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## **Marketing communications and media: commercial speech, censorship and control**

### **Classic arguments, contemporary practices**

Advertising can act as a form of censorship in media in two main ways according to the arguments of a radical tradition of critical political economy. First, marketers can use their advertising expenditure to exercise leverage over the content decisions of media outlets that are dependent on their funding. Second, the aggregated ad-spending decisions of marketers determine what amount of advertising revenue goes to different kinds of media and in turn what kinds of expression is supported, or disfavoured, by the distribution of advertising 'subsidy'. Both affect content decisions, but the first kind of influence is 'instrumental' arising from intentional, purposive acts, while the second kind of influence is 'structural', involving effects that are beyond the control of individual marketers and are more 'impersonal' outcomes arising from the aggregate allocation of advertising expenditure. Both, but especially the latter, are identified in the concept of 'market censorship'. Those using this term seek to highlight that it is not only governments (or more broadly legal or political actors) that can exercise tools to control or 'censor' media, the market (commercial interests, or the broader commercial sphere) can also operate in ways that control or censor expression.

This section reviews classic arguments and considers their contemporary relevance and application. The broader context is a set of debates about market provision and about how

advertising influences, constrains and distorts media content, services and access. This is connected to debates on sources of control over communications and on what, how and by whom communication rights can be exercised. Classic libertarian and free-market perspectives promote a 'free', commercial media against government control. In Tudor England the powers of the Crown exercised strict censorship and control over communications: only those granted licenses could publish books or other printed content. The march to a 'free press' not formally subject to state licencing is hailed as the beating back of 'interference' in a story of liberal freedom (Siebert et al 1963: 1-71). Yet radicals, and concerned liberals (Siebert et al 1963: 73-103), counter by highlighting the new kinds of restrictions and controls exercised by commercial media owners, how 'freedom' to publish has been restricted by access to the capital to do so, and how market provision does not match the preferences and interests of users (Baker 2002; Hardy 2014). Radical political economists highlight that in addition to danger of state censorship there is market censorship: the allocation of advertising finance can act as a de facto 'licensing' system, determining how advertising 'subsidy' is allocated across those seeking to supply communication goods and services.

This has also been integral to an extended debate on the extent to which a market system protects or undermines values of freedom of expression, media 'independence' and plurality that liberalism espouses. The 'free press' model of commercial media makes such values contingent on privately owned and controlled media. Radicals argue that liberalism discounts the structural imbalances of power in capitalist media systems which amplify the voices and interests of elites, dominant capital interests and pro-system values through corporate ownership and control, marketers' influence on content and on resources following from advertising finance, a reliance on 'official' sources and on the public relations sources of resource-rich organisations, and the selection, management and overall socialisation of media professionals. For radicals, media plurality needs to extend to groups and interests marginalised within prevailing systems and cultures –which requires more thoroughgoing intervention into markets, and the ownership and control of private media, than liberalism generally sanctions.

### *Advertising influence: critical approaches*

One of the great strengths of the critical political economy (CPE) of media tradition has been its attention to the influence of advertising finance on the non-advertising content of media. Classic CPE contributions examine advertisers' influence on non-advertising content and media firms' behavior, with debates on the salience of instrumentalist and structuralist explanations. Instrumentalist explanations focus on the intentional actions and behaviour of actors who seek to control communications. These may range from marketers' efforts to shape specific content or actions to influence the editorial environment, to efforts to influence the broader orientation of media firms' output and their allocation of resources for telling stories and reaching particular audiences. Numerous authors such as Soley (2002) and Bagdikian (2004) examine instrumental power in the form of marketers intervening to censor or shape media content. Bagdikian describes how Procter & Gamble took action against outlets that breached its policy restricting reporting that 'in any way further the concept of business as cold [or] ruthless' (Bagdikian, 2004: 239). Procter & Gamble also would not allow its advertising in any issue of a magazine that included reporting on 'gun control, abortion, the occult, cults, or the disparagement of religion' (Baker, 1994: 55). Other studies have assessed advertisers' use of economic pressure, including the threat of, or actual withdrawal of, advertising spending as a means of influencing media coverage (Nyilasy and Reid 2011). Warner and Goldenhar (1989) found that an editorial bias (suppression of news on tobacco health risks) increased in magazines that benefited from the shift in spending of tobacco advertisers in the wake of the 1971 US ban on advertising tobacco on TV.

Critical political economists examine interrelationships between corporate media, advertising agencies and big business. For example, the tobacco giant Phillip Morris held seats on News Corporation's board, while News Corp. head Rupert Murdoch remained on the Morris board for 12 years. The pharmaceutical giant Pfizer had directors on the boards of Time Warner, Viacom and Dow Jones. Such corporate interlocks indicate the 'continuing symbiotic relationship between news, advertisers, and advertising' (Bettig and Hall 2012, 165; Bagdikian 2004).

Instrumentalist interventions by marketers certainly continue, as discussed below, yet structuralist explanations propose that advertising more usually operates as a 'impersonal force' (Curran 1986: 232) created by the cumulative decisions of advertisers seeking the most cost-effective vehicles to reach target consumers, thus creating a source of finance that is unevenly distributed across media. The implications of such uneven distribution of commercial subsidy for media serving poorer, ethnic minority audiences in the US are explored by Gandy (2000: 48; 1982) who finds: '[t]o the extent that advertisers place a lower value on gaining access to particular minority audiences, those who would produce content for that segment will be punished by the market...'.

Accounts such as Edward Herman and Noam Chomsky's propaganda model combine structuralist and instrumentalist explanations, with advertising finance amongst the five 'filters' that shape what news content is published by encouraging media to become advertising-friendly in order to compete for advertiser patronage (Herman and Chomsky 2008: 2, 15). Instrumental and structural are different kinds of influence that may operate in conjunction. and be mutually reinforcing. For instance, the journalist Ian Jack (2015) discusses how the Observer's opposition to the UK Government over what is known as the Suez Crisis in 1956 led to 'patriotic' brands not wishing to be associated with a 'treasonous' paper. The paper lost some older readers who condemned the paper's stance, and the paper's criticisms of Israel also lost it a formerly strong Jewish readership. The paper attracted new readers, yet for advertisers these 'were of the wrong kind – students, not nearly as affluent as those they replaced' (Jack 2015).

For C. Edwin Baker (1994: 44) the influence of advertising on non-advertising content can include favourable editorial coverage of advertisers' products and corporate interests, creating an editorial environment conducive to marketers' promotions, favouring higher income audiences, and reducing partisan or controversial content that may divide or delimit target audiences. Advertising, he argues, favours content conducive and connected to marketable goods and services and to disfavour content valued by or useful to poorer groups in society. The level of economic dependence on advertising revenue has always

been a key factor shaping the structure and content of different media. Baker (1994: 45-49; Rinallo and Basuroy 2009) summarizes factors that can affect the extent of advertising's influence within a given media outlet. These include the level and kind of economic dependence on advertising, whether widely distributed amongst many advertisers or concentrated on individual advertisers or organised groups. Advertising influence then depends on such factors as economic dependency: the proportion of income derived from advertising; reliance on particular advertisers, and wider market conditions. Another factor is the acceptability of advertising influence on content decisions (and the "cost" of public disapproval arising from knowledge of influence), which varies according to the media institutional arrangements and user expectations. When this 'cost' is internalised by media managers and workers, the influence of 'professionalism' may act to resist advertiser pressure, with professional norms another factor influencing behaviour. Consumer expectations and awareness of ad disclosure and ad separation from editorial are other, increasingly significant factors. Finally, Baker includes the implications of conglomeration, citing examples of advertisers applying pressure on one part of the conglomerate's business in order to influence another.

### *Critique*

The critical perspectives outlined above were formed in the era of mass media but have contemporary relevance across all ad-financed communication services, and commercial public media (news and magazine publications, broadcasting) in particular. Yet they also require modifications. The mass media conditions included media services funded very largely by advertising, such as free-to-air (FTA) commercial broadcasting (radio and television services). Drawing on revenue data from 2000-2002, Napoli (2003: 16-17) summarised the proportion of advertising revenue in the US market by medium as 100% for broadcast radio and TV, 60% for national cable TV, 70% for US newspaper revenues, 50% for consumer magazines. Commercial newspapers and magazines operate in a dual product market (selling to consumers and advertisers) with various ratios between advertising and sales income. This ratio of dependency in turn helps to explain the kinds of competition undertaken in chasing readers to achieve sales volume, or being more insulated from such

pressures by a higher proportion of advertising revenue, or orientated to attract only those readers valued by advertisers (Turow 2011; Sparks 1999).

Attention to advertising as a support mechanism for media remains of central importance, but it needs updating as 'possibilities for the direct influence of content keep changing' (Leiss et al. 2005: 120). In doing so, we need to distinguish changing conditions that are congruent with the earlier critiques and those that require alternative explanations. There is congruence across all ad-dependent media, to some degree; dual product market conditions pertain in many media, and have expanded from publishing to on-demand video streaming services, albeit in more complexly variegated ways. We have subscription models of payment combined with premium 'ad free' services and free (or freemium) services with unavoidable advertising being the price of access.

I have proposed elsewhere a framework for analysis of marketers' influence on non-advertising content (Hardy 2014, 2017, 2022a) that seeks to map the factors that tend to strengthen advertiser influence on media communications as well as countervailing forces that can serve to mitigate or contest advertiser influence. Such an approach seeks to bring the insights of earlier accounts into a more appropriate framework for examining emergent practices in convergent digital media. It proposes a more open analytical framework that incorporates political economic dynamics, regulatory contexts, work cultures and practices, as well as multiple sites of agency and user interaction.

The main factors that tend to enhance advertiser influence on (non-advertising) media content and services are: (1) the commercial orientation of the media entity and corporate level promotion of advertising revenue maximization; (2) the media entity's dependence on advertising finance; (3) the level of competition to attract marketing finance and the influence of competitor behavior; (4) corporate level relationships with marketers and marketing agencies; (5) institutional/operational level organisation and promotion of advertising integration (technical, labour, content creation, media-marketer interactions and transactions); (6) professional/ pro-am normalisation of advertising integration; (7) user involvement; user support/acceptance of advertising integration; (8) Regulation and governance arrangements that are permissive of advertising integration.

These should be addressed together with the main factors that constitute countervailing influences: (1) the non-commercial orientation of the media entity (public service, community, radical, etc.); (2) low dependence on advertising finance; (3) market conditions favouring media sellers rather than advertising buyers; (4) corporate/institutional level separations between media and marketers; (5) professional and pro-am practices, cultures and norms resisting advertiser influence; (6) users' actual/predicted responses in regard to their capacities as consumers and influential publics; (7) governance and regulation restricting advertising integration; (8) civil society action and influence.

(Hardy 2022a: 237, 229-241). These seek to extend the range of factors that need to be considered in assessing advertising influence in any given context. Yet, this framework, in line with the classic CPE perspectives outlined, regards advertising influence, overall at least, as operating to delimit media expression and favour endorsements of consumer capitalism over radical, anti-capitalist, alternatives. Advertising is a force for market censorship. The next section considers various challenges to those presumptions, arising from changing conditions.

### **Changing conditions: complicating commercial speech censorship**

#### *Advertising subsidy in the digital era*

The growth of digital advertising involves key changes. Marketers can pay to serve ads to users who are identified and targeted with ever greater precision and reach them across ad-carrying apps and sites they access. Under the pre-digital models, marketers were obliged to pay advertising rates to reach selected users set by the media publishers and providers. To reach affluent elite consumers, marketers would pay rates that supported the premium editorial content provided to attract those consumers, such as that of *The New York Times* or *The Economist*. Those demands remain, and help to explain the viability of premium media, especially those whose valued users are relatively 'light' users of larger audience, popular media vehicles with lower advertising rates. Yet, marketers can now bypass the 'subsidy' they paid for media content (Turow 2011; Turow and Couldry 2018).

## **Automation**

The digital advertising market is increasingly automated. Advertising is bought and sold to appear where users with targeted characteristics are located, load pages or apps, along with other kinds of selectivity. This means that the classical framing of intentional/impersonal marketer influence needs further revision. The automation of advertising markets and placement removes some brand control. This has also resulted in various debates and action concerning how brands should manage their relationship with advertising placement and adjacent content. Within the marketing industries the dominant framing concerns 'brand safety', ensuring that brand image and values are not compromised or undermined by positioning. Yet this opens an arena in which the issues of agency and responsibility in ad-placement are worked through in contexts of adtech, human decision-making and computer-mediated interactions (Ahmed et al 2022).

## **Branded content and media marketing-integration**

Classic CPE critiques of advertiser influence are based on various kinds of separation between advertising and non-advertising content. Many of those studies also illuminated the complex entanglements between advertising and media in historical forms (Baker 1994) but need to be developed further to address the contemporary range of integrations of media and marketing. This includes the growth of branded sponsored content in publications, native advertising formats across digital and social media, and influencer marketing. Such communications can exercise a form of 'commercial censorship' by promoting a selective account, subject to brand authorisation and control, yet borrowing the expectations of 'independent' editorial voice. For instance, brand sponsored content for Airbnb in news publications borrow editorial qualities, yet such brand-controlled environments 'silence' other narratives in the public sphere, such as Airbnb's impact on rents, housing and neighbourhoods. There is a long history of companies using paid advertorials to borrow editorial credibility, as Exxon Mobil did in promoting fossil fuels in the *New York Times* (Supran and Oreskes 2017), but such promotion has increased with pressures on ad-dependent media to accommodate marketers. An example is the extensive

corporate advocacy campaign Facebook undertook in 2019 involving sponsored content in the *Telegraph* newspaper, the de facto house publication of the UK Conservative Party, then in Government. The Government had signalled its intention to address online harms and tackle the power of the platforms, publishing its Online Harms White Paper in April 2019. During this period of increasing political scrutiny Facebook funded a branded content rebuttal. 26 stories were published in the *Telegraph* in March 2019, produced by Telegraph Spark, the newspaper's sponsored content unit. As one journalist reported, the *Telegraph* was 'running dozens of stories that defend Facebook on controversial subjects like terrorism, hate speech, and cyber-bullying.[...] It shows how Facebook is attempting to sidestep the often-critical media by buying positive coverage of itself' (Price 2019; Hardy 2022a: 169-205). The expansion of branded content has not only aided commercial actors but also state actors. The Thai government paid for sponsored content carried by Reuters that refuted the work of its own journalists in covering 'seafood slavery' and the trafficking of Rohingya migrants from Myanmar into the seafood industry. A sponsored article appeared on Reuters.com, paid for by Thailand's military junta, promoting a 'sea change in ethical marine commerce' brought about by reforms that included 'stringent measures to protect the rights of workers' (Carroll 2019).

A multi-layered convergence is underway: a convergence of marketing communications and media. This is occurring across corporate arrangements, production practices, professional identities, cultural forms, and relationships with users. Media and marketing communications are converging across digital platforms, communication forms and spaces, with profound implications for industry arrangements and practices (Grainge and Johnson 2015; Hardy 2022a). Branded content, native advertising and influencer marketing offer new promotional opportunities to brands but also involve forms of direct and indirect control over who and what is afforded speech or is silenced.

### **Advertising support and media**

The classic critiques identify advertising as a force for massification of media (marketers seeking to reach the largest target audience aggregation cost-effectively) and, when

supporting specialisation and niche media (de-massification), of social division and inequality. Advertising sought to reach larger audiences cheaply, so helped to encourage the shift in the US press from the late 19<sup>th</sup> century, from political partisanship to more centrist newspapers that would not alienate readers. This involved intentional actions by marketers but was largely structural, as higher circulation papers could increase advertising revenues at the expense of lower circulation rivals, driving local monopolisation, with the surviving papers seeking to attract as wide a readership as possible (Baker 1994). In the subsequent period of increasing media fragmentation, specialisation and de-massification from the 1970s, advertising is identified with favouring some media over others and so, in aggregate, subsidising media serving more affluent (or potentially affluent) users, over resource-poor ones.

Such an account of the distribution of advertising finance still fits at an overall level: ad finance skews media provision to favour those most valued by marketers. Yet, there has also been a flow of funding from marketers seeking traditionally less favoured consumers, as their purchasing power increased, as references to the Black, Brown, Pink, Grey and other 'pounds' attests. Innovative advertising and PR agents like Moss Kendrick, promoted African-American markets to brands such as Coca-Cola from the 1950s (PR Museum n.d.). Coca-Cola's 1971 hilltop advert, featuring a multiethnic cast of young people miming the Hillside Singers' 'I'd like to buy the world a Coke', re-written and re-recorded by them and the New Seekers' as 'I'd like to Teach the World to Sing'. This iconic advertising campaign promoting themes of racial harmony and equity also illustrates the co-optation of socially progressive, 'counter-cultural' forces, by marketers, a trend that has intensified over the last decade as brands have aligned with social causes and political-cultural activism, building on values, attitudes and lifestyles (VALS) and psychographic market segmentations.

### **Brand boycotts and 'progressive' market censorship**

In the classic CPE accounts, when marketers exercise their spending power to subsidise, or starve, media, it is regarded as cumulatively supportive of market-led political economic systems and consumer capitalism. There are tensions and contradictions between the values espoused in marketing's promises of freedom and fulfilment through consumption, and

systems of rule and social control – between emancipatory rhetorics and repression, between egalitarian promises and social inequalities – yet advertising overall is regarded as an integral economic and ideological support-system for capitalist systems. The counter-flow of funding for ‘alternative’ media, media targeting minorities or supporters of progressive causes, has been comparatively much smaller, for reasons that the political economy critiques above have elaborated. The precise configuration differs by context, but the general pattern - where advertising finance skews towards system-supporting rather than system-challenging - tends to prevail except where deep political cleavages or unrest render the system unstable. Yet, the growing pressures on brands to espouse and protect values, and of campaigners to call out when those brands spend their subsidy on communications that undermine those values, has reset older established patterns.

Unilever, one of the top three global advertisers, announced in mid 2020 it would pull ads from Facebook, Instagram, and Twitter for the rest of the year in response to hate speech on the social media sites (Kelly 2020). In 2018, Unilever had threatened to pull investment from Facebook and Google unless it did more to tackle disinformation, hate speech and what Unilever’s Chief Marketing Officer, Keith Weed, described as “fake news, racism, sexism, terrorists spreading messages of hate and toxic content directed at children” (Vizard 2018). Unilever responded to campaigning by the, the Anti-Defamation League, NAACP, Color of Change, Sleeping Giants and Free Press who together launched ‘Stop Hate for Profit’ in the United States. Campaigners urged advertisers to withdraw spending on Facebook in July 2020 during protests against police brutality and racism, with brands including Patagonia, Ben & Jerry’s, and Verizon joining Unilever’s boycott. In a statement Unilever said “The complexities of the current cultural landscape have placed a renewed responsibility on brands to learn, respond and act to drive a trusted and safe digital ecosystem” (Kelly 2020). In the UK, campaigning group Stop Funding Hate encouraged social-media users to pressure advertisers to pull their ads from newspapers and the right-wing commentator-oriented GB News, over homophobia, xenophobia and other alleged hate speech. The actions of Unilever and other marketers must be seen in the context of pressure from brand clients, investors and others to maintain ‘brand safety’, and the reputational implications of (mainly programmatic) advertising appearing alongside content that is inimical with

cultivated brand images or might alienate target consumers. While the motivations and purposes of such brand (re)positioning need careful analysis, such actions involve the instrumental use of advertising subsidy, and marketers' voice for 'progressive' purposes, aligning brands, in attenuated and often appropriating ways, with campaigning for social justice.

### **Assessment and approaches**

So, at this point we have modified the original critical account to take account of the increasing multi-directionality of advertiser influence. Does the acknowledgement of market censorship for 'progressive' purposes undermine the original critique? One could certainly argue that corporate brands' activism has structural limitations in challenging the role of advertising as an ideological support-system for capitalism, a role that underpins much of the classic CPE critiques. Yet, to insist on an overriding continuity here does disservice to the increasing complexity of brand communications and to the influence of dynamic social forces, such as the ad-boycott campaigners. I want to argue, following Khamis (2020) and others, that we must engage with the increased complexities and multi-directionality of marketer influenced communications, but also that we can proceed, and gain clarity, by repositioning the core critique. The core problems are located in the interlinked qualities of marketers' payment and control: marketers use resources (payment or other economic consideration) to influence communications. That influence may be accessed and deployed as beneficial or detrimental, according to value criteria we may wish to advance and debate, but the relationship between payment and communicative presence has its own problems and consequences.

Marketers have a privilege not conferred on others: with payment comes presence; with the resources to pay comes access to the power to communicate, promote, persuade. That communication may be altruistic, socially beneficial, progressive, but it is also advanced in the pursuit of the interests and purposes of the payee. This chapter proposes the features of payment and control as providing key anchorage for critical studies of promotional/marketing communications industries and practices. This is advanced to

address the organisation of economic resources and their usage, and also to direct attention to problems of governance, how 'rules' are created and applied. The convergence of paid (advertising), earned (public relations), shared (social) and (brands') owned media, PESO (Dietrich 2023), occurs in contexts in which key tenets of marketing communication governance — that marketing communications should be recognisable to users, and that advertising and editorial content should be separated — have been challenged, and integration normalized. Control and payment certainly do not encompass all marketing problems but they are integral to those problems which concern the content, placement and form of promotional communications.

The concept of market censorship is valuable in highlighting the structuring role of advertising finance in shaping the provision of advertising-dependent communications services. Yet, it conflates the intentionality inherent in the activity of censorship with the relatively 'impersonal' processes and outcomes of aggregated market transactions. It is preferable to use the term censorship in contexts of intentionality, as Baker (1994:100) does in describing when advertisers 'intentionally block or try to block communications'. Censorship has powerful negative connotations, a bias that risks neglecting the more multifarious actions and purposes of marketers exercising powers to influence communications. Market censorship does, though, carry a powerful rhetorical charge, challenging the ideologies that would naturalise and align free markets and free speech, and there is no ready substitute for that Brechtian defamiliarization. My preference is for the concept of control, rather than censorship, ranging across, and connecting market control and marketers' control. However, that is accompanied by the argument that 'control', is an entry point for investigation and not a simple description; it is an invitation to examine the myriad ways in which the power to influence, direct or regulate behaviour, operations, apparatuses or systems is performed. Control has a connotative bias towards intentionality and decision-making power, yet it encompasses the powers and processes that regulate activities, such as markets. To control is 'to order, limit, or rule something or someone's actions or behaviour' (Cambridge Dictionary n.d.). Control connects to another valuable and versatile concept, governance, referring to all processes of rule-making and rule-shaping behaviour (Hardy2022b). It also connects to the concept of market power as used in public

policy, economic analysis and competition law. In EU law the legal definition of a dominant position is

a position of economic strength enjoyed by an undertaking which enables it to prevent effective competition being maintained on the relevant market by affording it the power to behave to an appreciable extent independently of its competitors, its customers and ultimately of its consumers.

[Case 85/76 *Hoffmann-La Roche & Co AG v Commission*, [1979] ECR 461, para. 38; Case 2/76 *United Brands v. EC Commission* [1978] ECR 207, para. 65].

For critical communication scholars there is great value in connecting analysis of economic power with the power to influence behaviours of communication actors, the symbolic power of communications, and the broader matrix of connected political, social and cultural power processes. So control provides a term that encompasses the range of impersonal (market/communication processes) and intentional (market/communication interventions) and their interconnection and synthesis in analysis.

The classic CPE frameworks conceive of marketers as external to media firms in ways that no longer fit emergent patterns of corporate and operational convergence of media and marketing. Where postmodernists have tended to argue that the separation of media and advertising is irretrievable (Wernick 1991), a revised radical approach can inform a more nuanced analysis of the conditions in which commercial communications and media content combine and influence one another. A richer analysis of market and marketers' control can, in turn, better inform policy and action to reduce or reverse the influence of marketers on communications. The power of marketers to pay for presence needs to be constrained by regulation, to protect not only the welfare of consumers but qualities of communications. This requires the maintenance or restitution of rules on the separation of advertising and media and the strengthening of disclosure rules to ensure users can identify marketing communications. A more integrated approach is needed towards the identification of sources in public communications content, while protecting the anonymity of sources in the public interest and in conformity with international human rights law.

The distorting effects of advertiser market control on communications services and resources can only be self-corrected to a limited extent within market systems themselves. The actions of marketers and other market actor to strengthen advertising subsidy flows to improve media diversity and self-representation are of huge importance, yet only structural interventions to support public service media, redistribute advertising subsidy via levies and support media without advertising dependencies can redress market control. And for all the communications that remain advertising-dependent, there needs to be regulation to strengthen the disclose and separation of marketer's paid content. As Baker (1994: 100) argues, advertisers should not be granted powers to influence non-advertising content 'that others, without such economic leverage, do not have'.

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