

KILROY CAFÉ

Philosophy for the Modern Age

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Special Issue!
featuring Britney Spears!

Puffery!

The legal way to lie!

By GLENN CAMPBELL

To lie in a commercial transaction is illegal. That's called "fraud". However, it is not illegal to distort perceptions, misinterpret facts, overstate benefits or fail to disclose drawbacks of a certain product. That's called "puffery", which is constitutionally protected free speech.

We live in a world of puffery. It's everywhere! Whenever someone has something to sell us, puffery is probably in use. Over 99% of all advertising consists of it. We are told a product is NEW! Improved! Amazing! Legendary! We see the product being used by beautiful people (usually paid actors and models) who say it's wonderful. Puffery leads us to believe that the product can do more for us than it actually can, and such suggestions are perfectly legal because no one has technically misstated facts.

Take soda pop. It consists of water, sugar, caffeine, artificial flavor and carbon dioxide—a penny's worth of ingredients. Watching the advertising, though, you'd think consuming the product was an important lifestyle decision. You're imbibing "The Real Thing" or "The Taste of a New Generation". Sugar provides simply food energy; water replaces any that was lost, and caffeine temporarily stimulates nerve cells (depleting them later). Anything more you believe you are getting from the drink was planted in your head by puffery.

It becomes so natural to order a \$2 soft drink with your meal that you don't even know your mind has been polluted. It's possible your whole life is enslaved to puffery! Perceived needs have been planted in your head by those who have something to gain, and you run around trying to serve these illusory goals as though they were real.

And puffery isn't limited to advertising. Anyone who is already emotionally invested in something probably wants to sell it to you. They tell you how great their own choices were, and if you're naïve you'll follow them.

What advertising is *not* puffery? There isn't much! One example is an airline ad that simply shows you a list of destinations and the lowest airfare available. That's the original form of advertising, as it first began. A merchant says: "I have this product to sell with these characteristics at this price." If you need the product, and the price is right, you'll buy.

Today, reasonably honest advertising, mostly free of puffery, can be found on eBay and Craig's List. Other honest advertising might be an impartial review in a neutral forum. But most mass-market advertising—the stuff that pollutes the environment around us—is not honest. It is focused on creating artificial needs where none previously existed or on distinguishing the product based on functionally insignificant factors. It's an exercise in image spin and fact distortion. Legal or not, it's all lies!

Does it matter that Britney Spears uses the product or appears in its ads? Of course not! She has been paid to do it! Yet, advertisers wouldn't pay the price if the ploy didn't work. Most people buy image, not function. It must be part of our genes!

Perhaps puffery is so powerful because modern culture consists of little else. Is there anything on television that *isn't* puffery? Is there anywhere you can go where puffery isn't the dominant public message? Religions use puffery in all the pomp of their rituals. Politicians are full of it! Entertainment is mostly puffery: It may occupy time, but it's not usually very satisfying because it rarely consists of more than self-promotion.

Certain rare art works are not puffery—a deep song, a meaningful movie—but you'll encounter only a few of these in a lifetime. A few products are indeed useful; they can save time or even save your life. All the rest is crap that continues to sell only because the puffery works.

Most people are happy to live a life of lies, fulfilling artificial needs that have been handed to them by others. Is that you? Are you a puffery addict, or do you care about function?

Function is what really works, what really serves your needs. The trouble is knowing what your needs truly are, and for this you must return to basic science. You conduct experiments. You collect data. You employ dispassionate logic to reach provisional conclusions. Advertising is irrelevant, because you know it's skewed in favor of the advertiser.

Puffery is legal because these lies are unenforceable. Advertising usually implies the lie rather than stating it. The only way to stop puffery is to defeat it in your head. "This guy has something to sell me, so I can't trust him!" To live well in your own unique world, you must conduct your own research and reach your own conclusions.

—G.C.

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