Selling Illusions: A Critical Analysis of Advertising and Propaganda

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Abstract

This essay undertakes a first conceptual analysis of advertising by examining its logical and normative dimensions. I begin by exploring the role of argumentation in commercial persuasion, showing how advertising often relies on common fallacies and thus rests on weak logical foundations (section 1). I then turn to Bertrand Russell's reflections on propaganda to argue that advertising and propaganda can be seen as variations of the same practice: shaping people's desires and choices through flawed reasoning (section 2). In section 3, I consider the normative dimension, asking what relation, if any, exists between advertising and fairness understood as a general normative standard. Finally, I conclude by taking stock of these preliminary findings and suggesting directions for further inquiry.

Keywords: Advertising. Propaganda. Fallacies. Fairness. Bertrand Russell.

Foreword

In this essay I would like to analyse some fundamental questions about the concept and practice of advertising as a preliminary stage to a more comprehensive and far-reaching investigation. In particular, I will first examine and analyse the role

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ANALISI E DIRITTO 2/2025: 175-196
doi: 10.4454/nhamer70

of argumentation and logic in persuasive commercial speech in general in order to identify the main uses of common fallacies in advertising discourse and to see whether advertising is to be considered as fundamentally flawed in terms of logical grounding (section 1). Secondly, mainly by analysing Bertrand Russell's seminal works on the subject, I will explore the similarities between advertising and propaganda, which – as we shall see – can be regarded as two different ways of doing the same thing: changing and directing people's desires on the basis of flawed reasoning so that people accept it and consequently act on its basis (section 2). Third, I will ask – at a preliminary level – what relations (if any) can be established between fairness as a generic moral standard or set of moral standards, and advertising as a technique for "manufacturing" desires and what is the notion of "fair advertising" one can find in the legal practice (section 3). In a final section, I briefly take stock.

1. The "Logic" of Advertising

Advertising is usually defined as any paid form of non-personal presentation and promotion of ideas, goods, or services by an identified sponsor[1]. Advertisers include not only business firms but also charitable, nonprofit, and government agencies. According to a widely held view, the general aim of advertising is to inform a certain group of recipients in order to achieve a particular desired effect. According to this view, advertising is the systematic planning, design, coordination, and control of all communicative activities of an organisation in relation to relevant recipient groups in order to contribute to marketing objectives (normally, the sale of a product on a large scale)[2].

More generally and simply, we can define "advertising" for the present purpose as the complex attempt (usually carried out through a variety of communication media) to persuade people to buy products or services. Mostly in capitalist societies, this attempt is usually made by large companies or individual entrepreneurs through certain media such as newspapers, television, social media, the internet, announcements at public events, etc. The function of informing potential consumers, which appears in the common definition that can be found in the literature, must indeed be clarified and qualified.

While science and philosophy aim at approximating truth, both in empirical and conceptual matters, advertising often (if not always) aims to influence consumer be-

[1] In EU law, "advertising" refers to "the making of a representation in any form in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations" (see Directive no. 2006/114, Article 2/a), where such definition has to be intended as "broad" and therefore "not limited to traditional forms of advertising" (see Section 35 of C-657/11 CJEU), but as including also very varied forms of promotional messages.

[2] Müller, Alt, Michelis 2011: 5.

haviour, regardless of the truth of its claims. The main function of advertising is not to inform, but to arouse desires, many of which have no rational basis[3], and thus to prepare the desire bearers to change their behaviour accordingly. It can be said that advertising sometimes also has an indirect or secondary informative function, which is usually only partial and not very differentiated, but this informative function is always parasitic on a prescriptive function, i.e. advertising attempts to influence behaviour in such a way that the recipient of the communication does something that he did not necessarily intend to do before the communication was made.

For example, when the advertisement of a (non-profit) organisation says that bees or tigers are in danger of extinction and that we should donate to this organisation to get things on the right track, we receive information (in general terms, without specific data and usually conveyed through the use of emotional or evocative language), but the real aim of the advertisement is for the recipient to donate money to the organisation working to save these animals. When we see the advertisement that this or that pasta brand is the number one in Italy (to use an example from a series of North American lawsuits that we will come back to later), we are exposed to a marketing action aimed at persuading us to buy such a pasta brand, even if the advertisement conveys some (true or false, depending on the case) information.

In some other cases, which are generally in the minority, precise information (or more precise information than usual) is an essential part of the communication technique to persuade people to buy a particular product. For example, recent adverts on US television promote vaccines by pointing out the various factors that make people and communities safer when they are immunised. This information is necessary today, whereas some years ago it was hardly necessary, because the current US government has created or hugely nurtured a general scepticism about vaccines (based on completely false claims).

In such a linguistic context, advertising can and does employ various communicative techniques, most notably in a enthymematic way, almost always leaving it to the recipient to infer the proposed conclusion himself, thus giving him the impression of freedom of choice, while in reality the conclusion is served up as the only possible one given the premises (although, as we shall see, things are usually different, since the recipient is often a target for fallacious arguments, thus allowing for different conclusions). Typical of this type of forced argumentation are sentences such as "Why pay more?", "Why take risks?", "There is only one product that can do this. What are you waiting for?".

Advertising as a communicative practice is essentially based on a "false bottom trick". What is advertised is not really what is sold: the recipient is offered a kind of emotional avatar for the legal aspect of the practice. What is advertised beyond

[3] Advertising can be based on rational or irrational elements, but ultimately it almost always aims to persuade primarily through emotions: see McGarry 1958: 134-135; Russell 1938: 144-146.

appearances is usually compliance with standardised practices or standardised contracts, that is, contracts to which the recipient can only adhere or not, without any real bargaining power. This imposed aspect is usually mitigated in advertising by suggesting to the recipient that they are "free" to choose between different options[4] (e.g., they can choose a certain look for their car or create their own sandwich from the suggested ingredients or add a particular flavour to their favourite pop), whereas in reality these are only fixed alternatives dictated by standardised practices or contracts[5].

Advertising, then, is (a) a prescriptive discourse, for it tries to get people to do something, (b) based on persuasion rather than coercion, (c) flawed in that it does not directly refer to what it is trying to sell, but rather to something that is one of the consequences of the sale. It is also flawed for reasons related to the way it is usually framed from an argumentative point of view. We can say that every human activity has, as it were, its own way of thinking[6]: Mathematics needs deductive logic to surely derive

[4] Blakeley 2024: 11: «Instead of having infinite choice, as we thought, we are really presented with a wall of standard-issue cans and pouches that are distinguished only by the words and colours on their labels».

[5] This comes to no surprise. Advertising is one of the most powerful communicative tools of capitalism. And although capitalism is often associated with the idea of freedom, it can easily become one of its possible negations, since it is characterised by a tendency to monopoly or oligopoly, the ever-increasing separation between owners and consumers, and the practice of systematically underpaying workers. If capitalist societies are "free" and "just" in some sense of these very broad and general terms, they are so *despite* capitalism, not because of it. And they are so because of the constraints legally imposed on capitalism, not because it has been given free rein. The actual tendency to reverse these constraints (abolishing public health care, repealing pro-worker laws, privatising energy or transport, restricting or eradicating dissent, using the police to protect private interests instead of public goods, punishing poverty, etc.) are proof of what happens when capitalism is given free rein, and a less free and more unjust society is consequently created. On the origins of contemporary capitalism and its relationships with democracy, see Russell (2020: 76-77): «In America in the days of Jefferson there were many small land owners, and many handicraftsmen who owned their own tools. As the industrial revolution proceeded the handicraftsmen died out and were succeeded by wage earners employed in factories owned by rich firms. Gradually the firms became larger and represented increasing amounts of capital. Even where there was nominal democracy, these large firms could exercise enormous political influence, and wherever machine production was new, wage earners were apt to be reduced to great poverty […] Capitalism in Western countries has been combined with democracy, but democracy is no part of what constitutes it. In its early days it did not have to combine with democracy, and was able to make trade unions illegal […] Of the various arguments in favour of Capitalism as a system, the best of these in my opinion is that it keeps political and economic power apart. It does this only where democracy is vigorous – elsewhere by means of corruption, the rich, in spite of nominal democracy, acquire an undue degree of control. Where democracy is vigorous and living, the separation of economic and political power tends to keep both within limits». On the relationships between capitalism and liberty, Russell observes: «The defenders of Capitalism defend it in the name of liberty and object to the restrictions on the actions of individuals which are involved in any limitation of laissez-faire. I think it may be said as against this view that liberty for great corporations is liberty for a very few, and gives opportunity for curtailment of liberty on the part of those who do not participate in the profits of the corporations concerned» (id., 79).

[6] Schauer 2009: ch. 1.

theorems from axioms, empirical science needs abduction to establish hypotheses and induction to frame well-founded generalisations, legal reasoning uses rhetorical arguments to justify the bases of a decision, and so on. Advertising has its own "logic", i.e., it has a series of argumentation tools that are specifically designed to convince the population that it is worth having a certain product. Many of these tools are normally considered logical faulty, for several reasons. In everyday commercial practice, however, they are generally accepted and not considered necessarily misleading.

Let's take a look at the main fallacious arguments used in commercial practice, or rather, the fallacious arguments that make up a large part of commercial discourse.

A common misconception in advertising is the *ad populum argument*, i.e., the argument that you have to do or have something because everyone thinks it is right or valuable[7]. Such an argument is usually wrapped in slogans such as "The most loved products by Italians" or "The brand chosen by 9 out of 10 people", conveying a double message: (a) this is the best product because everyone likes it or has bought it, and (b) you lose something if you don't join the group of those who have it (this is an appeal to the so-called "bandwagon effect")[8].

This argument is clearly mistaken from a logical point of view for two main reasons. First, it is based on a gross generalization that may turn out to be false on closer inspection. Claims such as "X is generally considered to be the best product" or "X is actually the best performing tool in a certain category of tools" or similar claims are usually not supported by empirical data. Moreover, the "popular" criteria by which best performance is to be judged are unclear (X is the cheapest product in

[7] Russell 1938: 11 observes that, regarding propaganda, the argument *ad populum* is a tool one can powerfully use after having generated almost universal consensus: «Propaganda, if it can create an almost unanimous opinion, can generate an irresistible power».

[8] Copi, Cohen, McMahon 2014: 113: «The heaviest reliance on arguments ad populum is to be found in commercial advertising, where its use has been elevated almost to the status of a fine art. The products advertised are associated, explicitly or slyly, with things that we yearn for or that excite us favorably. Breakfast cereal is associated with trim youthfulness, athletic prowess, and vibrant good health; whiskey is associated with luxury and achievement, and beer with high adventure; the automobile is associated with romance, riches, and sex. The men depicted using the advertised product are generally handsome and distinguished, the women are sophisticated and charming, very well-dressed or hardly dressed at all. So clever and persistent are the ballyhoo artists of our time that we are all influenced to some degree, in spite of our resolution to resist. Almost every imaginable device may be used to command our attention, even to penetrate our subconscious thoughts. We are manipulated by relentless appeals to emotion of every kind. Of course, the mere association of some product with an agreeable feeling or satisfying emotion is by itself no argument at all, but when such associations are systematically impressed on us, there usually is an argument ad populum lurking not far below the surface. It is suggested that the product – some beer perhaps, or some perfume, or some brand of jeans – is sexy, or is associated with wealth, or power, or some other admired characteristic, and therefore we, in purchasing it, will acquire some of that same merit. One variety of this bad argument is particularly crass because it suggests no more than that one is well advised to buy (or join, or support, etc.) simply because that is what everyone else is doing. Some call this the "bandwagon fallacy", from the known phenomenon that, in an exciting campaign, many will be anxious to "jump on the bandwagon" – to do what others do because so many others are doing it».

the class, X has the better price/performance ratio, X is simply the best performing product to achieve Y, X is the best performing product to achieve Y, while W and Z remain constant, etc.). Moreover, it is not even clear whether such claims rest on absolute or a comparative generalisation[9]. In other words, it is often unclear whether advertising is about the best product in general or about the alleged fact that a particular product is better than another product or is better than any other product in the same class. Secondly, once we have accepted the premises ("Everyone has X" or "Everyone considers X to be the best"), we have no guarantee that we can safely derive the conclusion ("X is actually the best product"). On the contrary, there is a very high probability that there is no connection whatsoever between what is generally *considered* good and what is *really* good on the basis of certain criteria. Only if we reduce what is really good (according to certain criteria) to what is considered good does the present argument acquire a certain consequentiality. But of course, this step would prevent any possible critical evaluation of advertising that points to alleged massive convergence.

The appeal to popularity is often accompanied by a hasty generalization, moving from anecdotal experience to a universal class in advertising. "You should buy a lottery ticket because John once bought one and got rich" is a clear case of a completely unwarranted generalization. If John really did win the lottery, it is much more likely that the next buyers of a ticket in the same lottery will not win than the opposite. This is also the case when a particular product that is considered beneficial for a specific desired effect is also considered beneficial for other, more general effects. For example, a certain diet drink that is advertised as making you slimmer in no time is also advertised as making the person in question healthier, happier, sunnier, more successful, and so on. In other words, by acquiring one characteristic, you can obtain the whole class of desired characteristics. This passage is of course completely unjustified and wrong for at least two reasons: firstly, if there is no causal connection between these characteristics, the presence of one characteristic does not lead to the presence of the others; secondly, the presence of one characteristic of a particular class does not imply the presence of the entire class of characteristics.

Another common argumentative fallacy in advertising is the use of improper authoritative arguments[10]. This happens in at least two scenarios. First scenario: The person advertising a particular product is only indirectly (if at all) connected to the advertised product. A football player promoting mineral water or soft drinks has usu-

[9] See Schauer 2006.

[10] Copi, Cohen, McMahon 2014: 133: «The most blatant examples of misplaced appeals to inappropriate authority appear in advertising "testimonials." We are urged to drive an automobile of a particular make because a famous golfer or tennis player affirms its superiority; we are urged to drink a beverage of a certain brand because some movie star or football coach expresses enthusiasm about it. Whenever the truth of some proposition is asserted on the basis of the authority of one who has no special competence in that sphere, the appeal to inappropriate authority is the fallacy committed».

ally not studied chemistry or nutrition and therefore does not have specific knowledge to inform about the chemical or nutritional properties of a particular mineral water or soft drink. Such a person is therefore an improper authority in every respect.

The second scenario is that of a genuine authority being misused: e.g., a Formula 1 driver promoting a car brand by highlighting the performance of such cars in ideal conditions, conjuring up an idea of freedom and perpetual 'magical' driving without traffic rules, these qualities being irrelevant to everyday life, where most of us are trapped in endless traffic jams on crowded roads and highways, always careful not to break any traffic rule.

Moreover, many arguments in advertising are linked to certain feelings, and the proposed acceptance is based on these very feelings rather than consequentiality[11]. Pleasure can be one of these feelings. Since this yogurt is said to have a positive effect on cholesterol levels and the thought of such an effect is pleasant, we tend to accept the advertised argument for the pleasure of the alleged consequences: We will be healthier and in better shape, so we should buy and consume this yogurt. The same applies to a whole range of other products. Normally, there is a twofold error here: First, it is asserted without justification that there is a causal connection between a certain product and certain effects; second, the enjoyment of the possible consequences of performing the activity that is the object of the argument is, of course, irrelevant to the consequentiality of the argument itself.

But negative emotions also play a major role in the argument: fear is probably the best known and is most often used in advertising, which sees it as a key factor in persuading people to buy something that is regarded as a means of combating this fear (a gun, an alarm system, a private security service, a house in a fortified complex, life insurance, dandruff shampoo, etc.)[12]. In this case, we are dealing with an argument *ad metum*, i.e., using an existing fear as a key to get people to accept an otherwise shaky argument.

Other common fallacies encountered in advertising are the false dilemma and the slippery slope.

We encounter the first type of argument when we are faced with a choice that is an unjustified alternative (unjustified in the sense that there are actually more options).

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[11] Russell 1938: 144.

[12] In the literature on advertising, the main cases of fears used to advertise products are the following: 1) *physical*: the risk of physical harm, which is used in advertising for sportswear (e.g. sports injuries), toothpaste (e.g. tooth decay) or over-the-counter self-medication (e.g. headaches); 2) *social*: the risk of being socially rejected, which is often used for personal care products such as deodorants, dandruff shampoo, mouthwash, etc. 3) *product performance*: the risk that competing brands do not have high quality characteristics or do not perform as expected; 4) *financial*: the risk of losing large sums of money or spending too much on an inferior competitor product; 5) *opportunity*: the risk of missing a special opportunity to buy the product because it is in short supply or only available for a limited time. See Fennis, Stroebe 2010: 20.

"Either you make the sauce yourself or you buy our sauce", which gives the idea that these are the only two ways to eat a healthy and tasty pasta sauce, while there are many other ways to get such a thing.

The second type of argument is when we are required to take a first step because failure to do so (which might be considered reasonable in the abstract) would set off a long chain of events of ever-increasing severity. "John didn't take out our insurance. John had a health problem, had to sell his house, had to sell his shares in the stock market, then his car and most cherished possessions… Don't make the same mistake as John. Take out our insurance now". Of course, as such, we have no reason to think that we suffer from the same or a similar problem as John, and we might not be in the same situation as he was in terms of our wealth. Furthermore, there is also no consequence in the events that are allegedly triggered by John not taking out the insurance. Nor do we have any evidence that John would have avoided this series of unfortunate events by taking out the insurance.

Finally, an important mention must be given to two fallacies which are common in political advertising: a special case of false dilemma and the complex question.

The first fallacy, which is particularly typical of two-party countries and presidentialism, is to assume that there is no other possibility between two options. The fallacy is to take two contrary options as if they were contradictory options, i.e., as if the falsity of one entails the truth of the other, when in fact they may both be false and a third option may be true.

The second fallacy consists in putting forward a series of theses that are often unconnected or even contradictory and are presented as if they had to be accepted or rejected as a whole. This is one of the main causes of disenchantment with politics, as numerous recent examples show. For example, the promise to stop immigration or deport migrants and maintain the same social benefits in the long term cannot easily be reconciled with the current population decline in Western countries, to put it mildly. The same applies to the desire to increase industrial or agricultural production. Hence the surprise of voters who have accepted the whole package and then realise that agricultural production, for example, will fall drastically if migrants are deported or locked out.

These last two points naturally lead to our next topic: analysing the propaganda discourse.

2. Advertising and Propaganda

The many faces of fallacies in advertising can also be found in another typical way in which societies direct and orientate desires and emotions: propaganda[13].

[13] The connection between the notions of propaganda and advertising (one could say: the idea that advertising is a subset of propagandistic activities and results understood in a broad sense) is apparent in

To analyse it, I will use Bertrand Russell (and his oeuvre) as my personal Virgil. However, I will not repeat myself in denouncing such fallacies: that would be idle and boring. Indeed, it is easy to see that the main argumentative devices of propaganda are very similar in their deceptive character to those of advertising: the use of excellence in sport to push nationalism, the use of fear as a powerful tool to impose some crude decisions, the use of supposedly ideal models to make people behave in certain ways, the use of debatable epistemic theses to obtain popular consent, and so on.

I will take a different path here: I will try to show that, contrary to a recently held view, advertising can be seen as a form of propaganda, and a form of propaganda that is unavoidable in capitalist regimes, so that it is not surprising to find the same patterns of argumentation in propaganda and advertising discourse.

To begin with, we must note that "propaganda" is an ambiguous term: it is particularly affected by the so-called "process/product" ambiguity. Indeed, it can mean the systematic dissemination of information carried out in order to promote a particular cause or point of view, often of a political or ideological nature. But it can also refer to the information disseminated in this way, or to the means or media by which such ideas are disseminated.

Furthermore, and more importantly, the term "propaganda" is also ambiguous in its possible connotations, as it can be used with a pejorative undertone (meaning that propaganda is, by definition, biased and erroneous), but also in a more value-neutral way (meaning that it is just a means of spreading thoughts). In Article 19 of the Italian Constitution, for example, the term "propaganda" is used in the (technical) sense of the right to promote one's religion. When the term is used in a value-neutral way, i.e., as a means to promote one's ideas, it is sometimes accompanied by evaluative expressions in order to distinguish what is bad or good propaganda. For instance, in correspondence, Bertrand Russell often uses "propaganda" to simply mean promotion of one's views. In one letter, he says that «there is a great deal to be said for trying to make one's propaganda palatable to Conservatives»[14]; in another one he affirms that «Warmongers have countered my propaganda by pretending that I am a Communist»[15]; in a letter to the Gandhi Peace Foundation he says to have included in the Object of his Foundations «educative and instructive propaganda for all ideas promoting an ultimately peaceful human society»[16].

Russell 1938: 35-36: «An individual may be influenced: A. By direct physical power over his body […]; B. By rewards and punishments […]; C. By influence on opinion, i.e., propaganda in its broadest sense. Under this last head I should include the opportunity for creating desired habits in others».

[14] B. Russell, *Letter to Hugh W. Heckstall Smith*, January 9, 1959.

[15] B. Russell, *Letter to Carole Kutner*, May 19, 1959.

[16] B. Russell, *Letter to R.R. Diwakar, Chairman of the Gandhi Peace Foundation*, November 27, 1962. In his *Autobiography*, Russell (2010: 613) mentions non-violent civil disobedience as a tool for propaganda of good ideas: «We advocate and practise non-violent civil disobedience as a method of causing people to know the perils to which the world is exposed and in persuading them to join us in opposing

This happens because, as Walton (1997: 409) notices, «propaganda is not necessarily against informed, rational, reflective judgment, or logical thinking on an issue, in the sense that its goal is opposed to these ways of thinking. Instead, its goal is to get the desired action by any persuasive means. If logical thinking and informed rational judgment work for that purpose, then propaganda can or will use these means. But if these means don't work, then propaganda will use other means that can or do work, including myths, stories, symbols, group loyalties, group-oriented appeal to the people, popular enthusiasms, visual imagery, and any techniques of persuasion that are psychologically effective».

So, it cannot be said that "propaganda" is always used, *de facto*, with a negative or pejorative connotation. Of course, one can redefine the term "propaganda" with such a pejorative connotation[17], meaning that ideas are disseminated in a biased or misleading way to promote a political cause or viewpoint that is often controversial. However, I will not go down that path here, and when I use the term "propaganda" in this sense, I will say so explicitly. Instead, I want to take the opportunity to examine the contours of the general concept of "propaganda" and see if and how they relate to advertising.

One thesis, maintained recently in an influential paper by Bonard, Contesi and Marques is that propaganda and advertising are different notions that must not be confused. They affirm[18]:

> Propaganda appears to be a sufficiently distinct phenomenon from advertising […] advertising and the similar phenomena of marketing, public announcements, etc., are in many respects much wider phenomena – even when restricted to political contexts. Moreover, 'advertising' is standardly used in English in a more neutral sense than 'propaganda' and the same goes for its equivalents in many other languages. While advertising attracts its own share of suspicions, it is also an accepted part of contemporary democratic societies – while propaganda is not. Advertising promotes products or services, and although some advertisements can be misleading, there is no reason to think that they all are. Furthermore, the particular product or service promoted is typically not a political or social cause. Naturally, some advertisements can also be propagandistic. However, the two concepts are not coextensive. A truthful advertisement for a local music festival is typically not an instance of propaganda, while a cable news show can be propagandistic and not advertise anything.

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the insanity which affects, at present, many of the most powerful Governments in the world. I will concede that civil disobedience as a method of propaganda is difficult to justify except in extreme cases, but I cannot imagine any issue more extreme or more overwhelmingly important than that of the prevention of nuclear war. Consider one simple fact: if the present policies of many great powers are not radically changed, it is in the highest degree improbable that any of you here present will be alive ten years hence. And that is not because your peril is exceptional. It is a universal peril».

17 This is done by Bonard, Contesi, Marques 2024.

18 Bonard, Contesi, Marques 2024: 1083-1084.

The main idea of this passage is that advertising and propaganda are not coextensive because there is advertising that has nothing to do with propaganda, and there are cases of propaganda that have nothing to do with advertising. According to the authors of the passage above, both practices can be seen as intersecting sets, not as totally overlapping sets. This is of course a matter of definition, which depends on how we define the terms involved. In the literature, a distinction is made between personal door-to-door selling and mass advertising, which is mainly carried out by companies on a large scale and with the help of various types of mass media. By associating the term "advertising" exclusively with this second group of activities, it is easy to see that advertising and propaganda can be similar in many ways. The authors' example of truthful advertising for a local music festival is more on the side of personal selling than on the side of mass advertising, so it's not really a counterexample to see advertising as a piece of propaganda. Furthermore, the fact that advertising is prevalent in democratic societies, suggesting that propaganda is not as present in democratic societies, is simply misleading. There is no conceptual connection between democracy and advertising, and advertising exists in our imperfectly democratic societies not because they are democratic, but because they are capitalist and therefore need to create new needs among consumers in order to increase the production and sale of goods and services. But of course this can and will also happen in non-democratic countries that are committed to capitalism, such as China or Turkey. Capitalism and democracy are not necessarily related, and it can also be said that they are incompatible in the long run, since capitalism tends to exclude people from decision-making, while democracy should include them. We have proof of this divergence when democratically taken decisions are stopped or circumvented because they are supposedly unsustainable for the market. It is also wrong to affirm that propaganda is not accepted in democratic societies. It is well known that liberal democracies use propaganda, *inter alia*, to rationalise financial austerity, police violence and imperialist interventions under the guise of freedom or security and make them acceptable to the general population. We must therefore look for other arguments to compare and contrast advertising and propaganda.

We can say that no particular economic model is necessary for democracy, so advertising is not a necessary component of democracy either. What is necessary for democracy is, among other things, freedom of expression, but whether this necessarily includes freedom of advertising is very controversial. We can imagine a society in which nothing may be or is sold, but in which there is freedom of expression. There is no connection between the two types of freedom. However, it becomes problematic when something is to be sold; here freedom of expression probably includes freedom of advertising, at least at the level of personal selling (although of course doubts may arise about mass advertising, which, as we shall see in a moment, can be considered a type of propaganda). I will not delve further into this question here and I leave the issue for another occasion.

On the conceptual level, propaganda generally conceived usually appears to differ from advertising in that it does not attempt to sell products, but rather to portray a reality which corresponds to a certain ideological viewpoint as highly desirable (and often as the only desirable one). But, if we take another view, and we see propaganda as a set of means designed to further the intent of the propagandist and operate at scale through media technologies, both propaganda and advertising seem to have many things in common: so much that one could argue that advertising is just a *type* of propaganda. This is the idea one can find in McGarry (1958: 131) when he writes that «The essence of propaganda is that it conditions people to act in a way favorable to or desired by the propagandist. It deliberately attempts to influence, persuade, and convince people to act in a way that they would not otherwise act». It is easily argued that advertising falls quite well in such a definition[19].

The view that advertising techniques are only a specific kind of propaganda techniques can also be found in several places in Russell's work.

According to Russell a first, possible, mean of propaganda is education[20]. Russell (1928: 387) writes: «Education is a potent means of propaganda for the State, enabling people in later life to read the newspapers and thus become susceptible to any point of view which the holders of power desire to promote». However, for Russell (1938: 314), education can be also an antidote against propaganda: «Education should be designed to counteract the natural credulity and the natural incredulity of the uneducated: the habit of believing an emphatic statement without reasons, and of disbelieving an unemphatic statement even when accompanied by the best of reasons».

In general, however, the state and other actors make use of other instruments such as the press, cinema, radio and television, to which we can nowadays add the internet and social media. According to Russell (1938: 145-146), «Propaganda is only successful when it is in harmony with something in the patient: his desire for an immortal soul, for health, for the greatness of his nation, or what not. When there is no such fundamental reason for acquiescence, the assertions of authority are viewed with cynical scepticism»[21]. Propaganda therefore must fulfil a dual task[22]: firstly,

[19] McGarry 1958: 131 «Advertising as used today is primarily a type of propaganda».

[20] Highlighting differences and possible point of contact between education and propaganda is McGarry 1958: 132: «Propaganda differs from education in that education presumably is oriented toward the dissemination of "truth" – dispassionate, objective, and unbiased. Pure education takes an impartial non-partisan point of view. It is not prejudiced; it has no slant. Yet all of us know that education must persuade to get students to study; it must propagandize to get funds. Propaganda, on the other hand, by definition is biased, partial, and one sided. It has an axe to grind; therefore, it is always controversial. But unlike education, in which there is no sponsor, the sponsor of propaganda, particularly advertising propaganda, is known».

[21] Russell 1938: 146 states, with an apparent paradox, that democracies are better off here, as they can usually count on the acceptance of the people or at least a majority of the people: «One of the advantages of democracy, from the governmental point of view, is that it makes the average citizen easier to deceive, since he regards the government as his government».

[22] Russell 1938: 145.

it creates a mood in which certain theses can be accepted by the population (e.g. "There is an invasion of migrants that threatens your job or your place in society"), and then it proposes the solution (e.g. exclusion, deportation, arrest, segregation, etc.). The same pattern applies to advertising: first a need is aroused, and then the solution is suggested ("You are insecure in today's world, buy an alarm system", "You need to become fitter and more beautiful, go on a diet with us", etc.). Note that advertising can also build on social and political propaganda. In the current era of nationalistic hype, you are increasingly likely to hear phrases like "100% Italian", "Built in America", "Proudly Canadian", "From France with love" and the like. While the country-of-origin effect has been recognised and studied as an advantage to be exploited globally, it is now, due to nationalist propaganda, also being exploited domestically i.e., in the country where the product is manufactured or, more commonly, assembled or packaged, in order to favour this product over foreign products.

In this context, propaganda and advertising are closely linked, so much that advertising seems to be a subset of propaganda activities. Indeed, Russell's preoccupation with power means such as (bad) propaganda may be extended to the analysis and critique of advertising. In some of his works, he explores the extent to which control over thought and perception can be a stronger form of power than force. Advertising is one of the modern mechanisms by which economic elites exert such influence, not by forcing action, but by influencing preferences and desires.

Instead of people choosing freely in the marketplace[23], Russell argues that advertising itself creates the conditions of desire[24]. This can interfere with or even undermine individual autonomy and freedom[25], one of Russell's deepest ethical commitments. An advertising-permeated society may believe it is free, but in reality it is dominated by an invisible architecture of influence – billboards, slogans, brand identities – that

[23] On capitalism and free market, see Blakeley 2024: 7: «Capitalism is not defined by the free market. Capitalism is defined by the class division between owners and workers, between those who own all the stuff needed to produce commodities and those forced to work to produce those commodities. And the people who own all the stuff are capable, to a greater or lesser extent, of making decisions that have huge implications for everyone else. They are capable of planning».

[24] Russell 1923: 74: «Throughout this epoch, the interest of the producer in the goods ceases as soon as they are sold; it is a matter of indifference to the producer whether they really satisfy a need, or are only so well advertised that foolish people (who are sufficiently numerous to make anybody's fortune) think they will satisfy a need».

[25] Russell 1923: 263: «the community should exact from every able-bodied adult an amount of productive work corresponding to what he or she consumes. It seems inevitable that, as regards this necessary minimum of labour, there shall be less freedom in future than has been enjoyed hitherto by the fortunate minority. But if we could abolish wars and armaments and advertisement and the waste of commercial competition, we could all subsist comfortably on about four hours' work a day. The rest of our time ought to be free, and education ought to prepare us for an intelligent use of the twenty hours a day during which we should be left to our own initiative».

serves not to inform but to profit through psychological control[26]. Russell already had a very clear, and critical, idea of advertising more than a century ago, highlighting the common features of (bad) propaganda and advertising of bringing about unjustified beliefs. Russell affirms: «The art of advertisement, perfected by the competition of private capitalists, has given men a new skill in producing belief in absurd propositions. Those who have been successfully persuaded to believe in so-and-so's pills can obviously be led to believe in anything. Accordingly, the same methods are used to make them adopt whatever view is to the interest of those who have most money to spend on advertisement, i.e. the great capitalists»[27]. In this respect, according to Russell, advertisers have taken up the methods of religious propagandists to manipulate fears and desires and thus create the conditions for the success of their goals[28].

This manipulation is not just personal, but systemic[29]. As the structure of modern capitalism requires ever-expanding consumption; advertising is the engine that manufactures this demand. Russell, critical of unbridled capitalism and sympathetic to forms of socialism grounded in liberty and rational planning[30], views excessive advertising as a symptom of an irrational economy, where production is not based on needs but on marketing-fuelled wants. The central role of advertising under capitalism is not simply to inform consumers, but to stimulate artificial desires, cloak

[26] Russell 1923: 266: «The distinction between the mechanistic and the humanistic conceptions of excellence is the most fundamental of all distinctions between rival sets of Ideals. The mechanistic conception regards the good as something outside the individual, as something which is realized through a society as a whole, whether voluntarily co-operating or not. The humanistic conception, on the other hand, regards the good as something existing in the lives of individuals, and conceives social co-operation as only valuable in so far as it ministers to the welfare of the several citizens». This point can be framed more specifically regarding the relation between capitalism and freedom. «There is a deep contradiction between the belief that we are free and the reality of living under capitalism – a system of pervasive *un*freedom. This sense of unfreedom is grounded in the deep disparities of power that exist within capitalist societies – many of which are completely invisible. Most people are denied autonomy over their lives, yet we are consistently told that we are free to choose how we live. Life under capitalism means life under a system in which decisions about how we work, how we live, and what we buy have already been made by someone else. Life under capitalism means living in a planned economy, while being told that you are free» (Blakeley 2024: 6).

[27] Russell 1923: 121. See also Russell 1938: 144-145.

[28] Russell 1938: 144: «Here the process, reduced to its bare formula, is this: if a certain proposition is true, I shall be able to realize my desires; therefore I wish this proposition to be true; therefore, unless I have exceptional intellectual self-control, I believe it to be true. Orthodoxy and a virtuous life, l am told, will enable me to go to heaven when I die; there is pleasure in believing this, and therefore I shall probably believe it if it is forcibly presented to me. The cause of belief, here, is not, as in science, the evidence of fact, but the pleasant feelings derived from belief, together with sufficient vigour of assertion in the environment to make the belief seem not incredible».

[29] Russell 1938: 146: «Systematic propaganda, on a large scale, is at present, in democratic countries, divided between the Churches, business advertisers, political parties, the plutocracy, and the State. In the main, all these forces work on the same side, with the exception of political parties in opposition, and even they, if they have any hope of office, are unlikely: to oppose the fundamentals of State propaganda. In the totalitarian countries, the State is virtually the sole propagandist».

[30] Ryan 1988: ch. 4; Pecora 2024.

them in emotional or symbolic appeal, and render commodities as solutions to existential problems. In this sense, advertising is a kind of mystification – it disguises the exploitative labour conditions behind production and presents commodities as autonomous bearers of value and meaning[31]. By convincing workers that their identity and happiness can be fulfilled through consumption, advertising helps secure their compliance within an exploitative system[32].

As far as mass communication is concerned, we can perhaps say that, while advertising is driven by the imperatives of the market, other kinds of propaganda serve the interests of the state and ruling class, especially in moments of crisis, war, or upheaval. Often, the state is not a neutral arbiter, but an instrument of those who are in power. Propaganda is a key weapon in the state apparatus. State propaganda can operate, say, by appealing to nationalism[33], heroism[34], moral panic, or collective fear in order to gain support for political measures that often serve the interests only of a small group. But it can also operate simply by twisting the truth and generating false beliefs[35]. Such kind of bad propaganda is thus to be conceived not as a distortion of truth by accident or error, but as a deliberate ideological production intended to redirect popular discontent away from systemic critique or to further a certain value or goal that is primarily beneficial to the propagandist.

To summarise, we can say that propaganda is a kind of prescriptive and persuasive discourse that serves to impose a worldview which encourages a certain course of action[36]. Propaganda can be good or bad, depending on several factors, including the

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[31] In a letter to H.C. Emery of February 2, 1921, Russell identifies capitalism's worst aspect in a «system of production for profit rather than consumption, which is the root evil of the present economic regime». Russell adds: «Production ought to be ordered by those who represent the consumer, and in such amounts as represent a balance between the consumer's desire for goods and the worker's desire for leisure. So long as production is directed by men who do not want the goods, but only the profit derived from selling them, so long the world must remain feverish, wasteful of resources, and prone to war between rival groups of industrial magnates». See this passage of the letter by Russell in Griffin 2001: 222.

[32] Russell 1923: 42-43.

[33] Russell 2009: 110: «fanatical nationalism was what was most emphasized in the teaching of the young, with the result that the men of one country have no common ground with the men of another, and that no conception of a common civilization stands in the way of warlike ferocity».

[34] Russell 2009: 116: «Many people decry happiness as an end […] It is one thing to forgo personal happiness for a public end, but it is quite another to treat the general happiness as a thing of no account. Yet this is often done in the name of some supposed heroism».

[35] Russell 2009: 92: «there is absolutely no limit to the absurdities that can, by government action, come to be generally believed». On the question of whether untruthfulness at a young age can lead to cynicism in adulthood, see Russell 2009: 117.

[36] As Walton 1997: 394 affirms: «the aim of propaganda is not just to secure a respondent's assent to a proposition by persuading him that it is true, or that it is supported by propositions he is already committed to. The aim of propaganda is to get the respondent to act, to adopt a certain course of action, or to go along with, and assist in a particular policy. Merely securing assent or commitment to a proposition is not enough to make propaganda successful in securing its aim. Whether or not an audience really believes a particular viewpoint, or accepts it as true, the aim of propaganda is to get them to go along with

evaluative system we use to judge its correctness, and the logical structure of its arguments. Mass advertising, which is a type of propaganda, can theoretically also be good or bad, but when it is associated with extreme consumerism and capitalism, as in contemporary society, it appears in most cases as a kind of deceptive and illusory form of commercial discourse. I will go into this in a little more detail in the next section.

3. Advertising and Fairness

Fallacious and propagandistic as advertising might be, no one would probably say that it is unfair as a practice or as a result. In fact, there is a general notion that in order to sell products, one should in some way "adapt" reality, or at least the way one presents it. Moreover, since advertising is set to affect people's desires and preferences[37], it may be argued that this cannot be done without presenting reality (actual or imaginary) from a biased point of view. But is advertising fair? This depends of course on how we conceive the notion of fairness.

Understood as a term of morality, "fairness" may refer to different notions[38]: 1) not disadvantaging others, 2) being unbiased, impartial, or neutral in our treatment of others, 3) sharing burdens or benefits equally, 4) treating equal or similar cases equally or similarly, 5) treating others with the concern and respect they deserve. If we consider these as different standards of fairness, it is probable to conclude that advertising does not meet the threshold of moral fairness in most cases, despite the extreme generality and vagueness of the respective notions. Let's briefly see why.

Firstly, advertising is at best made for the benefit of both parties – the advertiser and the consumer – but it is generally much more profitable for the advertiser than for the addressees. Secondly, for reasons related to its persuasive function, advertising generally cannot be unbiased, impartial or neutral, even if it can be in relation to its addressees. In addition, there is advertising based on stereotypes or commonplaces that are clearly not impartial and do not allow for equal treatment (and are sometimes even discriminatory on the basis of origin, gender, sexual orientation, political opinion, etc.). Finally, as already mentioned, there is a whole range of illusory aspects in advertising that make it unfit to treat other people with equal

it in a more practical sense. The aim is to get them to go along with a policy or program by taking part in it, and by allowing it to be implemented as a plan of social action».

[37] Russell 1938: 315: «I do not wish, however, to preach a purely negative emotional attitude; I am not suggesting that all strong feeling should be subjected to destructive analysis. I am advocating this attitude only in relation to those emotions which are the basis of collective hysteria, for it is collective hysteria that facilitates wars and dictatorships. But wisdom is not merely intellectual: intellect may guide and direct, but does not generate the force that leads to action. The force must be derived from the emotions. Emotions that have desirable social consequences are not so easily generated as hate and rage and fear».

[38] Carr 2000: 2-10; Rescher 2022: 10-12; Dworkin 2011: ch 1.

concern and respect. So, advertising, or most of its existing instances, are probably unfair from a moral point of view. The first observation we need to make is that we can say what Ronald Dworkin said about laissez-fare economy: a free market where people buy and sell their products and their labour as they want and can, does not show equal concern for everyone[39]. Anyone impoverished by this system has the right to ask: "There are other redistributive laws that would put me in a better position. How can it be claimed that this system shows equal concern for me?"[40]. The basic unfairness of advertising is that it normally serves an unequal system and inherits the unfairness from it.

Another form of unfairness arises from the tricky nature of advertising, which we have already analysed. Advertising is unclear about what is being advertised because it assumes that the addressee should know all (or most) of the legal aspects of what is being advertised, when this is hardly ever the case, and it often uses misleading argumentation techniques to persuade people to want and buy goods. Of course, this is miles away from treating people with concern and respect.

Unfairness can also result from the advertised practice. Advertising that encourages very risky behaviour (such as hazardous investments, gambling, excessive alcohol consumption, or cutting prices by reducing safety measures) while simultaneously warning of the associated dangers is a form of performative contradiction that should undermine the practice in question, but usually does not. People continue to make risky investments, gamble, and drink excessive amounts of alcohol without considering the possible harmful consequences, probably due to a variant of the gambler's fallacy – the well-known cognitive error in which individuals mistakenly believe that the outcomes of independent events are connected, leading them to make irrational predictions based on previous results. And society as a whole sees this practice as acceptable, despite the harm it causes. All of this is reminiscent of Russell's paradox of preventable evils: we have a practice that does more harm than good, and the benefits accrue to only a very few, and it would be easy to end the practice and use the money for something else. But even though we could do so easily, no community is willing, smart, or brave enough to make such a change[41].

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[39] The same applies, with more reason, to a capitalist society in full swing: «In the current system, workers are alienated from their creative power in a society in which imagination is the prerogative of capital. Bosses decide business plans and managers implement them – considering only their personal power and the profits of the corporation. Politicians decide the rules and bureaucrats implement them – considering only their own personal power and that of the State. Workers are left to compete with one another in a game that has been designed to ensure they lose» (Blakeley 2024: 15).

[40] Dworkin 2011: 2-3.

[41] Russell 1917: 35: «Few men seem to realize how many of the evils from which we suffer are wholly unnecessary, and that they could be abolished by a united effort within a few years. If a majority in every civilized country so desired, we could, within twenty years, abolish all abject poverty, quite half the illness in the world, the whole economic slavery which binds down nine tenths of our population; we could fill the world with beauty and joy, and secure the reign of universal peace. It is only because men are apathetic

From a legal perspective, advertising is considered unfair if it is misleading. Misleading advertising, in turn, is a practice that *deceives* or is likely to deceive the average consumer because it may cause him to take a transactional decision that he would not have taken otherwise. In greater detail, misleading advertising is dealt with comprehensively in European Union law in order to protect both consumers and fair competition in the internal market. The main legal instruments dealing with this issue are Directive 2006/114/EC on misleading and comparative advertising and Directive 2005/29/EC on unfair commercial practices. Together, these instruments form a legal framework that prohibits advertising which deceives or is likely to deceive consumers or businesses and which, by its deceptive nature, may influence economic behaviour or harm competitors.

Under EU law, advertising is considered misleading if it contains false information or otherwise misleads, by its presentation or omission in relation to essential aspects of a product or service. These aspects may include features, price, availability, the identity of the advertiser, or consumer rights. Misleading advertising can result not only from active misrepresentation, but also from the omission of key information that the average consumer needs to make an informed decision. The law applies to all media formats, including digital platforms, traditional print, and broadcast advertising.

Directive 2006/114/EC focuses primarily on business-to-business advertising and sets out the criteria that constitute misleading or unlawful comparative advertising. Directive 2005/29/EC, known as the Unfair Commercial Practices Directive, deals with business-to-consumer commercial practices and is directly relevant to consumer protection. This directive divides misleading commercial practices into two categories: misleading actions, where information is false or likely to deceive, and misleading omissions, where critical information is not disclosed in a timely or adequate manner.

Overall, EU law prohibits all advertising practices that mislead consumers or businesses and influence their economic decisions. Advertisers must ensure that their claims are truthful, substantiated, and transparent, especially when addressing sensitive or technical issues such as health, environmental impact, or pricing.

Understood in this way, it is hard to imagine a deliberately misleading commercial argument not falling into this category. However, fallacious arguments are not considered legally misleading per se, unless they relate to the specific elements mentioned above.

By way of illustration, the European Court of Justice (ECJ) recently examined a French case[42], concerning a comparative advertising campaign that was found to take advantage of the advertiser's superior market position, even though the price

that this is not achieved, only because imagination is sluggish, and what always has been is regarded as what always must be. With good-will, generosity, intelligence, these things could be brought about».

[42] Case C-562/15 – Judgment of the Court, Second Chamber, 8 February 2017; see Carpani, Grazioli 2019, whose reconstruction I follow closely here.

comparisons themselves were, in formal terms, objective. The Carrefour supermarket group had launched a nationwide television campaign under the slogan "Lowest Price Guaranteed", comparing the prices of 500 branded products sold in its own officially branded stores with those offered by competing retailers. The campaign also promised consumers a refund equal to twice the price difference if a lower price were found elsewhere. Although the competitors' prices were systematically presented as higher, the advertisement did not disclose that Carrefour's prices were taken from its hypermarkets, whereas the competitors' prices referred to products sold in smaller retail outlets.

The Court clarified that differences in the size or format of the shops from which prices are collected and compared may compromise the objectivity of the comparison. This problem may arise where the advertiser and its competitors operate under brands encompassing a variety of store formats, and the advertiser compares prices applied in its larger-format stores with prices charged in smaller-format stores of competing brands, without making this distinction apparent in the advertisement or clearly communicating it to consumers.

For these reasons, the ECJ held that the size and type of the shops involved constitute material information for consumers and must therefore be clearly indicated in broadcast advertising. The Court concluded that price comparisons are permissible only when they concern stores that are comparable in size or format; conversely, comparing prices across stores of different sizes without explicit disclosure amounts to misleading advertising and unfair competition. This reasoning can be understood as a rejection of an enthymematic form of argumentation that conceals a crucial premise, resulting in both a set-theoretical fallacy of reference – since the comparison concerns non-equivalent sets – and an equivocation fallacy, insofar as the concept of "price" assumes different meanings depending on the retail context to which it is applied.

In another more recent case[43], occurred in Germany, the CJEU restricted how companies can lawfully advertise strikethrough pricing. According to the CJEU, price reductions must be calculated and communicated based on the lowest price during a period of at least the previous 30 days. The longstanding practice of using the most recently charged price as a reference for strikethrough pricing is therefore not permitted under EU law. Any price advertised by a trader as a percentage reduction or through a promotional statement highlighting the attractiveness of the reduced price must be determined based on the "prior price". This concept, found in Article 6a(2) of Directive 98/6, is understood as the lowest price applied by the trader during a period of at least 30 days before the price reduction. It is not the most recently charged price, as was shown in the advert in question. This was decided – contrary to a possible strictly literal reading of Article 6a(1) of Directive

[43] Case C-330/23 – Judgment of the Court, Eighth Chamber, 26 September 2024.

98/6[44] – in the spirit of the Directive, which aims to improve consumer information by requiring clear and unambiguous details about prices and how discounts are calculated. The Court seems to indicate that traders must be prevented from misleading consumers by raising prices shortly before announcing a price reduction, thereby creating false price reductions. From an argumentative perspective, this decision aims to reject a possible fallacy of equivocation concerning the notion of price.

Another scenario, originating in North American jurisdictions, is the series of Barilla cases taking place in Quebec[45] and the US[46]. In both cases, Barilla is accused of misleadingly labelling its pasta as "Italy's No. 1 pasta brand" and leading consumers to believe the products are made in Italy, even though they are produced in North America with non-Italian ingredients. Instead of attacking the fact that it is questionable whether Barilla is the No. 1 pasta brand in many respects (and thus rebuking what could have been an intersection of several "ad populum fallacies"), the promoters of the class action lawsuit were primarily concerned with attacking Barilla for using an Italian-sounding reference for a product made in America and thereby deceiving consumers. The proceedings have not yet been finalised, but the plaintiffs are complaining about the repeated use of a word – in this case, the proper name "Italy" – in an ambiguous and misleading manner, creating an equivocal enthymeme.

4. Taking Stock

To summarise, this essay has offered a first conceptual analysis of advertising that focuses on its logical and normative dimensions. By analysing the argumentative structure of commercial persuasion discourse, I have shown that advertising often resorts to fallacious arguments and weak reasoning. This weakness is particularly evident when comparing advertising to propaganda, as both aim to influence desires and decisions less through appeals to reason than through the exploitation of psychological mechanisms. The normative analysis, in turn, raises the question of whether such practices are compatible with fairness as a general (moral and legal)

[44] Which provides that «any announcement of a price reduction shall indicate the prior price applied by the trader for a determined period of time prior to the application of the price reduction». The Court affirms (§ 24) at its regard that «To interpret Article 6a(1) of Directive 98/6 as meaning that it is sufficient, in a price reduction announcement, to mention the "prior price", within the meaning of paragraph 2 of that article, without that price constituting the actual basis for calculating that reduction, would risk […] undermining those objectives and, in particular, that of improving consumer information, which requires that information on prices and the methods for calculating the announced reduction be entirely unambiguous».

[45] *Ariane Knafo v. Barilla Canada Inc.*, Superior court. Province of Québec. District of Montreal. N. 500-06-001202-221.

[46] *Sinatro et al v. Barilla America, Inc.*, United States District Court, Northern District of California, 22-3460.

standard of social interaction. While this study has only sketched the outlines of the problem, it highlights the importance of considering advertising not only as an economic activity, but as a practice with ethical, legal, and political implications. Future research should therefore move from a conceptual analysis to a case-based study examining how courts have dealt with cases of unfair advertising. Such a study would lead to a better understanding of the tension between commercial freedom and normative standards of fairness and examine whether case law provides an adequate framework to address the concerns identified here. In this way, the preliminary considerations developed in this essay could be expanded into a more comprehensive account of the place of advertising within our normative orders.

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