

# VIEW FROM THE CHEAP SEATS

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## **If You've Been Injured by an Ad Agency...**

*Can there be malpractice in an industry with no standards and practices?*

***"Can we revisit the copy? The headlines and body copy are a little too creative for the brand."***

That was the change request I received one day while writing ads to promote a bank's sponsorship of basketball teams—newspaper ads created specifically to run in a special basketball-themed insert. Keeping that in mind, I artfully weaved bank services with basketball verbage.

Now, I wasn't going to practice a gold pencil acceptance speech because of these ads; in other words, the ads weren't pushing any envelopes and they were well inside the box. So being called "too creative," in this instance, was laughable.

I have no idea how this decision got made, but I believe the ads were deemed "too creative" by a young AE—without showing it to anyone else, least of all the client.

Thinking about it later, I wondered what would happen if a client ever found out that its agency was intentionally making ads that were "less creative" by design. Isn't that a kind of malpractice?

Yes, that's a loaded word, malpractice—it conjures up armies of ambulance-chasing lawyers, subpoenas in hand. The last thing any ad agency needs is an accusation of malpractice—but is there such a thing? Should there be?

The spectrum of advertising is a very simple one. At one end is a compliant agency of order-takers, giving the client exactly what they request, clichéd word for clichéd word. At the other end is an agency of arrogant, self-appointed experts shoving a concept or an ad down the client's throat. 99% of all advertising in the world falls somewhere in the middle.

The best of us hope a client will recognize that we are using our expertise to make appropriate recommendations. But if an agency, internally, knows that it is intentionally watering down a creative concept, or not giving a client its best thinking for one reason or another, can that be proven? Or is it always subjective?

We live in strange times—even in the last 2 weeks, we've seen pharmaceutical companies voluntarily holding back the advertising of new drugs, yet BusinessWeek ran an article suggesting that Toyota is pursuing a strategy to insert itself into the editorial content of magazines. Any ad agencies involved in these decisions are likely working to the best of their abilities—yet one is pulling back, and one is venturing into uncharted territory. Who can judge what's truly best, or even ethical?

The problem isn't merely that no one can define what great advertising is. No one can define what advertising is, period. So "malpractice" would have to be in the eye of the beholder.

Advertising will never have the equivalent of medicine's Hippocratic Oath. There will never be a set of guidelines and principles to aspire to that would be universally accepted. And fear of creative and provocative concepts will always be there, whether it comes from our co-workers or our clients.

We can only hope that the market is self-correcting, that bad agencies, and bad people in those agencies, will be rooted out of the business. Because we certainly don't want teams of lawyers deciding what constitutes good advertising practices. Lord knows, they would deem almost anything except the 5-point mandatory fine print as "too creative."