The ethic of ‘free advertising’ and the Fourth Estate

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As public relations practitioners increasingly use new technologies to advance their agenda, could journalistic ethics and the role of the journalist in society become compromised? This paper explores the use of internet technology – in particular the emailing of media releases – by public relations practitioners, examining the gains for both public relations practitioner and journalist. This paper highlights increasing pressures faced by journalists that may allow public relations practitioners to achieve more than merely free advertising. Where do journalistic ethics come into play? This practice could not only challenge the media’s role as the Fourth Estate it could also allow public relations practitioners to become pseudo journalists and perhaps allow the news agenda to be set by public relations practitioners and those they represent.

Technology has changed the way we look at the world. It has also changed the role of the journalist and just who is a journalist. There has always been an issue about what constitutes a journalist but today anyone can write a blog, produce a video stream or even just post ideas on the web. Blurring an already grey area, Channel 9 has recently coined a new phrase: “citizen journalists”. A citizen journalist sends the channel either information or photos for consideration for broadcast or publication. These citizen journalists have the ability to influence a story and set their own agenda. This practice does nothing to define the role of the journalist. According to Merrill, Gade and Blevins (cited in Richards 2005: 102):

We have never been really sure just who is a journalist but with the coming of public relations, then radio, then television, and now the Internet, determining just who is a journalist becomes next to impossible.
Journalist Mike Carlton says the public is finding it increasingly difficult to work out who are entertainers and who are journalists (cited in Lumby & Probyn 2006). This blurring will continue to grow and, as Carlton states, “now employers are there for the advertisers and the ratings and so on”. This trend of placing more importance on economics than journalistic integrity will continue, forcing journalists to look for ways to “shortcut” the news.

Mark Pearson, journalist and communications academic, has found that journalists now face the prospect of some 169 new tasks as the result of technological advancement (cited in Richards 2005). Perhaps this new technology is more a hindrance than a help to the working journalist. Are email, the cut-and-paste facility on computers, and online (virtual) media rooms making the journalists’ role harder rather than easier?

Faxing and sometimes mailing the media release were considered the “norm” until the past few years. Faxing the news release meant that it went to a central area of the news room and depended on someone picking it up and finding the intended recipient. Email, however, has changed the mode and speed of delivery. A number of public relations practitioners, in a yet unpublished paper, state that by emailing a media release:

- It will go directly to the journalist(s) they are targeting. While they know that the email box might contain up to 300 other emails they believe this gives them an edge.
- Journalists will not have to re-enter the information as they had to when they received a media release by fax; they can merely cut and paste it into another document.

Technological advances mean it is now much easier to plagiarise and it can at times be much harder to detect. Plagiarism is always frowned upon by the media industry with a number of
journalists’ voluntary ethical codes of practice clearly stating “Do not plagiarise” (Media Entertainment Arts Alliance; Richards 2005). Although using the media release verbatim is currently considered by public relations practitioners and journalists a trade-off for “free advertising”, sometime in the future the use could be considered plagiarism or copyright infringement. It may be that the humble media release when used verbatim may become a news item, “editorial” or advertorial piece; or it might simply maintain its current role of free advertising.

If using the media release becomes accepted as free advertising the media industry may be dragged into something similar to the “Cash for Comment” scandal which rocked the radio industry in Australia in the last decade. Although in that instance the “jocks”, not journalists, were being paid for their services in what can only be described as editorial comment, the issue could raise questions for other forms of media. Although cash may not change hands, favours in the form of free advertising could be viewed as a type of payment.

Normally editorial is not up for sale at any price. Just because someone advertises with an organisation does not necessarily mean great coverage in other areas of the media. However, sometimes integrity is cast aside for pragmatic reasons. Sometimes, particularly in regional areas, the editor of these media organisations is both editor and advertising salesperson (Macnamara 1996). They have to meet two distinct deadlines: the creating of the paper and the sales profits. There are now more advertorials, a type of hybrid cross between editorial comment and advertising, in all papers. Many weekend supplementaries within papers are nothing more than advertorial pieces which have their origins from media releases.

The ABC news critique Media Watch continually mounts a crusade against the unethical practice of passing a media release off as a news story or advertising. The episode “Keep on trucking” aired 16.5.04 (Media Watch 2004) highlighted just how easy it is to pass a media release off as a story. A News Limited journalist had used
media releases from Hino Motor Sales, Moreton Institute of TAFE, Isuzu Truck Power and Jack Daniel and presented them verbatim as news stories to the consumers. All four were used simultaneously. Other than changing the tense of a few verbs the releases were word for word. According to *Media Watch*, this was not a phenomenon for the News Limited journalist; it was commonplace. *Media Watch* also stated that News Limited did not care because the stories had sold ads. It is a theme unfortunately that occurs throughout the media industry (Blyskal 1985; Denton 2000; Garis 1979; Macnamara 2006b; *Media Report* 1999; *Media Report* 2002; *Media Watch* 2005a and 2005b).

In 1980 the *Columbia Journalism Review* reviewed the 4 October 1979 edition of *Wall Street Journal* and contacted a number of companies that had appeared in that edition in an attempt to track how the media releases produced by them had appeared in the *Wall Street Journal*. Of the 70 companies that replied, 53 reported that news stories had been written based solely on the press release, and 32 of these stories used the media release content verbatim. Twenty-one respondents said the media release had been used as the basis for the story but additional information was included (Blyskal, 1985).

Research conducted in Australia by Clara Zawawi in her ongoing PhD thesis on the ‘Interactions between Australian Public Relations Practitioners and Journalists’ found that public relations practitioners claimed they had high coverage rates of material sent to journalists (Macnamara 2006b). Zawawi followed 1163 articles published in the *Courier-Mail*, *Sydney Morning Herald* and the *Age* to identify the origins of each article. Her research indicated that “47% of articles in these three major metropolitan media” (Macnamara 2006b) were the result of public relations activity i.e. media releases.

Although a relatively new phenomenon, the video news release can be run “as is” with no editing. One example of this recently occurred in the United States of America where public relations practitioner Karen Ryan produced a video news release which was played in its entirety on television stations. At no time during the
piece did Ryan identify herself as a public relations practitioner. Instead she used phrases commonly used by journalists such as “I’m Karen Ryan reporting” (Griffe 2006). Although criticised by media for this, Ryan found that her piece ran verbatim on a number of American channels without any editing.

This practice also happens in Australian regional stations. Government public relations practitioners often create video news releases as a means of providing information. Laurie Oakes, a senior member of the Canberra Press Gallery, says this practice means the government minister is not questioned, and the public receives “straight-out propaganda” (Richards 2005: 104). Oakes also suggests this practice could become more commonplace because of technology. The video news release could be uploaded onto the internet and then simply downloaded by media organisations and put them on the air (Richards 2005).

Of course, this technology is not limited to political parties. Most, if not all, organisations or corporations have access to the internet. By video taping the news release managers and others will provide both information and answers without the questions. Media organisations are continually growing and becoming more business orientated. Business places the shareholders and profits before all else which might be in direct conflict with the priorities of journalism (Media Report 1998). As with any business restructuring, retrenchments usually occur. The media industry is no exception with journalists possibly being the first “out the door”. If they survive the takeover or merger journalists will no longer be participants in a small structured organisation, they may become just a small fish in a big pond. This pond may actually feed into a larger stream with many of the media organisations having financial interests in other corporations or organisations. Working for one organisation may now mean journalists are working for several organisations all with their own agendas.
In Australia, the federal government was moving in the second half of 2006 to allow media organisations to have ownership over a number of different forms of media within the one area. This monopoly of news will may mean that the Australian public might receive only a sanitised form of the news. And journalists may be caught in the middle.

These new changes to a more business structure also highlight a decline in the more expensive forms of news reporting, such as investigative reporting. It also illustrates a shift towards a growing trend of lighter and, therefore, less expensive forms of journalistic stories (Lumby & Probyn 2006, Richards 2005). According to Richards (2005: 85), this corporatisation of the media is one reason why the public relations practitioners “appear to have become more influential with journalists in recent years”. However, this growing reliance on both public and corporate public relations practitioners means that the journalists may become nothing more than mouthpieces for the corporations and public relations practitioners who represent them. Journalists may thus be more likely to accept the claims of the media release and “regurgitating what ever spin has been placed on the information” (Richards 2005: 90) without checking out any other source or sources.

As yet unpublished research indicates that because of a lack of resources journalists are being forced to use more of the media releases than previously. The whole media release may not be used verbatim as the complete story but a number of journalists admitted that the media release or quotes from the media release were often used verbatim as the main body of the article. Resources are so badly stretched that many journalists no longer get out and about especially in regional areas. Rounds people may never actually get around anything but their desks!

This reliance on media releases is not necessarily a new phenomenon. According to one participant in the unpublished study,
Sir Frank Packer is reported to have ordered that no more media releases were to be used in his magazines; he wanted all articles written “from scratch” by the journalists. This lasted a week as the quota of news stories needed to fill a magazine could not be met. However, this example is from the 1960s and corporatisation was not as prevalent as it is today.

Media personnel are often forced to seek out information from public relations practitioners. In 2001 an email was sent from a leading national TV program, Good Medicine to 86 public relations firms who had health, medical and pharmaceutical clients. The email read:

“Hi all,
just a quick reminder. If you have any suitable health/medical stories, please let me know
Cheers
(name)”
(dated 31 July 2001). (Macnamara 2006b)

Although this is only one example, it highlights how the media and public relations practitioners rely on each other and how they interact professionally.

Business thrives on favours. And as media organisations become more business orientated they may become forced to look at the issue of favours. There can be pressure on journalists to promote or cover other sections of the corporation or “friends” of the corporation in a more favourable light. Close alliances play an integral part of today’s business. Today’s business enemies can be tomorrow’s business partners and with acquisitions happening almost daily a media organisation may find it has strange bedfellows and these bedfellows may want favours. The Publishing & Broadcasting Limited (or Packer) empire is one example of this as it has interests in a number of not just Australian businesses e.g. television and casino ventures – it also has interests overseas.
Boardroom decisions to focus on corporate profits (Lumby & Probyn 2006; Media Report 1998) and self interests of the corporation or organisation may have to come before the story. As Ben Bagdikian, a media analyst with a journalistic background states, “…the larger the media company the greater favours it can ask for, and the more likely it is to have ‘friends’ who are given preferential treatment in the news” (Richards 2005).

Although journalists may attempt to distance themselves from these favours in their writing it may be something they are unable to do or more importantly something their readership may not be able to do. If they deny these requests for favours journalists may face the very real prospect of retrenchments. According to Norris (Norris 2000) journalists in Sweden enjoy the privilege of a “conscience clause” where a journalist is allowed the luxury of following their conscience without fear of recrimination.

Marxist theorists view the media as a tool used by the institutions of society to maintain the status quo by convincing them into what is considered a false consciousness. Through this manipulative process the media may become mere pawns in convincing the public that the thing they don’t really need is the thing they desire most (Berger 2005; Gikandi 1996). According to Baudrillard (Felluga 2002):

We therefore no longer acquire goods because of real needs but because of desires that are increasingly defined by commercials and commercialized images, which keep us at one step removed from the reality of our bodies or of the world around us.

If, as Marxist theory suggests, the media has the ability to shape the consciousness of much of today’s society and these same media organisations claim they have the “power when they sell advertising space or time” (Berger 2005) the media organisation is in an extremely powerful position. The idea that such large organisations are owned by a small group of people raises the
question of manipulation. Is it an issue of whether the media are becoming manipulative in their roles or is it more about who is manipulating the media?

**Journalism**

Journalism has the role of presenting society to itself. For many people, the shape of their country and their world comes from the words a journalist compiles whether they are in printed, audio or visual format. The journalists, as gatekeepers of information, select the events which will be conveyed to the public through news reports.

With this role comes responsibility. The role of the Fourth Estate is one of trust and the public has high expectations for journalists and the work they produce. The public believe that the news provided by journalists will be written in an unbiased yet accurate fashion. Compassion is also viewed as desirable when the need arises. Not only are journalists suppliers of information, but they also maintain the public’s right to know through the concept of free speech, something considered to be the cornerstone of a democratic society. Journalists do not exist in a vacuum: they often do not remain totally neutral in their communities and can often shape both cultural and political practices either intentionally or unintentionally (Jary & Jary 2000; Ward 2005).

Just how much they shape their communities can depend on their role in the society. As society has evolved so has the role of the journalist. Authoritarian theory has its roots in the seventeenth century when it was unlawful to criticise the ruling monarchy or government. The role of the media in this theory is to support the actions and policies of the ruling government; this should promote unity and solidarity amongst citizens while maintaining the status quo. This theory also advocates that government intervention in the media does not actually cause problems - rather it can prevent problems. Freedom of the press is extremely limited and censored
under this theory. As liberties were granted to society, media theory evolved. Under libertarian theory the role of the media is to protect people’s liberties through information which will enable them to participate in a democratic society. The media should be free to express itself without government intervention. Libertarian theory evolved in the twentieth century into social responsibility theory. This theory attempts to balance the freedom of the press with its social responsibility. For discourse to occur between various publics media should provide the public with a forum to enable this process to occur.

Today’s Australian media industry is self-regulated and follows the social-responsibility model. This self-regulation is conducted through a number of agencies including the Australian Press Council and the Media Entertainment and Arts Alliance (MEAA). As the code of ethics and practice for these organisations is voluntary, there is no formal requirement for the journalist to follow any guidelines. If a journalist fails to adhere to the organisation’s code of conduct and ethical guidelines s/he can still work. The professional code of conduct for journalists and code of ethics for journalists will mean nothing if there is a lack of personal ethics. Immanuel Kant – an advocate of teleology – believed that you should just do the right thing; however, that is not always possible as many of today’s journalists face pressures from within the media organisations for which they work.

The 1977 British Royal Commission on the Press (cited in Jary & Jary 2000) found advertising can structure media content. The media are considered to be the independent third party needed to make acceptance of the information real in the eyes of the consumer. By using a media release verbatim journalists may unintentionally be legitimising the product or information contained within the media release. Media will no longer support the needs of a democratic society; instead they will become mouthpieces for capitalism. Members of lower socio economic groups may become marginalised and feel disenfranchised from society.
Public relations

Although the public relations industry has been around for centuries it was not actually recognised as a distinct practice until the early twentieth century when Edward Bernays, who was a former journalist, presented himself as a public relations professional. Bernays believed that being a former journalist gave him an insight into what made a good story. This idea is still in practice today with many public relations practitioners either coming from a journalistic background professionally or academically (Denton 2000; Heath 2001).

Is it possible that this background allows the public practitioners to set the news agenda? Public relations practitioners are very much aware that their media release has to be something that will appeal to journalists, something journalists will consider newsworthy. If it does not have that appeal then they will often add children or an animal to the story because those additions will have human interest appeal and newsworthiness. Another tactic is to plan the timing of media releases, waiting for a slow news period so the release may have a better chance of publication.

Today’s public relations industry is considered by business as an important marketing tool because traditional forms of advertising are struggling to maintain the public’s attention. According to Baudrillard (Ward 2005) the advertising industry may be cancelling itself out. The public are becoming so saturated by advertising that they now just tune out.

Hans Bender, manager of external relations at Proctor and Gamble (cited in Economist 2006) stated that often the return from a public relations campaign is better than past traditional advertising practices. A typical advertising budget for Proctor and Gamble is approximately $4 billion annually (Economist 2006). Using public
relations campaigns rather than traditional advertising is becoming part of the changing advertising strategy for business in America.

Tools used by the public relations industry include media conferences, setting up and making available interviews for journalists, providing photo opportunities and providing media kits which often contain complimentary gifts from clients to media. Public relations offers value for money because of the diversity of services offered. Each client can choose a number of services or just one, making the public relations industry both versatile and economical. Public relations practitioners can skilfully steer the media to the right person to interview within an organisation or company, this skill can have more than one reason; it can allow the journalists to identify the correct source for further information while limiting the access to other individuals within the organisation.

There are ethical concerns about manipulation of the media in this way. Teleology and deontology are theories that offer some insight into the ethical concerns of the public relations industry. Teleology is an ethical approach where the ends justify the means. Although this may seem potentially unethical it is intended to provide the greatest good for the greatest number. This utilitarian approach will work only if everyone adopts the same principles and applies them to society where it will achieve the greatest good for the greatest good (Heath 2001; Jary & Jary 2000). However not all public relations practitioners will adhere to these principles because each practitioner will be guided by their own or companies agenda.

Deontology is another ethical approach which describes situations where decisions are made mainly by considering the rights of others. Deontology also suggests people need to live by a set of clearly defined principles that do not change when circumstances change. In deontology the ends do not justify the means. Each situation in deontology is usually dealt with on an individual basis for the rules can not always be followed. Immanuel Kant was an advocate for deontology theory because he believed just do the right
thing and that all people should live for the universal good of all (Heath 2001; Jary & Jary 2000). For Kant, public relations practitioners should adhere to a set of moral principles at all times provided it is in the best interests of everyone: this includes the company, organisation and their stakeholders. The people should be given the information, free from interference and be able to decide for themselves.

Although there are a growing number of ethical theories that are appropriate to public relations, Kohlberg (Heath 2001) states there are six stages of ethical decision-making for public relations practitioners:

- Stage 1, where the public relations practitioners do exactly what is asked of them for fear of reprisal by others, usually a superior.
- Stage 2, where the public relation practitioner undertakes a particular action for a personal gain.
- Stage 3, where public relations practitioners place the goals of their organisation or company above all else. This reasoning may include aspects of both the teleological and deontological approaches, provided they produce a positive result for the corporation or organisation they represent.
- Stage 4, where public relations practitioners obey the letter of the law.
- Stage 5 is universal teleology or utilitarianism where not only is the decision made for the benefit of the corporation or organisation it also considers the public benefit.
- Stage 6, which is a form of act deontology where each decision made by the public relations practitioner is considered because of its advantage to society based on equality, justice and fairness.

Kohlberg does not believe that any stage is better than the other, unlike the models presented by other public relations theorists Grunig and Hunt. Grunig and Hunt believe that their two-way symmetrical model offers the best way for communication to take
place between corporations and their publics (cited in Johnston & Zawawi 2000). This two-way symmetrical approach is similar to Stage 5 of Kohlberg’s theory. Although different in their approaches, Grunig & Hunt and Kohlberg agree that many public relations practitioners and the companies or organisations they represent use a combination of these stages to achieve the end result (Heath 2001; Johnston & Zawawi 2000).

Using a combination of these stages allows the media release to be a versatile tool for it can be adapted to the public relations practitioner’s client.

The co-orientation model is consistent with Kohlberg’s Stage 3 model. Using this teleological approach means public relations practitioners aim to achieve the “convergence of perspectives between an organisation and its key publics” (Heath 2001). The key publics, in relation to this paper, are journalists. Although performing different roles from journalists, in this model the public relations practitioner is judged by the same standards and codes of practice as journalists. Although some public relations practitioners come from journalistic backgrounds they should not be judged by the same codes for they perform very different roles (Heath 2001).

The social-responsibility model of advocacy has its roots in Greek philosophy and is similar to the social responsibility model used by journalists. Edward Bernays was a follower of this model of public relations where persuasion is the key to successful public relations practices. In this model the public relations practitioner supplies the information and the public then have the ability to make an informed choice. In other words public relations practitioners will supply the information and then it is up to the journalists, in their role as gatekeepers, to make their own choice about if they use that information or discard it. Persuasion, or the advocacy model, is not considered an unethical practice by public relations practitioners unless it is used to distort the truth or prevent information.
The media release is considered an advocacy tool because it provides information about a company or organisation in a persuasive format. However, responsibility to the organisation or corporation that they are representing means the public relations practitioner writes the media release from one side. If the journalist decides to use the media release unchanged they might provide an unbalanced article therefore limiting the free choice concept.

Professionalism is the rule of deontology or Stage 4 of Kohlberg’s model and consists of a number of codes and accreditations. This generally means that there is an ethical standard maintained by members of professional associations. Today the public relations industry is self-regulated, and professional associations provide codes of ethics which offer guidance to their members. Membership of these organisations is voluntary and, although it usually contributes to a professional attitude, there is no evidence that practitioners who are not members are any less ethical in their professional life (Macnamara 2006b). Associations such as the Public Relations Institute of Australia, International Public Relations Association, and the Public Relations Society of America provide guidelines about what is acceptable. However, they have omitted guidelines to identify unacceptable behaviour.

Should the public relations industry be moving away from self-regulation to one where there is some form of regulation similar to lawyers and doctors; where if guidelines are not adhered to the practitioner cannot work? Any changes to this form of regulation are likely to be met with a mixed reaction and the question remains would it change ethical conduct or merely promote a more professional image?

There are four main elements to the “mechanics of public relations” (Blyskal 1985; Macnamara 2006a). These stages allow a carefully engineered manipulation of consumers to occur (Blyskal 1985; Macnamara 2006b). These stages are:
1. A message to be transmitted.
2. An independent third party to convey the message.
3. A target audience.
4. A media though which the message can be transmitted.

Of these four stages the most important is the independent third-party endorser. The media fulfil the criteria needed for an independent third party to convey the public relations message to the public.

**Advertising**

Because of advertising’s potential to be a powerful tool and influence consumers, it is under the control of two distinct forms of regulation in Australia (Gibson A. & Fraser D. 2001):

1. Self regulation – by the agencies of Australian Standards Bureau Ltd and the Advertising Federation of Australia as well as a number of voluntary codes of conduct which are directed towards things like types of media and the content

Self regulation is handled by more than one organisation:
- The Advertising Federation of Australia is a voluntary organisation which asks its members, as a condition of entry, to commit to a statement of ethics and a code of practice. If members fail to adhere to the code of practice they face reprimands, fines and even expulsion from the Advertising Federation of Australia.
- The Advertising Standards Bureau of Australia Ltd manages the self regulation of advertising for the Australian Association of
National Advertisers which represents marketing and advertising agencies and their employees. Its code is voluntary and advertisers must adhere to the relevant Commonwealth and State legislation.

- The Advertising Claims Board. This agency is concerned with the truth and accuracy in advertising and has the ability to refer the complaint to the relevant government body for further investigation and possible penalties if they are found to be in breach of any advertising regulations.

**Government regulation**

As in many countries, Australia has legislation to protect consumers. Special care has to be taken by the advertisers or advertising agency to ensure that any advertising is accurate. Although it can often be difficult to determine just who may be liable for any breaches of this legislation it could include:

- The creator of the advertisement.
- The agency that created the advertisement.
- The person doing the advertising.

There are a number of defences that can be used including reliability of information and a reasonable mistake.

Is it possible for public relations to be masquerading as advertising? Although it can be said that both traditional advertising practices and public relations practices are different, they are both intended to persuade the consumers to believe they need something, often something they did not realise they wanted. However, advertiser and advertising companies pay to have their produce displayed in the media while public relations practitioners do not. Or do they? Public relations practitioners already recognise they give up their right of ownership of their media release.
This common goal of achieving the best publicity for their clients means that often public relations practitioners and advertising practitioners are considered to be one and it is easy to understand why. However there is one major difference between the two and that is the types of regulation. Although both have self regulatory bodies with a code of ethics, only one is governed by statute; the advertising industry.

Could it be that if companies or organisations spend more on public relations campaigns, which include the use of media releases rather than the traditional forms of advertising, they can achieve the same purpose? Is it a possibility that the media release will achieve the advertising requirement of many corporations or organisations while bypassing the legislation which exists to protect consumers? For public relations practitioners and advertising practitioners this would be an unintentional issue rather than an intentional one it has to be considered.

To avoid this imbalance and legitimisation of media-release information, journalists must return to the values of journalism. They must return to doing their own leg work and to checking any information supplied; they must probe behind the story. Otherwise, journalists may face the prospect of becoming translators of information rather than disseminators of information.

Rather than denigrate the public relations practitioners and the role they play perhaps journalists need to acknowledge the role played by public relations practitioners. If, as journalist John Lloyd (2006) states “dogs are journalists and public relations practitioners are lamp posts” then perhaps journalists need to be selective about which lamp post they use.

References


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