

Marketing Ethics: A Study of Significance Within National Professional Associations

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Professional associations are expected to maintain a reasonable standard of behavior regarding how they market to their service bases. Prior research indicates that the use of written marketing ethics is not standardized and that business codes of ethics are a potential base for a universal code of marketing ethics from which all professionals could draw. We use document analysis to review several professional associations' codes of conduct across several industries and quantify the mention of marketing ethics within each code to identify and explore gaps. The review found that some associations' codes had significant representation, and others had a minimal or nonexistent representation of marketing ethics. Our findings also indicate that several external forces may determine the presence of marketing ethics and that such sporadic inclusion of marketing ethics indicates a necessity to develop and implement marketing ethics to protect professional and organizational integrity and market and consumer interests.

Keywords: professional associations, marketing, code of ethics

INTRODUCTION

Professional organizations' code of ethics provides a foundational framework for the standards and expectations of these organizations. These codes act as a compass that guides members of these organizations to act accordingly and professionally while handling clients, advertising, the public, or just about any business operation. These ethics codes help foster better business relationships, restrict inappropriate behavior, build trust, and protect the public (Vitez, n.d.). This is done by maintaining honest and transparent practices throughout daily operations. Marketing is the practice of promoting products or services to customers in pursuit of revenue. The decisions that marketers make can directly impact the public's perception of a company and serve as a deciding variable when it comes to purchasing a product.

It is imperative that marketing practices are honest and accurate and avoid unethical activities, such as exploitation, stereotyping, making false claims, and releasing false information. Organizations that follow unethical marketing activities may be subject to legal troubles by the Federal Trade Commission (Wroblewski, 2018). Due to this heavy weight marketers carry, it is valuable to have codes of ethics regarding marketing. Codes of ethics in marketing work to protect customers, ensure the well-being of employees, build business reputation, and draw in new customers (“What are Marketing”, 2022). Just as in normal operations, marketing ethics serve as guiding principles that work to prevent unethical practices and ensure the safety, well-being, and privacy of all members and the public. Document analysis of professional associations and how much their codes of ethics address the ethical boundaries of marketing is a basis for analyzing the current implementation of marketing ethics in professional organizations and how marketing ethics gaps could be viewed.

LITERATURE REVIEW

Elements of Marketing Code of Ethics

It seems logical that there would be a standard denotation of elements which should be included in any marketing code of ethics. Yet that does not yet appear to be the case. Several authors, however, speak to the core elements of a business code of ethics, and Brinkman and Bartels propose that a marketing code of ethics is a business code of ethics honed for the specific roles and responsibilities of marketing professionals (Bartels, 1967; Brinkman, 2002). That being the case, Payne and Pressley (2013, p. 65) submit that business codes of ethics are a “suitable base for constructing a single marketing ethics code that everyone in the fields of marketing could utilize.”

Core elements of an organizational code of ethics are also not standardized, but one study outlines six key components that should be included: organizational values, principles that indicate tenets to follow, management support including an anonymous reporting system, personal responsibility to uphold the code of ethics, and legal compliance codes that apply to the organization (Singh, 2017). Similarly, the Society for Human Resource Management (SHRM) offers a template for organizational codes of conduct. The template includes the following principles: trust and credibility, legal obligations, conflicts of interest, accuracy of reporting, difficult decision-making, loyalty, and employee accountability (Society for Human Resource Management, 2023).

In a very thorough literature review, Payne & Pressley (2013) elaborate on the many different philosophical and business models that have been discussed during decades of research about business and specifically marketing codes of ethics. After their review, they consolidated the philosophical guiding concepts and the “synthesized” concepts in three of the most renowned marketing organizations, the AMA, the American Association of Advertising Agencies (AAAA) and Sales and Marketing Executives International (SMEI). From those concepts and synthesized concepts, they suggested a construct of five derived principles that they named the “Transcendent Code of Ethics for Marketing Professionals” (Payne & Pressley, 2013, p. 70). The principles in Payne and Pressley’s are described in the table below.

TABLE 1
TRANSCENDENT CODE OF ETHICS FOR MARKETING PROFESSIONALS

Concepts derived from synthesized frameworks and consolidated as to principle	Proposed uniform professional code of business ethics for marketing professionals
Consistency Self-control	<ul style="list-style-type: none"> • Use self-control in treating all consumers and stakeholders in a consistent manner avoiding detrimental actions towards all stakeholders
Magnanimity Generosity Respect	<ul style="list-style-type: none"> • Treat all stakeholders with respect, in a fair and openhanded manner • Avoid the use of coercion or any tactics that harm consumer trust • Provide a variety of options in a competitive environment Develop mutually beneficial and open relationships by assuring freedom of choice and providing information that is accurate, relevant and complete to all appropriate parties
Utility Magnificence	<ul style="list-style-type: none"> • Utilize the highest ethical standards in decisions affecting all stakeholders • Be involved with all relevant communities and stakeholders through public service of significance
Autonomy Integrity Justice Courage	<ul style="list-style-type: none"> • Recognizing the autonomy that comes with specialization and professionalism, utilize reasonableness and honesty in making decisions that affect stakeholders • Ensure that consumers have the opportunity to voice concerns and complaints about products in such a manner that the issue is handled responsively and proficiently • Ensure that consumers receive a reasonable settlement of just claims • Be courageous in all decisions ensuring that justice is achieved • Avoid dehumanizing actions
Competence Sociability	<ul style="list-style-type: none"> • Adhere to all codes and ethical provisions • Act pleasantly and professionally with others • Act in good faith to fulfill the economic, legal, philanthropic, and societal responsibilities to all stakeholders • Recognize your commitments to vulnerable market segments • Ensure that your products cause no harm to users or society so long as they are used and disposed of as directed • Ensure that all actions promote a healthy environment

(Payne & Pressley, 2013, p. 70)

Finally, the incorporation of all four components of the marketing mix must be considered; that is, the code should cover the ethical considerations of price, product, promotion, and place, e.g., distribution (Brinkman, 2002, p.159)

Marketing Ethics Benchmarks

Three prominent marketing codes of ethics were discussed in the study by Payne & Pressley: those of the AMA, the AAAA, and the SMEI (2022). However, the AAAA code of ethics is very specific to marketing communications and does not include the components of marketing price, place, and product. (AAAA, 2023). For that reason, they are not considered in this discussion of marketing ethics benchmarks.

The AMA and SMEI take different approaches to the format of the codes. The AMA code of ethics (called their Statement of Ethics) is broad-based and can be applied to virtually any marketing scenario to which ethical principles must be applied. It includes four sections: a preamble of expressing the high-level organizational commentary on ethics, three ethical norms that express societal ethics, six ethical values, and implementation which suggests the expectation of accountability by each employee (AMA, 2017).

The SMEI is formatted as eleven promises to be made and followed by employees. They are less broad and cover specific principles like “sovereignty” and “mutual benefit” between buyers and sellers; legal compliance; fair competitions; fair pricing and access to products; product value; and truthful, tasteful promotion (SMEI, n.d.). While there are 11 SMEI promises compared to the AMA’s four sections, the promises are still broad enough to apply to any marketing scenario and give employees additional focus when they are faced with ethical decisions.

Types of Marketing that Benefit From Marketing Code of Ethics

4 Ps of Marketing

The 4 P’s of marketing, otherwise known as the marketing mix, are the general building blocks to any effective marketing strategy. The four components of the marketing mix include product, price, promotion, and place. Product refers to the actual item or service being marketed. When analyzing the product section, it is important for marketers to consider the product’s niches and the value it brings to customers. This value can be broken down into several categories such as features, quality, or the benefits it provides (Kenton, 2023).

Price is the monetary value a customer must pay in exchange for a good or service. Marketers need to consider different pricing strategies which include value and cost-based pricing. Value based pricing charges the consumers what they are willing to pay. In other words, the cost matches the perceived customer value. Cost based pricing explains itself; marketers analyze the costs of creating a product and generate an appropriate price based on these costs (Abidin, 2022).

Promotion involves conducting a promotional strategy to spread the word about a product. The goal of a promotional strategy is to show a product’s value and convince consumers to purchase this product over its substitutes. Common methods of spreading this message include using television, word of mouth, social media, email, or almost any way a company can reach their target market (Yasar, 2022). The final element that completes the marketing mix is place.

Place refers to the location where a product is sold and how that product is distributed. It is important for marketers to understand the location of their target market so that their product actually sells. It is also key to understand whether it would be most effective to distribute the product through retailers, wholesalers, and/or the internet. Each has its own benefits, but different products thrive off specific distribution methods (Coursera, 2022). No definitive answer exists as to which distribution method works best for each product because every product and business is different, but the marketing mix is a strong first step to push any marketing strategy in the right direction. For the purposes of this paper, ethical aspects of price and promotion will be discussed using examples where ethics fall into question. After this discussion, case studies highlighting three firms that practiced noteworthy marketing ethics will be presented.

Price Gouging

Price gouging refers to the unethical practice of businesses charging astronomical prices for essential goods, usually after a national disaster, epidemic, or crisis (National Conference, 2022). An example is when suppliers hike the prices of necessities after hurricanes, blizzards, or earthquakes. For instance, after Hurricane Katrina hit, gas prices rose by roughly 46 cents per gallon (Saxton, 2005). For context, gas prices in 2005 were roughly \$1.20 per gallon, meaning gas prices rose by around 40% (Pennsylvania, 2022). Price gouging can be detrimental to individuals and communities because it puts those already in impossible situations under extra financial pressure for the seller's benefit. Price gouging is illegal on the state level, and several laws are in place to prevent its occurrence, but many industries have found loopholes around these regulations ("What is Price Gouging", n.d.). The following paragraphs will highlight numerous examples of price gouging and demonstrate its impact and the need for codes of ethics to include the pricing component of the marketing mix.

A notable example of price gouging is the scandal that came to light in 2016 with Mylan, the owner of the EpiPen brand. When Mylan first purchased the rights to EpiPen in 2007, a dual pack of EpiPens only cost \$57. By 2016, a dual pack of EpiPens cost over \$600, more than a 450% price increase. The most concerning part of this drastic increase is that most occurred within the 2014-2016 interval (Pauly, 2016). Changing regulations caused a demand increase for EpiPens at the time, but this alone is not nearly significant enough to justify a price hike this severe. Furthermore, the pharmaceutical industry had drug prices in control during this time, with a few drugs even becoming more affordable.

The lack of competition allowed Mylan to take advantage of price hikes, which put low-income families in impossible situations. Rather than using EpiPens, some families would be forced to use syringes filled with epinephrine. This takes more time to prepare, is more difficult to use (especially when the clock is ticking in an emergency) and can be impossible if the patient is alone and suffers from anaphylaxis (Pauly, 2016). Recognizing when foul play is at hand is imperative due to the dire consequences of pharmaceutical price gouging.

Another example of price gouging is within the ocean freight industry. Eighty percent of global container ship capacity is currently controlled by three global ocean freight alliances composed of solely foreign companies. The alliances are called the "2M Alliance", the "Ocean Alliance", and "THE Alliance" (Poskus, 2022). These three alliances also control ninety-five percent of the major East-West trade lines. Due to this overwhelming control of power, these companies have increased freight shipping rates between Asia and the U.S. by over 1000% since January 2020. Their control over the market also allows these companies to cancel or delay shipments and charge additional fees to American businesses without warning. This puts American businesses in impossible positions because their orders are delayed and cost more, potentially forcing them to miss important deadlines or incur a net loss on sales. It is also common for these companies to refuse the shipment of American exports, making it increasingly costly and difficult for American businesses to sell internationally (The United States, 2022). American businesses suffer the consequences of the allied ocean freight companies' pursuit of self-interest.

The peak of Covid-19 was a trying time for everyone across the globe. Many lost their lives and the lives of loved ones or were stuck on a ventilator as a last resort to save their lives. Surging demand for cleaning products and other essentials increased prices, but some vendors took advantage of this. In 2020, a 2-Liter bottle of Purell hand sanitizer cost Amazon customers anywhere from \$79.99 to \$129.99, a drastic rise from their normal price of \$20.87 to \$35.00. These were sold by a third-party vendor called Northwest-Lux. At one point during the pandemic, a 2-L bottle of Purell sold for \$250 (Cabral & Xu, 2021). Another seller, Mobile Rush, priced their 8-ounce bottles of Germ-X hand sanitizer from \$19.99 to \$29.99. For reference, the normal price of this product ranges from \$1 to \$3. The law handled these instances of price gouging, fining the sellers over \$52,000 in penalties and forcing them to reimburse roughly \$23,000 to customers (Palmer, 2020). At a time when lives are at stake, excessively marking up necessities in pursuit of self-interest could prevent families and communities from protecting themselves. These vendors risked the safety and health of the public to put extra money in their own pockets, undoubtedly leading many communities to excessive financial and medical hardships.

Promotion

The purpose of promotion is to inform and increase knowledge of products with target markets to influence customers in many ways. Promotion can be used to increase knowledge, nullify negative reviews, prompt increased sales, and strengthen brand awareness (Al Badi, 2018; Alexandrescu & Milandru, 2018). Some types of promotion include advertisement, direct sales, public relations, and sales incentives, i.e., flash sales, coupons, loyalty awards and are specifically selected for the identified target market (Nemati, Mohaghar, Alavidoost, et al., 2018). A more detailed discussion on advertising in the form of guerilla marketing will be shared to highlight some of the ethical marketing challenges that may occur.

In contrast to traditional marketing, guerilla marketing tends to be non-invasive and uses multiple out-of-the box techniques as well as a lower budget to achieve results. Such campaigns often generate awareness, surprise, excitement, and remembrance because they can be built using creativity, arrogance, and humor (Dubauskas & Išoraitė, 2022; Onurluba, 2017). Guerilla marketing includes the incorporation of street art, drones, publicity stunts, fake reviews, stickers, as well as the incorporation of hired models (Bigat, 2012). As an example, Coca Cola (2010) transformed their Coca Cola machine into a Happiness Machine on the St. John's University campus. Hidden camera captured the surprised reactions of students as they pleasantly received gifts from the vending machine, like flowers, unlimited Coca Cola, pizza, and subs. The video of surprise happiness was so well received that in addition to having over 2,000,00 views, it also received the CLIO Gold Interactive Award. In another example, stealth marketing uses paid actors or celebrities to promote a product or service, while the consumers are not aware that marketing is occurring. This was the case when Sony Ericsson camera phone (T681) hired 60 actors to tour attractions in NYC and to ask individuals walking by them to use their phones to take pictures (Vranica, 2002).

The results of guerilla marketing can be quite advantageous because it engages customers' emotions who are then likely to post on social media or discuss the marketing experience with others, creating effective word-of-mouth (WoM) marketing (Tam & May, 2016). Guerilla marketing also builds brand loyalty. Furthermore, such creative marketing tactics are difficult for the competition to imitate. Alternatively, guerilla marketing has risks. Since the marketing initiative has not been done before, it can fail. Additionally, in some types of guerilla marketing such as stealth marketing, the public can feel duped and disappointed if they find out their interactions with others with products or services were really paid actors or celebrities working for a marketing firm or the sponsoring company, like those hired by Sony Ericsson. Last, guerilla marketing can be misunderstood, which can result in negative PR, diminished customer trust, reputation damage, sales losses, litigation, and fines (Roux, 2020). In the case of Coca Cola, no backlash occurred, but those who were secretly filmed may have argued they did not give their approval to be used in promotional campaigns for the brand.

As another example, a misunderstanding of guerilla marketing occurred with Cartoon Network and Turner Broadcasting. Marketing representatives placed dozens of electronic placards representing the Mooninites character from the cartoon *Aqua Teen Hunter Force* across 10 cities in Massachusetts. Citizens feared the placards were bombs, so the Police departments, fire departments, and bomb squads were deployed and closed bridges and highways. Although the marketing initiative went viral, the detrimental impact to the marketers was significant. In Boston, alone, a \$2,000,000 fine was imposed upon Turner Broadcasting (Brooks, 2023).

Another example of guerilla marketing gone awry is with astroturfing or the process of writing fake online reviews. Online product reviews provide buyers with the opportunity to go beyond the company's description and advertisements to see how other buyers evaluate the product. Such reviews significantly influence decision-making. Prior to making purchases, 60% of consumers researched reviews, and 93% of such consumers felt that other consumers' feedback assisted them to reduce the likelihood of making an incorrect decision (Chen et. al, 2022). However, such fake reviews that are written by a firm's internal employees or by external reviews who are paid to write positive reviews is considered to be false advertising. Consumers may be deceived into making purchases that are of lower quality than anticipated or to counter negative reviews as was the case with U.S. Coachways (Sherry, et al., 2022; Whitney, 2013). To address this issue, the FTC has imposed a fine of \$43,792 for each fake review violation (Klapper, 2021). Google, Yahoo, Yelp comprise the 19 companies that were collectively fined \$350,000 for false

positive reviews (Whitney, 2013). Each of the examples above show good reasons for codes of ethics to help with decisions about the promotional component of the marketing mix.

Case Studies of Companies Exemplifying Strong Marketing Ethics

Despite the noteworthy absence of codes of marketing ethics in many industries and organizations, the modern consumer is increasingly interested in ethical businesses and practices. Recent collaborative research conducted by scholars across multiple institutions found that consumers who believe that their interest in a product includes moral or ethical reasons are more likely to make those purchases (Luttrell et al., 2021). With that perception in mind, to reach these consumers, ethical marketing is increasingly becoming a necessary addition to a company's codes of conduct. Several notable companies have made a conscious and successful effort to fill the void of marketing ethics.

The first notable example of successful and conscious marketing ethics is TOMS Shoe Company. TOMS shoes company's demographic market is considered to be cause-oriented middle-class individuals. The private company was founded in 2006 by Blake Mycoskie, who pioneered the model that made the shoe company famous, the one-for-one model. The one-for-one model is the practice in which a pair is given away for every pair sold. The first pair was given away in 2006, and according to the company, as of 2020, over one hundred million pairs have been given away (Tom's Shoe company, 2023a). However, in 2021 the company transitioned its model from one-for-one to 1/3 of its profits going to "grassroots good" through cash grants and partnerships. The company defines "grassroots good" as contributing to grassroots organizations that mobilize at the community level, are led by community leaders, and lack access to financial resources (Tom's Shoe Company, 2023b). The company also partners with many well-known nonprofits, such as Colors (LGBTQ-focused), Cure Violence Global (anti-violence), GirlForward (serves refugee girls), and Didi Hirsch Mental Health Services. It is worth noting that Toms Code of Business Practices prior to their takeover in 2019 by Jefferies Financial Group Inc, Nexus Capital Management LP, and Brookfield Asset Management Inc. specifically includes sections like "Use of Social Media" and "Selection of Suppliers/Vendors," both of which directly pertain to marketing decisions. Other sections including but limited to "Conflicts of Interest; Corporate Opportunities" and "Fair Dealing" should be applied to marketing mix and other business decisions (TOMS Shoes, 2017).

Another example of marketing ethics is Dr. Bronner's Castile Soap company. Dr. Bronner's all-in-one soap was founded in 1948 by German Immigrant Emanuel Heilbronner (Dr. Bronner). His family began making soap in Germany in 1858 and lived and made soap there until the Nazi occupation; Dr. Bronner established his company with his wife and children in Vista, California (Dr. Bronner's, 2023a). Castile soap was developed in the 12th century in Castile, Spain, with its only ingredients being plant-based oils, traditionally olive oil (LaVolpe, 2021). Dr. Bronner's soap is certified vegan, organic, fair trade, and cruelty-free (animal) and keeps true to castile soap by only utilizing plant-based oils with no synthetics. Dr. Bronner's soap became iconic for printing Dr. Bronner's lecture messages on the label, which he established after realizing at his lectures calling for unity in humanity that people were taking the soap and leaving. The modern company openly establishes itself as an activist company, referring to itself as "the fighting soap company" for its dedication to the causes it supports (Dr. Bronner's, 2023b). In particular, the company vocally supports Regenerative Organic Agriculture, Animal Advocacy, Drug Policy Reform, Community Betterment, Criminal Justice Reform, Fair Pay, and Fair Trade, with 40% of their profits going to these causes (Dr. Bronner's, 2022a).

Dr. Bronner's marketing strategy has no age, ethnicity, or class demographic that they are targeting. Instead, the company seeks its audience based on health, environmental, spiritual, and ethical beliefs. Perhaps the most interesting thing about the brand from a marketing perspective is that they spend next to none of their resources on traditional marketing, instead focusing on its blog and social media platforms. The company relies heavily on word of mouth and its good reputation, which it has done successfully for almost 70 years. The company has had a powerful impact on agriculture and the local communities that farm the ingredients for its soap. In the 2022 All-One report covering 2021, the company reports that it has over 130,580 acres of land cultivating its ingredients, and 107,362 acres are certified organic (Dr. Bronner's, 2022b). Dr. Bronner's values, called Cosmic Principles, directly address corporate social

responsibility and cause marketing—both of which fall under promotion decisions—and fair treatment of suppliers—part of place decisions (Dr. Bronner's, 2023b). There does not appear to be a published code of ethics available.

The final example of a recognizably ethical company that markets its impact and ethics is the Bombas sock company. The company started in 2013 with the mission of aiding in providing quality clothing to homeless people in the United States. Like TOM's previous model, Bombas socks utilize the buy-one-donate-one model. For every clothing item purchased, an equal clothing item is created, donated, and supplied through "giving partners" in all fifty states. As of 2023, over 75 million items have been donated to 3,500 communities (Bombas, 2023a). Bombas focuses its donations on overnight shelters, transitional-living facilities, street outreach teams, rehabilitation centers, Title 1 schools, and medical professionals (Bombas, 2023b). The company specializes in socks, t-shirts, and underwear. Bombas has done design collaborations with notable figures and brands, such as Disney, Sesame Street, and Eric Carle (the Author of *The Very Hungry Caterpillar*). Alongside its own philanthropic endeavors, Bombas partners with givers that specialize in other charitable and ethical practices, such as Harlem Grown (youth mentorship in urban farming), Back on My Feet (health, fitness, and community support for homelessness), and Brass Queens (an all-women brass band connecting the community with music) (Bombas, 2023c). The authors are unable to find a code of ethics published by Bombas; however, Bombas is B-Corp certified: "Certified B Corps are businesses who are meeting high standards of verified performance, accountability, and transparency on factors from employee benefits and charitable giving, to supply chain practices and input materials" (Bombas, 2023d, para. 1). Certification applies to "business practices and outputs across governance, workers, community, the environment and customers" (Bombas, 2023d, para. 2).

METHODOLOGY

Document analysis was selected as the research methodology for this study. Electronic or hard-copy documents are examined for the meaning that is associated with words as well as images. As an example, a researcher might examine meaning from an organization's press releases, meeting minutes, annual reports, memos, sales proposals, journals, agendas, and project plans (Merriam & Tisdell, 2016). After gathering and analyzing documents, a researcher can use the results as part of quantitative or qualitative research. For example, a researcher might examine syllabi from all majors within a university to determine common categorical themes. In this study, searches were performed to find electronic professional organizations' code of ethics. Then, a search within each code of ethics was done to identify the number of references to marketing ethics.

Advantages

Numerous advantages are inherent in document analysis associated with the access and accuracy of data. This type of research is non-obtrusive in contrast to research that involves observation of subjects or experimentation with subjects. Document analysis instead is often unobserved as the researcher engages in online searches of public record databases, such as those from universities, the government, or corporations. Furthermore, because the researcher is not directly involved with subjects, the potential for researcher biases is reduced.

Additionally, document analysis can be beneficial to support triangulation, which increases the credibility of several research methods (Bowen, 2009). As an example, based upon research to determine the top sustainable companies, document analysis of those companies' annual reports can be performed to see if sustainability is also included. As another example, a researcher can corroborate dates from an executive's interview with data shared by that same executive in company press releases or in the executive's social media.

Document analysis also provides the researcher with access to ongoing data when other types of primary research, such as interviews, could be difficult. This would be the case when a researcher could not interview individuals who are deceased or individuals who may not want to discuss controversial or confidential topics, i.e., sexual topics, political topics, observances of unethical workplace behaviors. In

such cases, subject participation might be nonexistent or low if attempting to conduct interviews, whereas a researcher may find such information by analyzing documents. Such research can be ongoing since the researcher can monitor change over time (Bowen, 2009). For example, a researcher may study several drafts of internal documents over a period of multiple years.

Document analysis additionally provides the researcher with the opportunity to perform international research due to translation issues as well as lacking technology (Morgan, 2022). As an example, numerous countries still do not have Internet access. In the top three technology-lacking countries, 730,000,000 citizens in India have no Internet; 374,000,000 citizens in China have no Internet; and 150,000,000 citizens in Pakistan have no Internet (Statistica, 2023). Hence, a researcher would not be able to administer electronic surveys to those countries yet may be able to include such countries through document analysis.

Last, a lower cost and reduced time are often associated with document analysis due to the avoidance of time for repeat surveys, costs that accompany experiments as well as costs associated with paying subjects to take surveys or providing survey incentives (Bowen, 2009; Morgan, 2022). As an example, the cost of a phone survey for each subject is \$40; mail surveys run up to \$7,000 for 200 responses; and email surveys peak at \$5,000 (Lee, 2022). Document research involves no upfront cost and only the researcher's time.

Disadvantages

Several disadvantages are associated with document analysis. The quantity of documents and the content of what is included in such documents can be biased if others determine what to share. For example, company executives may filter the types of reports and content made available to the public when considering that shareholders and competitors may view their documents. Also, the content within some documents may be biased based upon the person creating or reporting such content such as if content is created by individuals affiliated with political parties, religious affiliations, or sponsored research firms. Last, content within documents may not be complete or accurate based upon the knowledge and skills of the person sharing content (Bowen, 2009). In addition to challenges with content within corporate documents, content and availability of academic publications may be skewed based upon researchers' biases. For example, researchers may choose to publish negative results of a study in foreign language publications and positive results of a study in English language publications. Also, researchers may omit some results and may be selective in reporting other results within the publication (Ioannidis, Munafò, Fusar-Poli, et al., 2014).

RESULTS

As a result of performing Internet searches, 25 professional associations were identified that had their professional code of ethics online. An examination of references to marketing within the code of ethics was performed. The range of marketing references is 0 to 12 occurrences of marketing inclusions. The average is 1.74, the median is 2.00, and the mode is 0.

TABLE 2
PROFESSIONAL ASSOCIATIONS' REFERENCES TO MARKETING ETHICS

Profession	Organization	Code of Ethics	Market Reference
Architects	American Institute of Architects	Architects' Code of Ethics (The American Institute of Architects, 2020)	0
Attorneys	American Bar Association	Attorneys' Code of Ethics (American Bar Association, 2023)	2
Auctioneer	National Association of Auctioneers	Auctioneers' Code of Ethics (National Auctioneers Association, 2023)	0
Automotive Dealers	National Automotive Dealers	Automotive Dealers' Code of Ethics (National Automotive Dealers Association, 2023)	1
Barber	American Barber Association	Barbers' Code of Ethics (American Barber Association, 2023)	1
Certified Exercise Professional	National Council on Strength and Fitness	Certified Exercise Professionals' Code of Ethics (National Council on Strength and Fitness, 2023)	1
Chiropractor	American Chiropractic Association	Chiropractors' Code of Ethics (American Chiropractic Association, 2023).	3
Counselors	American Counseling Association	Counselors' Code of Ethics (American Counseling Association, 2023)	5
Dentist	American Dental Association	Dentists' Code of Ethics (American Dental Association, 2023)	6
Engineers	National Society of Professional Engineers	Engineers' Code of Ethics (National Society of Professional Engineers, 2023)	0
Financial Planners	Certified Financial Planner Board	Financial Planners' Code of Ethics (Certified Financial Planners, 2023)	0
Funeral Directors	National Funeral Directors Association	Funeral Directors' Code of Ethics (National Funeral Directors Association, 2022)	1

Profession	Organization	Code of Ethics	Market Reference
Massage therapists	American Massage Therapy Association	Massage Therapists' Code of Ethics (American Massage Therapy Association, 2023)	1
Occupational Therapist	American Occupational Therapist Association	Occupational Therapists' Code of Ethics (American Occupational Therapy Association, 2023)	0
Optometrist	American Optometric Association	Optometrists' Code of Ethics (American Optometric Association, 2023)	0
Osteopathics	American Osteopathic Organization	Osteopathics' Code of Ethics (American Osteopathic Association, 2023)	1
Pharmacists	American Pharmacists Association	Pharmacists' Code of Ethics (American Pharmacists Association, 2023)	0
Physical Therapists	American Physical Therapy Association	Physical Therapists' Code of Ethics (American Physical Therapy Association, 2023)	0
Physicians	American Medical Association	Physicians' Code of Ethics (American Medical Association, 2023)	3
Podiatrists	American Podiatric Medical Association	Podiatrists' Code of Ethics (American Podiatric Medical Association, 2022)	3
Psychologists	American Psychological Association	Psychologists' Code of Ethics (American Psychological Association, 2023)	6
Public Accountants	American Institute of Public Accountants	Accountants' Code of Ethics (American Institute of Certified Public Accountants, 2023)	1
Realtors®	National Association of Realtors®	Realtors®' Code of Ethics (National Association of Realtors®, 2023)	12
Speech Language Pathologist	American Speech Language Hearing Association	Speech Language Pathologists' Code of Ethics (American Language Speech Hearing Association, 2023)	1
Veterinarian	American Veterinary Medical Association	Veterinarians' Code of Ethics (American Veterinary Medical Association, (2023)	2

DISCUSSION

The researchers explored possible explanations for scores within single professional associations and categorically similar professional organizations. Single professional organization's code of ethics includes CPAs, Financial Planners and Realtors®. One of the categorial professional organization's codes of ethics includes Pharmacists, Occupational Therapists, Physical Therapists, and Optometrists. The other categorial professional organization's codes of ethics include patient health care (chiropractor, counselor, dentist, massage therapist, occupational therapist, optometrist, osteopath, pharmacist, physical therapist, physician, podiatrist, and psychologist).

Financial Industry (CPA, Financial Planner)

The financial industry is required to have a special set of ethical codes and procedures to follow. With this in mind, it might seem odd that Financial Planners do not refer to marketing in their codes of ethics, and Public Accountants only refer to marketing once. This can be partially explained by the goal of ethics codes in the financial industry. Primarily, "The purpose of the Code of Ethics for Finance Professionals is to promote honest and ethical conduct, and adherence with the law ("Code of Conduct", n.d.). In other words, it lays out the blueprint for financial professionals to follow in order to avoid any legal or ethical issues. In the goal of these codes, customer relations, marketing, or any other keywords that would correlate with the interaction of the public are absent. A reason for this could be the existence of already extensive and detailed regulations in place for the financial industry that prevent any ethical dilemmas from occurring in relation to marketing. An example of this in regard to Public Accountants is GAAP, a rulebook that all accountants are required to obey. GAAP sets forth clear and strict procedures for accountants to follow in their everyday work activities. The goal of GAAP is to keep all financial information transparent and consistent, but it shows that policies are in place to regulate the financial industry (Generally accepted accounting, n.d.). The financial industry operates under strict regulations, making an abundance of ethical codes potentially unnecessary since they would essentially duplicate the existing policies already adhered to by the industry.

Patient Health Care

Some thought was given to whether organizations whose clients are "patients" would show similarities in the attention given to marketing practices in their codes of conduct. However, evaluation of patient-centered organizations included in this study (Table 3) shows no significant patterns or similarities regarding the attention these organizations. The range of marketing mentioned in the codes of these organizations is 0-6. The average is 2.33, and the mode is 0. The number of 0s is 4 out of 12 (33%), indicating a slight similarity that more patient-centered organizations give less attention to marketing codes than those who do. Additionally, when compared to the average, median, and mode of the entire sample of codes in the study, the patient-centered organizations paid somewhat more attention to marketing ethics. Finally, 33% of patient-centered organizations and 33% of the entire sample included 0 mentions of marketing ethics.

TABLE 3
PATIENT-CENTERED PROFESSIONAL ASSOCIATIONS' REFERENCES TO
MARKETING ETHICS

Profession	Organization	Market References
Chiropractor	American Chiropractic Association	3
Counselors	American Counseling Association	5
Dentist	American Dental Association	6
Massage therapist	American Massage Therapy Association	1
Occupational Therapist	American Occupational Therapist Association	0
Optometrist	American Optometric Association	0
Osteopathics	American Osteopathic Organization	1
Pharmacists	American Pharmacists Association	0
Physical Therapists	American Physical Therapy Association	0
Physicians	American Medical Association	3
Podiatrists	American Podiatric Medical Association	3
Psychologists	American Psychological Association	6

Perhaps the lack of explicit attention to healthcare marketing ethics stems from the time before the U.S. Supreme Court's *Goldfarb vs. Virginia State Bar* ruling that doctors were "ordinary purveyors of commerce" (*Goldfarb vs. Virginia State Bar*, 1975). The ruling set up a Federal Trade Commission (FTC) suit against the American Medical Association's 100-year-old code of ethics which prohibited healthcare providers from advertising (Barnes, 1982). Perhaps it grows from a persistent perception that it may be inelegant to treat healthcare like a business. If either of these hypotheses is the case, the Associations and their codes of ethics are ignoring the fact that healthcare has been taken over by businesses under the guise of "healthcare systems" for years. In fact, an article in the *Western Journal of Emergency Medicine* affirms that "In the U.S., healthcare is now strictly a business term. Healthcare organizes doctors and patients into a system where that relationship can be financially exploited and as much money extracted as often as possible by hospitals, clinics, health insurers, the pharmaceutical industry, and medical device manufacturer" (Sawyer, 2018, p. 494). The article also describes the patient-doctor relationship as "adversarial" because of business decisions that facilitate less-than-optimal attention to patient needs. Even so, today the American Medical Association touts an opinion in the "Professional Self-Regulation" section of the Code of Ethics which speaks to Advertising (American Medical Association, n.d.). The six paragraphs of guidance can be summarized by its first sentence, "There are no restrictions on advertising

by physicians except those that can be specifically justified to protect the public from deceptive practices” (American Medical Association, n.d., para. 1).

Pharmacists, Occupational Therapists, Physical Therapists and Optometrists

Further research into patient care sparked exploration into those that are considered “secondary care,” professions that require a patient to acquire another healthcare professional’s prescription or referral. Despite being highly interactive patient care positions, pharmaceutical, occupational therapists, physical therapists, and optometrist associations notably do not have specific codes and policies about how their professionals can or should market products, prices, and information. The number of references to marketing ethics in their codes is 0. Language is in some associations’ ethical codes and policies that may be utilized as their coverage for marketing ethics, but for our purposes, this language does not apply. Possibly the organizations that employ these professionals have marketing ethics in their codes. Perhaps professional organizations such as the American Pharmacists Association do not feel the need to have specific language about marketing ethics because the organizations their professionals work for would have them instead.

However, in researching all four professional medical care professions with zero references to marketing ethics, there was a potential explanatory pattern, and it focuses on access to care. For example, pharmacists work for laboratories, hospitals, grocery or convenience pharmacies companies (ex. CVS, Rite Aid, Walmart, Kroger) or as professors in higher education and not as independent entities (Bureau of Labor Statistics, n.d.). However, an individual generally cannot access their services without a prescription from a doctor. Therefore, it is possible they have no reason to advertise to potential patients because patients will generally come to the pharmacists. Furthermore, depending on the state in which the patient lives or the insurance that they have, the patient may need a referral to access care from occupational therapists, physical therapists, and optometrists (Schneider, 2021). Some insurances and state laws consider the three medical practices as “secondary care.” While most other patient care professionals, as noted in Table 3, may partner with a hospital setting or work in labs or as professors similar to the professions discussed in this paragraph, they generally work in independent practice and/or do not require a referral.

Realtors®

Although research is not yet published to explain why the Professional Association of Realtors® has the highest number of references to marketing ethics in their code of ethics, some possible reasons will be examined. Perhaps the reason for such a high reference to marketing in their code of ethics (twelve) is due to the large number of Realtors® in the U.S.: 1,548,058 (Adams, 2023). As an example of lower number of members and a lower reference to marketing ethics, attorneys total 1,300,000 (Miki, 2023). CPAs total 665,612 (NASBA, 2023). Dentists total 185,897 (IBIS World, 2023a). Used car dealers total 150,854 (IBIS World, 2023c). Psychologists total 63,579 (Zippia, 2023b). Optometrists total 35,141 (Zippia, 2023a). New car dealers total 17,600 (IBIS World, 2023b).

The breadth of marketing efforts may also be a significant factor of Realtors®’ focus on marketing ethics. Realtors® may join a local board of Realtors® and advertise on their IDX (Internet Data Exchange) multi-listing system that is available for other Realtors® to view in that geographic coverage area. Furthermore, through a ListHub area within the multi-listing system, 80+ additional real estate marketing websites can be selected to automatically receive the property information. As an example, some of these common real estate marketing sites include Zillow.com, homefinder.com, and homes.com (Flexmls, 2023). Additionally, Realtors® may supplement MLS marketing with other types such advertisements in print ads, postcards, personal websites, company websites, flyers, and social media (Facebook, Craigslist, LinkedIn, Instagram), email marketing, and commercial property websites. Because of the large number of Realtors® and many advertising avenues that can influence the public, Realtor® professional associations may recognize the need to have marketing ethical references. Furthermore, having such ethics within Realtor® associations assists Realtors® in aligning with the advertising rules stipulated by the National Association of Realtors® and in alignment with the advertising laws proposed by the Realtor®’s state’s real estate commission (NAR, 2023; State Real Estate Commission, n.d.).

Another possible explanation for Realtors®' code of ethics attention to marketing is that it is the only profession on the list of associations whose primary function is actually promotion, including all the traditional and cyber versions of promotion. Realtors® are immersed daily in personal selling (face-to-face with clients), advertising (paid online, print, and outdoor promotion), and direct marketing (emails, mail, and giveaways like calendars). Their firms also employ public relations via community events and their firm's websites and social media. One might even argue that staging a home for sale is merchandising, one of the tactics of promotion.

LIMITATIONS

Several limitations exist for this survey. First, the researchers were limited by time invested in gathering data. Accordingly, with more time, perhaps additional professional associations and their code of ethics could have been discovered, analyzed, and discussed. Second, no previous research has been completed for the researchers to use as a baseline or to include in their literature review or to direct their research based upon precedence (Ross & Bibler Zaidi, 2019). Third, although this paper utilized content analysis of code of ethics within professional associations, such code should not be regarded as the sole influencer of ethics. Some professional associations have required continuing education training that includes aspects of ethics. As an example, PA Realtors® must take, as part of their continuing education, 2.5 hours of ethics training every three years (PA Association of Realtors®, 2023).

FUTURE RESEARCH

This paper opens the door for other explorations around the focus (or lack thereof) of marketing in codes of ethics. One can expand the scope of examination to even more U.S. associations or complete similar research for U.S. corporations and large businesses across industries. One might compare results for corresponding associations in other regions of the world. A deeper dive into the development of marketing codes of ethics in any single industry might also be telling. Future research could also be more qualitative rather than quantitative, exploring the wording of marketing ethics in these codes rather than the number of mentions. Other research might focus on developing a framework to be used by businesses and associations; the framework should include guidelines for each component of the marketing mix, i.e., the 4 Ps.

CONCLUSION

The role of ethics codes in marketing is paramount as they provide a moral compass for professional organizations to navigate their business practices. A significant concern arises due to the noticeable disparity in the frequency of references to marketing across various industries in their respective ethics codes. Ethical marketing practices are crucial to ensure transparency and honesty, protect consumers, build trust, and prevent potential legal implications. Analyzing the gaps in the ethical codes of different industries is a necessary first step in assessing the current state of marketing ethics and identifying areas for improvement. Industries must prioritize developing and implementing comprehensive ethics codes that address marketing practices and establish a foundation for ethical conduct in their respective industries.

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