Ethical Marketing in American and European Companies

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Abstract

This paper focuses on several illustrations of companies that practice ethical marketing from both the America and Europe. Before examining the firms, ethical marketing is defined and several basic perspectives for ethical and social marketing are reviewed. The U.S. companies featured here are Caterpillar, General Mills, Johnson & Johnson, and Xerox. European firms highlighted are Carrefour, the Co-operative Bank, Lego, and Novartis. Five common elements across these eight firms are discussed in the conclusion.

Ethical Marketing in American and European Companies

The field of marketing ethics has been studied for many years. Advertising ethics, probably the best known and most often criticized aspect of marketing, was the subject of a book almost sixty years ago (Bishop 1949). Journal articles, textbooks and special issues of journals have been devoted to the topic of marketing ethics since that time (for a summary, see Murphy 2002, pp. 165-167). Much of this writing has focused on ways to improve the ethics of the marketing field. What appears to be needed at this time is to accentuate the positive aspects of ethics in marketing.

This paper begins with a definition and explanation of ethical marketing. The need for a normative perspective for ethical marketing is also examined. The paper then turns to illustrations of European and American companies that appear to be practicing ethical marketing. The concluding section proposes common characteristics of companies thought to be ethical marketers.

Definition

An early book on marketing ethics indicated that *ethics* deals with the morality of human conduct. Laczniak and Murphy (1993) defined it as:

> Marketing ethics is the systematic study of how moral standards are applied to marketing decisions, behaviors, and institutions.

The fact that marketing ethics, like legal and medical ethics, is an applied field is an important aspect of the definition. Marketing decisions pertain to a host of specific issues like selling cigarettes to teenagers, violence-oriented products, pricing at a level that gouges unsuspecting consumers, and so on. The behavior governed by ethical principles involves all personnel involved in marketing—top management, sales, distribution, customer service, advertising and public relations. Finally, marketing ethics issues arise in SMEs (small and medium size enterprises), MNCs (multinational corporations) and NFPs (nonprofit organizations).

The approach here is similar, but subtly different because a normative and prescriptive approach is taken. Therefore, ethical marketing is defined as:

> practices that emphasize trustworthy and respectful personal and/or organizational marketing policies and actions that exhibit integrity as well as fairness to consumers and other stakeholders in a context of transparency and empathy.

Because ethics sometimes deals with subjective moral choices, the question becomes *what* moral standards ought to be applied to *which* ethical questions in marketing. For example, is it proper for an advertising copy writer to use a blatant (but legal) sexual appeal, which some see as exploitive and demeaning of women, when the agency has demonstrated that such appeals sell more of a client's cosmetics products? Cynics claim issues like these tend to generate much disagreement and, thus, illustrate the futility of dealing with the "always subjective" ethics area. However, in many industries and in many situations, there is more of a consensus about what is accepted by the majority as "proper" than-many casual observers' suspect (Murphy et al. 2005).

The definition of ethical marketing and discussion below takes an ethics of virtue approach. The foundation of this philosophical perspective to ethics is grounded in ancient (Aristotle 1926) and more recent (MacIntyre 1984) writings. Within marketing, several scholars have applied the virtue framework to ethical questions in the field (Williams and Murphy 1990; Hartman and Beck-Dudley 1995; Murphy 1999; Murphy et al. 2007).

Normative perspectives for ethical and socially responsible marketing

A recent article (Laczniak and Murphy 2006) outlined seven basic perspectives (BPs) for ethical and socially responsible marketing. They are:

BP 1: Ethical marketing puts people first.

BP 2: Ethical marketers must achieve a behavioral standard in excess of the law.

BP 3: Marketers are responsible for whatever they intend as a means or ends with a marketing action.

BP 4: Marketing organizations should cultivate better (that is higher) moral imagination in their managers and employees.

BP 5: Marketers should articulate and embrace a core set of ethical principles.

BP 6: Adoption of a stakeholder orientation is essential to ethical marketing decisions.

BP 7: Marketing organizations ought to delineate an ethical decision-making protocol.

Although all of the basic perspectives have a relationship to ethical marketing, I concentrate on two of them here – BP 1 and BP 5. The first BP focuses on the centrality of people in all ethical exchanges and relationships. A foundational principle in marketing is the revered marketing concept where the needs of the consumer are laced ahead of the needs of the marketer. The upshot of BP 1 is that marketing managers have an undeniable responsibility to society. When marketers treat stakeholders merely as means, they flunk the test of placing people first. The iron law of responsibility that states that when entities, such as marketing organizations, have great economic power and do not exhibit proportionate social responsibility, they will have their power proportionately diminished (Murphy *et al.* 2005). The discussion of the iron law of responsibility means that more is expected of the larger organizations. Consequently, Wal-Mart, Tesco, Toyota, Sony and other multinational manufacturers or retailers (MNCs) are expected to take the lead in bringing responsible behavior to the markets where they operate.

The other BP that relates directly with our analysis here is the fifth one. Laczniak and Murphy (2006) state: ‘marketers who aspire to operate on a high ethical plane should articulate and embrace a cores set of ethical principles’ (p. 164). These principles should address ethical issues concerning the rightness or fairness of various marketing tactics. The first is the principle of ‘nonmalfeasance’ meaning that marketers should never knowingly do harm when discharging marketing duties. The area of product safety is one where much attention has been devoted over the years. American MNCs have been charged over the years for ‘dumping’ less safe products on lesser developed marketing. More recently, imports ranging from tires to foodstuffs from China to the USA have been criticized for not meeting US safety laws.

The second principle is one of ‘nondeception’. This principle states that marketers ought to never intentionally mislead or unfairly manipulate consumers. This is obviously consistent with BP 1’s notion of respecting people. Deceptions such as overselling extended warranties, channel stuffing by sales reps and promising more than any product can deliver violate this principle. Protecting vulnerable segments represents the third principle. Uniquely vulnerable segments include children, the elderly, mentally or physically handicapped and economically disadvantaged consumers. Marketers must always take extraordinary care when engaging in exchanges with vulnerable segments (Brenkert 1998). The rationale undergirding this particular principle stems from some of the basic tenets discussed previously on human dignity and the doctrines of major religions. Multinational marketers have been criticized over the years for exploiting consumers who lack education or sophistication in the workings of the marketplace. The new focus on the base of the pyramid as a market (Hart 2008; Prahalad 2005) will necessitate that marketers take precautions in dealing with these emerging markets.

The fourth essential moral precept for marketing is the principle of 'distributive justice'. This principle suggests that there is an obligation on the part of all marketing organizations to assess the fairness of marketplace consequences flowing from their collective marketing practices. The theoretical foundation for the principle of distributive justice is based on the work of John Rawls (1971). The difference principle argues that marketing practices are unethical if, over time, they contribute to the further disadvantage of those market segments that are the least well-off. A marketing manifestation of this principle is in the digital divide where low-income consumers both domestically and internationally cannot avail themselves of products and price discounts that are only available through the Internet and e-commerce.

A fifth principle of enlightened marketing is 'stewardship' which reminds marketers of their social duties to the common good. Following this principle, marketing managers are obligated to ensure that their operations will not impose external costs on society, especially the physical environment, that result from their internal operations. Employing illegal immigrants at reduced wages to reduce costs, while knowing that incremental social costs accrue to the community (for example, additional healthcare, education and law enforcement) is an example of a violation of this principle.

The stewardship principle particularly addresses environmental/ecological responsibilities of marketers. It suggests that marketers have a moral obligation to protect the environment via a socially sustainable pattern of consumption such that damages are not imposed on the ecological system in a way that penalizes future generations. Although some marketing organizations initially looked at the environment as only a promotional opportunity and were guilty of 'greenwashing' by touting products of questionable environmental as being compatible, such as plastic trash bags, several firms such as Interface and its visionary Chairman Ray Anderson have embraced sustainable practices and changed their product and marketing efforts dramatically (Murphy 2005).

These two normative perspectives illustrate the fact that ethical precepts are necessary for changes to occur. To implement these changes, Laczniak and Murphy (2006) offer implications for educators, practitioners, public policy-makers and academic researchers.

American Examples of Ethical Marketing

While the controversial marketing practices of cigarette companies and the beer industry in targeting underage users receive much attention, most marketers are quietly engaging in ethical day to day business operations. Several small and medium sized illustrations have been chronicled in a recent article (Klein et al. 2006) and book (Conley and Friedenwald-Fishman 2006). In fact, this book emphasizes the importance of values-led marketing activities. Some of the ethical marketers featured in this book are ShoreBank from the Chicago area that specializes in revitalizing decaying communities, Seventh Generation cleaning products that are environmentally friendly and New Seasons Market that sells primarily healthy food products by providing health, nutrition, environmental and socially responsible messages as part of their marketing effort.

The four examples from American and European companies below were selected for several reasons. First, they are large marketers who are influential in the markets where they operate. They illustrate the power-responsibility point raised previously. Second, they have developed a consistent track record for ethical practices over an extended period of time. Third, they represent a broad range of industries—heavy equipment, food, pharmaceuticals, office products, retailing, toys and banking. It should be added that none of these companies are perfect and they do not have an unblemished record of ethical marketing. However, their practices distinguish them from most other firms.

Caterpillar

Caterpillar is headquartered in Peoria, Illinois and sells heavy earth moving equipment and other industrial products. Its trademarked yellow-colored machines are well known throughout the world. The firm employs over 90,000 people in fifty countries. Caterpillar sells its products through almost two hundred dealers who are located throughout the globe.

The company has long been a leader in promulgating and promoting its code of ethics. As one executive said in an interview with this writer, “It is our Bible.” The company expects its employees and dealers to follow the precepts of the Caterpillar Worldwide Code of Conduct in the selling of its equipment.

The latest version of the code is an innovative approach to meld two types of ethics statements—values and code of ethics—into one document. The four values around which the code is organized are:

Integrity: The Power of Honesty. Integrity is the Foundation of All We Do…

Excellence: The Power of Quality. We Set and Achieve Ambitious Goals…

Teamwork: The Power of Working Together. We Help Each Other Succeed..

Commitment: The Power of Responsibility. We Embrace Our Responsibilities..

Each of these values are followed by at least seven additional statements with a paragraph explanation. The full code is available on the Caterpillar website at www.caterpillar.com/.

What sets this company apart is not only its leadership in terms of having and revising its statement frequently, but also that it has codified its core Midwestern values and set those down for the world to see. According to its current CEO, James Owens (2007), the four values serve as the foundation for the company's strategic pyramid. From an ethical marketing standpoint, the company has gained a worldwide reputation for practicing and implementing these ethical values on a daily basis.

General Mills

General Mills is a Minneapolis, Minnesota-based consumer food products company with over 28,000 employees. Its brand portfolio includes over 100 leading brands. In 2001, General Mills bought Pillsbury from Grand Metropolitan and thus merged two of the largest food companies from that city.

Although General Mills has an extensive code of ethics (prominently displayed on the home page) that features its five core values (e.g., Do what is right—every day, treating employees well, maintaining consumer trust, etc.) and six stakeholders, a distinguishing factor in its ethical approach is that the firm has developed responsible advertising and marketing statements. General Mills is one of the few marketers to explicitly recognize its role in being a responsible marketer.

In its responsible advertising section, the company indicates that it can play a positive role in providing lower calorie, higher nutrient and more nutrient-dense products by leading on issues of health and wellness. In its advertising, General Mills says it will focus on balance, moderation and exercise. It also touts that it will be a 'family-friendly' advertiser.

In its responsible marketing section, the firm focuses on its responsibility to children. It says that General Mills will not advertise on programs targeted to pre-school children and will only promote lower calorie versions of products to children. It should be noted that this is a departure from their longstanding policy of advertising sugared cereals such as Lucky Charms and Trix. The company also lists over ten activities that it will limit in the marketing to children (see www.generalmills.com/corporate/commitment) and also has a child marketing review council.

Johnson & Johnson

J&J is a large health care and medical products company. Among its subsidiaries are the European-based, Janssen Pharmaceuticals and its medical devices firm of DuPuy. It employs over 100,000 worldwide in its 200 companies that operate in over 50countries.

From and ethical standpoint, the company is best known for its recall of Tylenol after two poisoning incidents in the 1980s. The quick and transparent action that the company undertook in these times of crisis makes those decisions the 'gold standard' by which others in business is judged.

What guided the company then and now is its famous J&J Credo, a four paragraph document (see www.jnj.com/ --Our Company) The credo outlines company responsibilities to customers and users, employees, communities and stockholders. Executives of the firm indicate that the order is purposeful in that satisfying the first three stakeholders will lead to fair return (words used in Credo) to shareholders.

The ethical marketing approach is demonstrated by the fact that the credo is translated into over forty languages and framed versions appear in most offices. (This writer witnessed two large framed credos in a Janssen office in Ireland.) The company uses the credo as a guide to its daily decision making. Although it occurred a number of years ago, a marketing example was the discovery by J&J scientists that use of its baby oil for sun tanning purposes might lead to skin problems. The firm had produced an ad campaign that stated: “Burn, baby, Burn” in a tanning scene. Once the company found out, this advertising was stopped (Williams and Murphy 1990). One other hallmark of its commitment to the credo and evaluating decisions using it is the periodic research that the company conducts. A bi-annual survey asks all employees how their office or plant follows the credo in almost line by line detail. The results of the survey are used to evaluate the management at its locations.

Xerox

Xerox is a Connecicut-based manufacturer and marketer of digital imaging and printer products. It was headquartered in Rochester, New York and still employs more people in that area than anywhere else. Its total employment amounts to approximately 55,000. In the early 2000s, the company encountered major accounting irregularities but have bounced back from that crisis.

The current CEO, Ann Mulchay, is credited with demonstrating needed leadership after the company's fall from grace. She was recently featured (George and Sims 2007) as one of the most revered ethical leaders in corporate America. Since her background was in marketing, she follows the adage: I will go anywhere, anytime to save a Xerox customer.

The firm's commitment to ethical marketing is demonstrated by the extensive treatment that customers and suppliers receive in its code of conduct. Major topics include gifts and entertainment, protecting customers' privacy rights, supplier guidelines and fair competition and pricing (see www.xerox.com--citizenship) . The sales force is expected to adhere to these policies and practice them or pay serious consequences of possible dismissal from the company. As noted elsewhere (Murphy et al. 2005), too few companies provide explicit guidance to employees on issues that are pertinent to their company and industry.

Under Mulchay's leadership, the company has embarked on an extensive citizenship initiative that includes not only its ethics and integrity efforts but also environmental, diversity and community activities as well (see website noted above).

European Examples of Ethical Marketing

Like the American counterparts, the European companies are for the most part large and well known firms from several countries. They are recognized not only for their marketing prowess but also their commitment to ethical marketing.

Carrefour

The Carrefour Group was founded in France during the 1950s. In the early 1960s the firm pioneered the concept of the hypermarche. It has grown since then to thousands of stores (hypermarkets, supermarkets and convenience stores) with almost 500,000 employees and is second only to Wal-Mart in size. Carrefour operates mainly in Europe, Brazil, Argentina, the Dominican Republic, Columbia and parts of North Africa and Asia (over 100 hypermarket stores in China).

The firm's approach is to promote globally responsible retailing (see www.carrefour.com). Its core values are freedom, responsibility, sharing, respect, integrity, solidarity and progress. Carrefour's "Responsible Commerce" initiative includes positions on product safety and quality, nutrition policy, and its social and ethical approach with a strong emphasis on respectful and fair treatment of employees. The company's Social Charter with supplier builds on the International Federation of Human Rights document that Carrefour agreed to in the late 1990s.

Carrefour is also a leader in the environmental and sustainability areas. The company has committed itself to: reduction of impact on greenhouse effect, protection of natural resources, waste reduction and management, preservation of water quality and availability, and preservation of biodiversity. From a marketing ethics perspective, the company has also agreed:

> To strengthen environmental considerations in the design of our products and packaging and develop product lines that respect environmental and social criteria;
>
> To strengthen environmental considerations in logistics;
>
> To reduce environmental impacts related to construction and operation of stores, including impact related to our commercial publications and catalogues.

The firm has also prepared both a sustainability report and social audits for a number of recent years.

Carrefour only published its first code of ethics in 2004 and has revised it once since then. Like many large firms, it has occasional legal problems that arise. In 2007 it was convicted by the

French court for false advertising and selling products below cost. On balance, though, Carrefour appears to be an ethical and responsible marketer.

Co-Operative Bank

The Co-operative Bank is headquartered in Manchester, England and employs over 4,000 people in over 90 branches located throughout the country. The bank instituted a new 'Ethical Policy' in 1992 that has served as the foundation for its marketing strategy since that time. It was a conscious positioning of the bank to make ethical, social and environmental performance the centerpiece of its brand identity and customer identification. The bank has revised its policy four times since 1992.

The latest version contains seven separate sections (see www.co-operativebank.co.uk/ good with money tab). The bank will **not** invest in the arms trade, genetic modification and animal testing. It supports human rights, corporate responsibility and global trade that include an emphasis on fair trade products, social enterprise and environmental causes such as renewable energy. The bank also reports the percentage of customers who support its policies and the numbers are usually in the 90+% range.

A book (Laszlo 2003) that featured Co-operative Bank as an example of a sustainable company stated that the bank should be credited with two innovations in linking stakeholder performance to financial results.

1. It has moved from cost-benefit analyses, such as the additional cost of purchasing renewable energies as opposed to purchasing fossil fuels, to a company-wide profit impact analysis. By doing so, it has helped to capture revenue and growth impacts from

brand value and customer differentiation that individual sustainability initiatives typically fail to capture.

2. Its accounting systems use a fully costed activity-based managements system for its product profitability and new green accounting measures (pp. 86-87).

Two other aspects of the Co-operative Bank's ethical marketing program are noteworthy. First, it has instituted the Inclusive Partnership Approach that identified seven partners or stakeholders to whom the bank has a responsibility: members, customers, employees and their families, shareholders, suppliers and partners, the community, the wider/global society and past and future generations of co-operators. The bank has indicated that it has a responsibility to balance the needs and aspirations of each of these partners with others over time. This position is a very good example a company that follows the definition of ethical marketing. The second point that relates to the first is that the bank has published a Partnership Report each of the last several years. Each report has a different theme and is widely distributed to the bank's stakeholders.

Lego

Lego is the well-known maker of plastic bricks that can be assembled into many shapes. The company was founded in Denmark and still operates there. As most Lego enthusiasts know, Lego means "play well." The company has had a longstanding commitment to ethical behavior. Their policy is never to show any pictures on the packages that cannot be assembled from the bricks inside. Also, the photos on the package are never larger than the actual size. The policies demonstrate that the firm takes its commitment to children and families seriously.

As noted on its website (www.lego.com), the firm does business in a responsible way. It has had a code of ethics for its vendors since 1997. The code follows the principles of the United Nations

Global Compact: child labor, compensation and working hours, discrimination, coercion and harassment, forced and compulsory labor, health and safety, freedom of association, the environment and anti-corruption. The firm also has a monitoring program for its suppliers. It is mildly disappointing that no explicit mention is made in the code about its marketing and advertising practices noted above.

Because of cost pressures, Lego has engaged in out-sourcing in recent years. It has closed its plant in the U.S. and moved production to Mexico. It also has relocated some of its Denmark operations to the Czech Republic and Hungary. The challenge to Lego, as it is to other firms, is to follow its code in these new locations even if local laws are not strict regarding health, safety and the environment.

Novartis

This Swiss-based pharmaceutical was the product of a merger between Sandoz and Ciba-Geigy. It has operations throughout the world and employs over 100,000 workers. The company was an early signer of the United Nations Global Compact. After the commitment to UNGC, the CEO, Daniel Vasella started a new corporate citizenship initiative. He saw this effort as an outgrowth of Novartis' commitment to human rights. One observer (Tavis forthcoming) who has studied Novartis in depth commented: "At Novartis, corporate citizenship is not considered a socially responsive add-on. It is intended to be an integral, necessary component of a successful pharmaceutical company."

This effort consisted of five specific guidelines:

Guideline #1: Management of Corporate Citizenship This initial guideline regulates the scope and applicability of those that follow. It sets the structure for the "active management of corporate citizenship.

Guideline #2: Fair Working Conditions. This guideline is directed to human resources, including the related aspects of human rights. The creation of a reporting system is an important component of this guideline.

Guideline #3: Business Ethics-Bribes, Gifts, and Entertainment. This guideline covers a topic not initially included as a Principle in the Global Compact (Principle #10 on corruption was added in 2004). In 2002, the guideline drew on the provisions of the Novartis Code of Conduct.

Guideline #4: Human Rights. The focus on this guideline is on Principles #1 and #2 of the Global Compact: "support and respect the protection of internationally proclaimed human rights within their sphere of influence" and to "make sre that they are not complicit in human-rights abuses."

Guideline #5 concentrates on third-party relationships. The Novartis Policy on Corporate Citizenship states, "We give priority to business partners, suppliers, and contractors who share our societal and environmental values, and we support their efforts to promote these values through their business activities."

These five guidelines set a high bar for Novartis to meet. In examining the bribery and gifts guideline, some of the wording is rather general and although it is a detailed guide, it may not be as beneficial for the individual as the company intends it to be.

Conclusion

These eight companies are good illustrations of the definition of ethical marketing and several of the basic perspectives outlined above. Other American companies like Patagonia, Stoneyfield Farms and Timberland could be included (Hirshberg 2008) as well as European firms like B&G (British home improvement company featured in Hilton and Gibbons (2002)), Danone and Novo Nordisk merit consideration.

Several common elements are present in the companies examined here and others that fall into the ethical marketer category. They are:

1. **Ethics Policies.** One important characteristic to note about all of these organizations is that they have put their commitments about acting with integrity into writing. Often theses declarations of company principles take the form of "Values Statements" or "Codes of Conduct." Several of them have both types of statements. The Co-operative Bank, General Mills and Xerox all have statements tailored to specific marketing responsibilities.
2. **Stakeholder Orientation.** Stakeholders consist of all the parties affected by the operations of an organization. Ethical exemplar companies, like those profiled above, commit to a stakeholder orientation because it recognizes the rights, claims and presumptions that other parties expect of business organizations-especially those that go beyond the basic requirement of law. This stakeholder emphasis also relates to BP 6 in the ethical and socially responsible framework.
3. **Leadership.** Ethics is deeply tied to leadership in that a commitment to ethics often derives from the top of the organization-typically the CEO; it also involves having a vision that goes beyond simply maximizing short run profitability. Several instances of

top management leadership were noted above and a recent best-selling leadership book (George and Sims 2007) provides a number of other examples of ethical leaders.

4. **Trust in Employees.** The ethical promises of organizations must often be delivered by employees. Employees embody the principles of the organization in their delivery of products and services and their discharge of company policies. Companies that are ethical exemplars seem to create extraordinary partnerships with their employees. This is the focal point of BP1 and sets the standard for builds on the notion that satisfied employees will lead to satisfied customers.
5. **Awareness of Social Responsibility and Obligations.** The ability to discharge ethical duties depends, in part, on cultivating the aptitude to see a "greater responsibility" than the minimums required by law. All of the eight firms have strong CSR programs that are closely identified with their ethical posture. Although it was highlighted only for a couple of these firms, they are the most part champions for a more sustainable future. Ethical marketing is only one dimension of an enlightened corporate program that sees its broader role as contributing to society as well as satisfying customers and other stakeholders.

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