning point that was in my own career. That very first day was a launching point for me.

Over the next four years, we coauthored at least four articles, all about advertising deceptiveness. I say deceptiveNESS because Ivan would consistently point out that the FTC does not regulate deception, it regulates the *likelihood* of deception, which he termed "deceptiveness." Indeed, our work revolved around this important distinction.

I had published one law journal article before I arrived, and it turned out that Ivan had decided that he wanted to do more of those. He told me that the regulatory authorities tend to be lawyers, so they are more likely to read law journal articles than advertising or marketing articles. He wanted to have an impact on the law, so he set his sights on the law journals. That is where we began publishing. Though he continued

to publish in a few other venues, including the *Journal of Consumer Affairs*, most of his work thereafter until his retirement was targeted at law journals.

Ivan's personal style could be a bit deceiving; I think it was easy to underestimate him at first blush. He impressed me as having a somewhat reserved personality and a little on the quirky side. I quickly learned, though, that he had an exceedingly keen mind. He was able to see issues that others overlooked. He was amazingly logical and able to dissect a problem into its simplest form. He had a wonderful sense of humor, but it was so dry that his funny comments sometimes flew past slower minds. And he was an amazing writer. As a coauthor he spoiled me, later discovering other coauthors with whom my greatest contributions ended up being my editing skills.

He also was an amazing speaker. One-on-one you might get the impression that he would talk over the heads of an audience, yet he spent hours crafting each presentation to a particular audience. His presentations invariably were brilliant. He wrote every word and took the written speech up to the podium, yet when he delivered it there was almost no indication that he was reading. I will never be the public speaker that he was. He was a very tough dissertation advisor, though.

In the years after I graduated we did manage to publish a few more articles together. But more important, we continued to be friends. I had the pleasure to be there when he won the Outstanding Contribution to Research Award of the American Academy of Advertising (AAA), the same year when he was inducted as a Fellow of the AAA. I also was there when he served as President of the AAA, when he won the Deutschmann Award for Excellence in Research of the Association for Education in Journalism and Mass Communication, its most prestigious award, and when he won the Rotzoll Award for Advertising Ethics & Social Responsibility from the AAA.

Last year, when I won the AAA's Outstanding Contribution to Research Award, Ivan was the one who presented it to me. He also was the one who nominated me for my current job. We always joked about the fact that my middle name is Iven, with an "e," so our relationship seemed destined.

He retired in 1999, but did not show signs of slowing down. In 2003, the *Wall Street Journal* did a front page profile on him, with a "dot head" picture of him. There are not many in academia, let alone in this field, who can boast such an honor. For the past decade, he presented papers at conferences and had several articles in *JCA*, which now is read by people at regulatory agencies. Several times since 2002, he told Herb Rotfeld

that the paper appearing in *JCA* would be his last academic publication, to the point where the *JCA* editor referenced his commentary in the Spring 2010 issue as “Ivan’s ninth last paper.”

Ivan was the prototype of a scholar, but he was a fully rounded human being. He played baseball and rode his bike everywhere. He played softball. Many of his friends are not aware that he was an artist. I remember seeing one of his works when I visited his house years ago, and I was stunned. He was obsessed with history and museums, and even operas. He loved trains. And he loved beer.

He once took me to a restaurant that boasted that it served more than three hundred different beers, and I think Ivan talked about us working our way through the list. It is no coincidence that the very last time I saw him, we were drinking beer. In that case, it was sitting outside of a bar in Milan, Italy, last summer. Our conference had ended a day or two earlier, and we were just enjoying the environment. But one of our colleagues had been robbed on her way to the airport, and she happened by as we sat there. Ivan insisted on buying her a drink, offered to buy her dinner and tried to give her some money. That was Ivan. He was not only the quintessential scholar, but he was also the quintessential nice man. That, without question, is the most important part of his amazing legacy.

Prepared by Jef Iven Richards with input from Herbert Jack Rotfeld, both of whom owe a great debt to Ivan Preston.