

Deception in Marketing: Implications for Consumer Product Warnings

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ABSTRACT

This paper discusses conflicts between human factors and marketing in reference to warnings. One of the main goals of human factors is to promote the safety of users; the discipline espouses appropriate use of warnings when products have hazards that have neither been designed out or guarded against. However, marketing, often through the use of advertising and other promotional methods, tends to use relatively ineffective or no warnings about product hazards for the apparent purpose of propping up safety beliefs and sales. Discussed are some ways to deal with these opposing goals.

Keywords: Warnings, Marketing, Advertising, Product hazards, Safety

INTRODUCTION

One of the goals of human factors is to make things and tasks easier, more productive, and safer by using scientific findings and good practices. But the fields of marketing and advertising, which use similar methods and tests to collect data from people, have different goals. Marketers want to make their product advertising noticeable, memorable, convincing, and produce positive beliefs that a product is useful and safe. A fundamental principle of safety is that when products have hazards that are not designed out or guarded against, then there should be warnings about those hazards so that users can easily apprehend the information and act to avoid the hazards.

Many products have inadequate warnings, lacking information on the actual (and often known-to-the company) risks. As a result, people may not get necessary information in deciding whether or how to protect themselves.

If there are serious injuries from using a product, in the United States a lawsuit may be filed in the court system alleging defective product design, manufacture, or warnings. In some cases, the evidence shows that companies “hid” or obscured some of the hazards associated with their product by using deficient warnings. An explanation for a failure to give warnings is that the sellers/manufacturers are apprehensive about the potential for warnings to negatively affect sales. It could be a competitive disadvantage to give prominent, explicit warnings when other brands having the same safety profile have absent or inadequate warnings. Of course, other manufacturers could put good warnings on their products, but it is unlikely to be enacted if

their company's sales increase as a result of its competitor having effective warnings. Consumers may think that a product without a warning is safer than a product with an effective warning, although some research, such as Ursic (1984), indicates this might not be an inevitable result, and could instill positive beliefs about a brand. Sometimes an entire industry actually wants the federal regulatory agencies to require specific warnings so that all companies manufacturing the product have the same competitive "disadvantage" (e.g., as is documented with airbag warnings in vehicles). Nevertheless, if a product needs a warning to use it safely—and proper warnings were absent or they were inadequate—then the manufacturer could be found liable for plaintiff's injury in a product liability case (American Law Institute, 1965). The likely success by parties in lawsuits can depend on whether adequate warning was provided.

Marketing tries to obscure hazards whereas human factors people want to expose hazards through effective warnings. There are many opportunities that a manufacturer can employ to warn users (e.g., on labels, in manuals, etc.). One opportunity that is *not* used is in advertising. The only warnings in broadcast TV are in advertisements for prescription drugs because the U.S. Food and Drug Administration (FDA) requires a balanced presentation of risks and benefits (called "fair balance") when information is provided by pharmaceutical manufacturers. But most every other type of product that is advertised is devoid of warnings (i.e., lacking information on risks and hazards). General phrases such as "Use as directed" or "Drink responsibly" are generic and ineffective (Laughery, 2006). Also, some phrases have double meanings enabling varied, and sometimes wrong, interpretations. Thus, most advertising content is unbalanced and can promote distorted beliefs on the safety of a product.

There are other deceptive or "dark" methods being used in marketing including the collection of personal information without awareness of users, making some tasks purposely difficult (rather than easy to use) and popups that interfere with main tasks, among others (Brignull, 2023). Marketing is in the business of attract and maintain attention to get their messages across and that is why large sums of money is involved in advertising products in magazines, television, websites, social media, and in sponsoring events. But again product hazards are almost never given their adequate due. The absence of risk information in the midst of large quantities of benefit information about a product is likely to instill beliefs that the product is safer than it actually is (Kim, 2024).

Also these promotions, and the resulting safety beliefs, can cause problems when warnings are given or seen at a later time. Egilman and Bohme (2006) discuss that the one-sided promotions serve as anti-warnings that may inhibit attention to subsequently displayed warnings. If people believe that a product is safe due to the promotions, then there is no reason to look at warnings despite being visible and readable. Kim (2024) provides experimental data that supports this phenomena.

CONCLUSION

Marketing promotes products but avoids providing information about hazards and sometimes provides inadequate warnings when they are needed. Warnings are not the best solution for preventing injury, better, safer designs and guarding are usually more effective. However, if the design and guarding incompletely control the hazards, then at least, effective (prominent and explicit) warnings are usually necessary. This is a decision that the manufacturer must make, regardless of the competition, particularly if it wants to avoid bad publicity of people having been injured by their product as well as to avoid litigation. The decision to use warnings is made easier if their main competitors are also responsive to include appropriate warnings on their product. Voluntary industry standards and government regulation could also assist, but also could hinder change if a warning is later found to be deficient in the field and in research and if the potential for revision is largely absent.

Human factors professionals could use their disciplinary knowledge to expose and potentially to counteract the use of marketing techniques that improperly add to users' safety beliefs. Some of this might occur in litigation where a human factors expert may opine that inadequate warnings were given (Laughery & Wogalter, 2006). Additionally, internal and external consultation by human factors specialists with manufacturers could result in an increased emphasis on product safety starting with suggesting better designs and warnings, if appropriate. Some companies require a human factors review when developing new products, but safety reviews should be ongoing after the product is released into the marketplace. If companies do not want to use warnings then they should use safer designs or add effective guarding so that people are protected against exposure to hazards so as to prevent personal injury.

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