

Enacting Guerilla Marketing to Attain Commercial Speech Protection

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Guerilla marketing is fast becoming a cost-effective means to convey a commercial message. Jay Conrad Levinson introduced the phrase “guerilla marketing” in the 1980s to refer to advertising tactics that are “event- or story-based promotional activities that create ‘buzz’ among customers” (Pyrtle 1). Borrowing military metaphors, guerilla marketing has been described in terms associated with warfare, such as “attack,” “weapons,” “force,” and “going on the offensive.” This essay explores guerilla marketing as a controversial form of commercial speech by illustrating the concept as used in the *Aqua Teen Hunger Force* campaign.

In asserting that guerilla marketing deserves commercial speech protection within the marketplace, this paper highlights significant case law relevant to the public debate about commercial speech rights, and identifies an ethical framework to ground the practice of guerilla marketing while being assured of free speech protection and operating within the boundaries of criminal law. I begin with an example to familiarize readers with the idea of guerilla marketing. Next, I discuss the necessity of free speech to the success of guerilla marketing. Lastly, I propose an ethical framework for responsible guerilla marketing as a useful tactic for marketing communication campaigns.

The “Aqua Teen Hunger Force” Campaign

At approximately 8:05 a.m. on January 31, 2007 in Boston, MA, an unidentified device tethered with electrical wiring and hanging precariously from an Interstate 93 support beam was reported to the Massachusetts Bay Transportation Authority (MBTA). Aware that the device was not sanctioned by municipal authorities, the MBTA quickly requested assistance from the Boston Bomb Squad who – along with police cars, fire trucks, and ambulances – swarmed the city’s public space around the object in a scene reminiscent of a terrorist attack. As a crowd of onlookers gathered, media helicopters hovered above the situation and on-site television crews began reporting “breaking news” about the unknown device. In the background of the chaos, a 27-year-old graphic artist named Peter Berdovsky video-recorded the situation. Although he was acutely aware of the function and purpose of the device that so pressingly concerned emergency personnel, Berdovsky remained silent as instructed by his employer, Sam Ewen of the Interference, Inc. guerilla marketing agency (Smalley and Mishra).

This bomb scare was a result of a guerilla marketing campaign for the late-night cartoon series titled “Aqua Teen Hunger Force” airing on the Cartoon Network. The strategist for the campaign was the Interference, Inc. agency. The agency enlisted Peter Berdovsky and Sean Stevens to place 40 electronic placard devices around the Boston area depicting the popular “Aqua Teen Hunger Force” character “Mooninite” extending his middle finger. The devices were shipped to Berdovsky along with a list of possible locations for the placards – including train stations, overpasses and other high-visibility areas. Both Berdovsky and Stevens were paid \$300 for their work, which was accomplished in two phases on January 29, 2007 (Levenson and Mishra).

The emergency response activity around Interstate 93 prompted Boston, MA officials to close sections of the route and parts of the MBTA public transportation system. As the

scene unfolded, Peter Berdovsky returned home to call Interference, Inc. for advice. Undeterred by the commotion, the guerilla marketing agency executives told Berdovsky that they would inform the police and that he should not take ownership of the campaign.

Nearly three hours later, around 11:00 a.m., Interference notified Cartoon Network about the situation, which was learning about the situation after a police analyst identified the “Aqua Teen Hunger Force” character on the device. Around 4:30 p.m. that day, Cartoon Network’s parent company, Turner Broadcasting, Inc., issued a statement regretting that its promotional event of the cartoon mistakenly posed a danger to society. The guerilla marketing agency assured all parties that the devices in question were simply magnetic light placards that posed no danger (Levenson and Mishra).

Although Interference, Inc. claimed responsibility for the incident, consequences of the “Aqua Teen Hunger Force” guerilla marketing campaign included the arrests of Peter Berdovsky and Sean Stevens, the resignation of long-time Cartoon Network head Jim Samples, and restitution from Turner Broadcasting of \$1 million to the Boston Police Department and \$1 million to the Department of Homeland Security. Although Berdovsky and Stevens caused great unrest within the city, Boston prosecutors could not establish that the two men had intent to incite panic, a component necessary to charge the two defendants with a crime. Rather than appealing the charges of disorderly conduct and placing a hoax device, Berdovsky and Stevens agreed to a plea bargain that involved a public apology to the citizens of Boston and the completion of community service: 80 hours for Berdovsky and 60 for Stevens (Levenson and Mishra). Despite legal infractions that occurred due to a conflict of laws, this case exemplifies that freedom of speech is necessary to the success of any guerilla marketing advertising campaign.

The Necessity of Free Speech to Successful Guerilla Marketing

Predicated on the rapid expansion of competition within the marketplace, guerilla marketing is conceived as a means to defeat “the enemy,” which Jay Conrad Levinson describes as owners of other businesses that compete for market share with the company using guerilla marketing advertising strategies (1). By employing “a low-cost but power-packed arsenal of potential marketing weapons,” Levinson asserts that marketers can claim or reclaim the attention of valuable consumers. Tactically driven rather than strategically monitored, “guerrilla marketing activities tend to be eye-catching and surprising when used – thus being highly efficient in terms of gaining customer attention” (Baltes and Leibing 3). Instead of introducing the product itself, guerilla marketing presents the brand personality bound up in the product – often accomplished with limited resources and a small budget (Baltes and Leibing 4). Customers often feel an emotional connection with a company’s brand, which Kevin Lane Keller and Donald Lehmann define as “the complete experience that customers have with products” (740). Promotion of this intangible asset can be accomplished through guerilla marketing and directly target a prospective customer’s experience with the product in the campaign (Gilmore and Pine 4).

The inherent personality of guerilla marketing as suggested by Jay Conrad Levinson feeds off of the militant metaphor’s connotation. Characteristics such as “Aggressiveness, Imagination and Ego Strength” define guerilla marketing campaigns, which are devoid of ethics and rather thrive on a combatant mentality against fellow competitors (Levinson 45). Seeking first to “interrupt,” the stimuli of human consumers, guerilla marketing’s “in-your-face” expression for the purposes of creating “buzz” provides a debatable position of commercial speech protection considering the practice’s aggressive tendencies (Wills 37). Guerilla marketing’s commercial speech protection may be established by examining precedents in U.S. Supreme Court rulings regarding the protection of commercial speech.

These ruling inform the identification of an ethics that correspond to successful guerilla marketing practices.

Commercial Speech

Although First Amendment free speech protection became part of the U.S. Constitution with the ratification of the Bill of Rights in 1791, the U.S. Supreme Court originally declared that “it did not wish to hear argument on whether corporations were ‘persons’ protected by the Fourteenth Amendment’s due process guarantees originally intended to safeguard the rights of emancipated slaves” (Weissman 15). The Supreme Court simply contended that corporations should received similar treatment as people – at least for Fourteenth Amendment purposes. In matters of speech however, the Supreme Court began to distinguish between speech that is afforded expansive First Amendment protection, such as political speech, and speech that is afforded less or possibly no protection. Examples of speech receiving no protection include the lewd, obscene, profane, and libelous as well as fighting-words speech, set forth in the *Chaplinsky v. State of New Hampshire* (1942) ruling. Although the Supreme Court’s rulings seem to offer First Amendment protection for all speech that is not considered “lewd, obscene, profane or libelous and does not incite violence,” commercial speech adds a new area to the law (*Chaplinsky v. New Hampshire*) A number of cases have resulted in rulings meant to define the parameters of commercial speech protections.

One of the first cases to address commercial speech, *Valentine v. Chrestensen* of 1942, involved an advertising handbill that compelled the Supreme Court to state that speech regarding commerce was not entitled to the same protections afforded to other forms of speech (Richards 156). The Supreme Court narrowed this decision in *New York Times v. Sullivan* (1964) by ruling that only commercial advertising was unprotected while editorial advertising was fully protected (Richards 156).

Commercial speech trends began to take shape in the 1970s with the ruling of *Pittsburgh Press v. Pittsburgh Commission on Human Relations*. Within this decision, the Supreme Court found that “any First Amendment interest which might be served by advertising an ordinary commercial proposal and outweighed the government interest supporting that regulation” did not exist in this particular case; however by acknowledging this possibility of balanced interests, the Court recognized a potential outcome that favored commercial speech protection (Richards 156). Such an outcome appeared in 1975 within the *Bigelow v. Virginia* ruling, which the Supreme Court stated “even speech appearing as paid commercial advertisements is not stripped of First Amendment protection merely because it appears in that form” (Sprague 42). The most telling of the Supreme Court’s shift toward furthering protection for commercial speech was the landmark case *Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council* of 1976. Within this ruling commercial speech was declared protected because “consumers want and need commercial information to make marketplace decisions and that these decisions are the bedrock of their free market system” (Richards 156). However the ruling also decided that some regulation over false or misleading speech was also permissible.

The following years after what was perceived as a monumental victory of commercial speech protection in *Virginia State Board of Pharmacy* gave way to scrutiny and erosion of these guarantees. In 1978 during the *Ohralik v. Ohio State Bar Association*, the Supreme Court declared that it “continued to recognize a commonsense distinction between commercial and noncommercial speech; the former receiving a limited measure of protection” (Richards 156). Two years later in the most-recognized Supreme Court commercial speech ruling of the 20th century, *Central Hudson Gas & Electric v. Public Service Commission of New York* , “established a

four-part test that defined under what conditions government can regulate commercial speech” (Richards 156). Authored by Justice Lewis Powell, the first part of this test asserts to receive constitutional protection commercial speech must concern lawful activity and not be misleading. If the communication in question passes the first part, a court must determine if the government interest advanced by the regulation is substantial. If the court determines that a substantial government interest is at stake, a court must ask in the third part of the test whether the commercial speech regulation directly advances the government’s interest. Lastly, the court must determine whether the regulation of speech is no more extensive than necessary to serve the government interest (Weissman 16).

Although subsequent cases after *Central Hudson Gas and Electric* received some First Amendment protection, “commercial speech continued to be a second-class citizen in the community of public expression” (Richards 157). In cases such as *Posadas de Puerto Rico v. Tourism Company* (1986) and *S.U.N.Y. v. Fox* (1989), the Central Hudson Test was interpreted to favor governmental interests over private organizations. The rulings offered legislative bodies more discretion in fashioning limits on commercial speech, which troubled First Amendment advocates.

However 1993 marked a turnabout in the Supreme Court’s attitude toward commercial speech and the commercial speech doctrine (Mandel 159). The first indicator was the Supreme Court’s 1993 ruling in *Cincinnati v. Discovery Network* that concluded the city “had overstepped its constitutional bounds when it singled out news racks for commercial handbills for prohibition while allowing similar racks for distribution of noncommercial materials” (Richards 157). Soon thereafter the Supreme Court denounced a Florida law prohibiting in-person solicitation of accounting services to businesses in *Edenfield v. Fane* also decided in 1993.

Perhaps the commercial speech case most noted as a sea change in First Amendment protections in the past two decades was the 1996 ruling of *44 Liquormart, Inc. v. Rhode Island* (McChesney and Bellamy 2). Within the case, a small liquor market violated Rhode Island’s statute prohibiting the advertising of alcoholic beverage prices except for in-store signage. The retailer was fined \$400 for running a newspaper advertisement that did not specifically list the prices of any alcoholic beverages but publicized low prices on mixers and snacks. The Rhode Island liquor control administration ruled that the ad violated the price-advertising ban by implying bargain prices on liquor. *44 Liquormart, Inc.* was joined by Peoples Super Liquor Stores, Inc in filing a lawsuit that claimed the ban on price advertising denied their rights to commercial free speech protected by the First Amendment. The State defended the statute as “a means of encouraging temperance among its residents” (Stewart 45). Rhode Island argued that prohibiting advertising about liquor prices kept prices from dropping, which held down consumption.

By applying the Central Hudson Test, Rhode Island admitted that the advertisements did not concern an illegal activity or were not misleading. The second part— whether the government’s interest in promoting temperance was directly advanced by the laws — was also problematic for the state. Part three of the test resulted in the Supreme Court finding “no evidence to support an allegation that price advertising for alcoholic beverages would increase alcohol consumption” and finally agreed the law to be “more extensive than necessary,” which was contrary to the fourth part of the Central Hudson Test (Richards 159). All nine justices ruled that the advertising ban violated First Amendment protections.

The pendulum shifts of commercial speech protection rulings provide an intriguing context for guerilla marketing. As a commercial speech activity privileging aggressive tactics, the extent of protection may be questioned in accordance to legal precedents. Exploring guerilla marketing through commercial law can further illuminate protections provided to

this nontraditional promotional activity as well as offer ethical considerations of its responsible implementation.

Guerilla Marketing, Communication Ethics, and Commercial Speech

Guerilla marketing as a nontraditional promotional activity contributes to the tension between legal and ethical marketing-communication practices. As a recipient of commercial speech protection, the practice of guerilla marketing may be deemed legal, but its practice may come under ethical scrutiny if implemented irresponsibly. The following section administers the Central Hudson Test to guerilla marketing to decipher its legal protection and additionally raises questions that ethical guerilla marketing must consider for it to be assumed a socially accountable practice.

Commercial Law and the Legality of Guerilla Marketing

The implications of guerilla marketing as a mode of commercial speech align the practice within the judicial rulings of the Supreme Court. Guerilla marketing's aggressive tactical nature – such as its intention to interrupt potential customers – call for a responsible implementation strategy. Campaigns that are designed specifically to incite stress or anxiety among consumers will ultimately fail the Central Hudson Test and receive no protection from the First Amendment. However just because guerilla marketing is predicated on a militant ideology of full-frontal, expression-heavy “attacks,” these promotions are still considered commercial speech that receive a level of First Amendment protection (Levinson 1). Applying the Central Hudson Test to the *Aqua Teen Hunger Force* campaign further explores the legality of guerilla marketing.

The power of First Amendment protection as well as judicial subjectivity of commercial speech cases are exemplified in the 2007 Boston Bomb Scare. Interference, Inc.'s guerilla marketing campaign for *Aqua Teen Hunger Force* served as creative expression of a cartoon character associated with Turner Broadcasting, a major television network company. The light-emitting diode (LED) placards depicting the character were placed in public areas and operated by battery, which resembled Hasbro Toy Company's Lite Brite® when activated. Although the individuals installing the placards failed to follow protocol with the City of Boston Art Commission to ensure the public space was utilized for temporary art – Peter Berdovsky's defense of the placard – this ordinance is arguably restrictive of free speech as it stands unless used to determine space availability for applicants. While the judicious completion of a temporary art application may have avoided the City's comprehensive emergency response, initial reports of the placards were directed to the Massachusetts Bay Transportation Authority, who immediately notified the Bomb Squad. While an art grant or other city-filed permit for the object may have been considered, a retrospective analysis of the MBTA's decision to alert the Bomb Squad is an impulse erring on the side of caution rather than risking time to address alternative possibilities.

The aftermath of the 2007 Boston Bomb Scare resulted in personnel resignations and apologies fueled by a social sensibility and corporate responsibility rather than commercial speech violation. The prosecution's inability to identify the defendants' “intention to incite panic” among the public not only disabled any criminal charges against Berdovsky and Stevens but also cleared the first part of the Central Hudson Test – the commercial communication was in fact legal and non-misleading speech. Similar to *44 Liquor*, although the government's interest lies within commercial activities that do not cause public unrest, there is not a direct correlation between LED placard cartoon characters and social chaos. The government's interest would not be directly advanced by enacting a law regulating such displays, clearing parts two and three of the Central Hudson Test. If such a law banning the

use of LED placards depicting cartoon characters were to come into existence, it certainly would be more extensive than necessary as LED placards and cartoons are used for countless other sources of communication than just commercial speech. *The Aqua Teen Hunger Force* campaign therefore passes the Central Hudson Test and should be afforded First Amendment protection.

Despite securing commercial speech protection for the guerilla marketing campaign, executives and employees involved with its implementation were still penalized – some legally for violating government ordinances and others personally for realizing the repercussions of the choices that were made to promote *Aqua Teen Hunger Force*. Facing a tarnished reputation and neglecting a sense of corporate responsibility, Cartoon Network and Interference, Inc. quickly became the poster children of unethical guerilla marketing. Although the LED placard displays can pass the Central Hudson Test, consequences of the mismanaged and deliberately unclaimed campaign warrant scrutiny into the agency and company’s sense of communication ethics.

Communication Ethics and Guerilla Marketing

In an age of increasing access to customers and greater competition among marketplace organizations, companies such as Cartoon Network and its agency, Interference, Inc., must practice what Aristotle referred to as “prudence” (Aristotle 140). Recognized as the “keystone of all virtue,” prudence implies understanding “how a given principle applies in a given situation” (MacIntyre 75). Manifested in action, prudence showcases an individual’s adherence to other virtues and is listed along with wisdom as being what Aristotle defines as intellectual virtues.

The prudent organization is not only law-abiding but also concerned for the well-being of others. Interference, Inc. lacked prudence in its guerilla marketing campaign for *Aqua Teen Hunger Force* in a number of ways. First, the agency neglected to notify the City of Boston of its intentions to install the LED placard displays. Without prior notice, city officials naturally responded as they would in any scenario that presented a possible threat or danger. Secondly, the agency failed to claim ownership for the guerilla marketing campaign after it was evident that the LED placards were causing great distress and expending emergency response resources. Finally, the agency did not prepare for the adverse effects and unintended consequences of the campaign. The campaign was implemented without a contingency plan and uncontrollably lost focus of its social responsibility in an effort to generate buzz.

Despite its imprudence during implementation of the guerilla marketing campaign, Cartoon Network and its parent company Turner Broadcasting demonstrated prudence following the *Aqua Teen Hunger Force* debacle. The resignation of Cartoon Network head Jim Samples and subsequent public apologies from Turner Broadcasting were self-regulated measures that speak of the companies’ integrity. While the damages were excessive, the \$2 million restitution was paid in a timely manner without hesitation on the part of Turner Broadcasting. These actions illustrate a sense of justice on behalf of Turner Broadcasting; a virtue Aristotle reflects upon in Book V of *Nicomachean Ethics*.

Communication scholar Clifford Christians describes ethics as a “duty,” which is foundational to the idea of community. Developing this idea further, Christians elaborates within the book *Good News: Social Ethics and the Press* that communitarian ethics is “a claim about normative ethics” (Christians 91). The essence of normative ethics is the integration of “ought” and “is,” thus stabilizing a sense of how to act and respond among others. Applied to guerilla marketing, normative ethics serving a community must not disturb or distress recipients of the marketing message. What is problematic about guerilla marketing practice is the sense of “interruption” championed by its proponents. Rather than interruption, a

marketing approach that is more aligned to communitarian ethics is that of “permission” as described in Seth Godin’s *Permission Marketing: Turning Strangers into Friends and Friends into Customers*. Within this approach, contact between marketer and a potential customer is not accomplished through a guerilla attack but rather a presentation of company offers that entice the interest of consumers.

However Godin’s permission-based marketing approach lacks the fundamental element of a guerilla campaign: the idea of generating buzz for a company or product. As buzz is difficult to manage and measure, guerilla marketers may ask several questions posed by communication scholar Christopher Lyle Johnstone that can shape an ethical approach to the practice. First, guerilla marketers must ask “what are my obligations?” to the marketing task and those involved with the project (Johnstone 4). Within the *Aqua Teen Hunger Force* campaign, this question addresses the promotion of the cartoon while protecting the employees from potential legal ramifications and other consequences. Clearly Interference, Inc.’s obligations were not properly identified as the agency failed to notify the authorities once the campaign was causing distress. Additionally, the agency neglected to protect its employees as Peter Berdovsky and Sean Stevens were ultimately arrested for their work on the campaign.

The second question Johnstone recommends guerilla marketers ask is “what are my obligations to the Other, to the earth, to God and to Being?” (Johnstone qtd. in Arneson 4). This question strikes at the heart of a guerilla marketing campaign as its objective is to raise consumer or potential consumer awareness in an unconventional manner. Due to its public nature, guerilla marketing must consider the Other – a metaphor developed by Emmanuel Levinas that suggests our understanding of the self is derivative – not only as potential consumers and stakeholders but also as residents, city officials, law enforcement, media and passerby individuals. Proper adherence to a communitarian ethics would involve a thorough audience analysis of the guerilla marketing campaign that would account for all intended and unintended consequences. Contingency plans and alternative procedures must be developed for the adequate protection of the Other.

While obligations to the earth and to God can be relatively straightforward to identify in a given campaign obligations to Being can become difficult to recognize given its philosophical orientation. However guerilla marketers not versed in ontology and existentialism may serve their obligations to Being by facilitating a sense of eudaimonia among the Other. Translated as “good spirit,” the Greek term stems from Aristotelian virtue ethics that emphasizes moral character (McMahon 7). Decisions made during the implementation of the *Aqua Teen Hunger Force* campaign detracted rather than contributed to eudaimonia among the Other. Although the campaign produced a great deal of buzz, this accomplishment pales in comparison to the number of distressed residents, commuters, emergency respondents and city officials whose lives were interrupted and perceptually threatened during the initial phases of the campaign.

Only design and cartoon enthusiasts captivated by the LED display’s creativity garnered eudaimonia as these mostly younger, character-informed observers critiqued the exhaustive emergency response measures taken by Boston authorities. One particular individual intrigued with the chaotic reaction of the guerilla campaign wrote “LED not IED¹” on a well-publicized computer blog indicating the technologically savvy’s opinions of the ordeal (Levenson 1). Nevertheless, the ramifications of the *Aqua Teen Hunger Force* campaign cost millions of dollars in resources and damages, job resignations and an overall feeling of uneasiness catalyzed by the LED placards; results not associated with eudaimonia.

¹ IED is an acronym for Identified Explosive Device

Although the *Aqua Teen Hunger Force* campaign was unable to attain eudaimonia among the general population, guerilla marketing as commercial speech is capable of advancing a justification for its First Amendment protection. By framing guerilla marketing within a context of narration and revisiting the orientation of guerilla marketing recipients, an understanding of the practice's social utility may emerge. Reflecting a petite story within the overarching narrative of integrated marketing communication, rhetorically competent guerilla marketing provides a unique way to inform consumers of products and services that drive economic welfare.

Developed in the work of Walter Fisher, narration is described as “a type of human interaction – an activity, an art, a genre, or a mode of expression” (Fisher 62). As a metaphor that advances the work of Kenneth Burke's understanding of man as a “symbol-using animal,” narration is constructed from symbols communicated to give order to human experience (Fisher 63). Applied to guerilla marketing, the creative expression of the brand – whether through an “attack” or “interruption” – retains the symbolic qualities of a story, which informs the marketplace. The campaign able to effectively generate buzz about a product or service orders the free market into brand category leaders and laggards.

However guerilla marketing as narration must be considered rhetorically competent for campaigns to meet objectives. Proposed by Fisher, “rhetorical competence” encompasses several tasks for a story-telling individual (or in this case organization) that are guided by rationality. These tasks include inventing content for communication, composing appropriate discourse, presenting a message in manners appropriate to the medium of communication, the audience, the situation and analyzing and evaluating the organization's message along with competitor messages (Fisher 115). The rhetorically competent organization is seemingly ethical, as Fisher asserts, “one cannot be rhetorically competent without the ability to discern the presence, relevance, consequences and consistency of values expressed within a specific rhetorical situation” (Fisher 115). Foreseeing consequences, ensuring a consistency of values and relating these ideas to a particular campaign are considerations organizations must address before implementing guerilla marketing. Campaigns developed by the rhetorically incompetent guerilla marketer are bound to either create socially irresponsible scenarios or simply fail to reach their communication goals.

Guerilla marketing's inherent premise of “attacking” the consumer with a message warrants further investigation into why this form of commercial speech deserves First Amendment protection. Despite its metaphorical language connoting military activity, guerilla marketing simply offers consumers an attention-grabbing means to receive a brand message. Kenneth Burke's notion of “orientation” supplies a foundation for guerilla marketing as a viable communicative channel.

Described as “a sense of relationships developed by the contingencies of experience,” orientation ultimately involves “matters of expectancy” (Burke 18). The orientation concept naturally extends into Burke's theory of motives that suggests, “if we know why people do what we do, we feel we know what to expect from them” (Burke 18). In this way, Burke identifies the true intentions of guerilla marketing attacks with the concept of expectancy. Despite the militant language embodied within guerilla marketing theory, campaigns essentially seek to break through the crowded communications landscape with messages that are presented in creative ways. As marketing messages are a part of everyday life – city-dwelling individuals experiencing upwards of 3,000 impressions daily (Shenk 5) – expectations of these messages are born within the contemporary human being socialized in a free marketplace. Developed from the astronomical number of experiences individuals have with brand contact points and other channels of commercial communication, expectancy

elicits a sense of the guerilla marketer's motives. By realizing these motives, the contemporary individual can expect to be the targets of commercial messages on a regular basis.

Summary and Conclusion

The 2007 Boston Bomb Scare resulting from a guerilla marketing campaign provides a notable entrance into the conversation surrounding commercial speech protection. By affirming the necessity of free speech for guerilla marketing to exist as a viable marketing-communication tactic, this essay explores the tension between the legality and ethicality of guerilla marketing campaigns and their residual consequences. Exemplified by the *Aqua Tee Hunger Force* campaign, ethical and legal considerations of guerilla marketing recall case law and communication philosophy for a theoretically informed approach to the practice.

Despite formulated expectations and determined motives of guerilla marketing, campaigns must maintain a rhetorical competence and ethical backbone to deserve full First Amendment protection similar to its other commercial speech counterparts. The prudent guerilla marketer sharing a narrative with an expecting audience epitomizes the practice and establishes its own petite story within the integrated marketing communication (IMC) meta-narrative structure. Defined by Philip J. Kitchen and Patrick De Pelsmacker as "the process of developing and implementing various forms of persuasive communication programs with customers and prospects over time," IMC activities assume commercial speech protection as demonstrated through landmark cases such as *Virginia State Board of Pharmacy* and *44 Liquormar* (8). Coordinated with other rhetorically competent IMC tactics used to promote a brand, guerilla marketing is poised to sustain free speech for the creative legal and ethical expression of commercial messages well into the future.

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