

Consumer Liberty, Brand Speech, and Limits of Expression and Responsibility

Nike was aware that it was entering a controversial national debate when it launched its "Believe in Something" campaign in September 2018, which featured former NFL quarterback Colin Kaepernick. By protesting police brutality by kneeling during the playing of the national anthem, Kaepernick sparked a national conversation and became the public image of a controversial worldwide brand that promoted justice, sacrifice, and standing up for what one believes in.

"Believe in something. Even if it means sacrificing everything," the advertisement stated. Others saw Nike's action to be divisive political speech portrayed as marketing, while others saw it as a business protection of individual freedom of speech and freedom of expression (Belam, 2018).

Social media trended with hashtags like #BoycottNike as soon as the advertisement was released.

In viral videos, critics destroy shoes and rip off the Nike swoosh from socks (Saponara, 2018).

Whereas Nike's online sales increased by 31% in a matter of days (Recht, 2018), indicating that the campaign had a significant impact on a different demographic. Nike was at the heart of a national discussion concerning corporate accountability, free speech, and the changing expectations of customers for brands to take views on social issues because of the advertising decision.

Supporting social justice was seen as consistent with Nike's brand concept by the company's leadership. Although expressing the company's principles through corporate liberty carried a reputational risk, it also marked the beginning of an increasing movement in brand activism, in which large corporations use advertising to influence public opinion. According to scholars, brand "purpose" messaging is now expected in many marketplaces, especially among younger customers, rather than optional (Vredenburg et al., 2020). However, the Nike case also

highlighted the moral dilemma: given their millions of followers, what level of political expression is appropriate for advertisers?

Another brand encountered a similar dilemma five years later. As part of a digital promotion in April of 2023, Bud Light briefly collaborated with transgender influencer and TikTok inventor Dylan Mulvaney. In contrast to Nike, Bud Light just promoted the partnership on social media and did not present it as political. Nonetheless, the outcome led to a nationwide protest that included sales that dropped and boycotts (Holmes, 2023). Executives quickly issued remarks emphasizing that the ad was not meant to be political in an attempt to separate the company from the matter (Peiser, 2023). LGBTQ+ activists argued that the business abandoned its pledge to represent them in response to pressure.

Like Nike, Bud Light's advertising decision was examined from the perspectives of identity and freedom, specifically who is allowed to be portrayed and whose speech is accepted as acceptable. Customers emphasized their own freedom to complain, boycott, and demand that the brand reflect their values. Both incidents demonstrate what academics refer to as modern "marketplace democracy," when customers respond to corporate conversations by delivering financial votes (Voigt & Hinck, 2023).

Although it is more regulated than personal political speech, commercial communication is protected under U.S. law (*Central Hudson Gas & Electric Corp. v. Public Service Commission*, 1980). As a result, businesses enjoy freedom that is both strategic and expressive. However, there are also ethical concerns over whether corporate speech serves as a genuine beneficial contribution or is only a kind of branding.

Specialists in advertising observing these cases face challenging decisions. Should brands utilize their platforms to convey social beliefs, even if doing so may alienate segments of the general population? Or should they maintain their neutrality and put market safety and unity ahead of free speech? Some believe that in today's culture, where silence is seen as a position, neutrality is impossible (Edwards, 2021). Others think that companies take advantage of social movements for financial gain without having to deal with the tangible consequences activists suffer.

Nike continued to work with Kaepernick when he eventually quit playing football. Bud Light was no longer the best-selling beer in America after decades of success. The freedoms of businesses to express themselves, consumers to respond, and society to debate whose views are reinforced by advertising are all reflected in these cases.

The moral dilemma will eventually remain unsolved. Is advertising a platform for public discourse and social growth? Or does it serve as a platform for product sales? Should this area's freedom be restricted to avoid injury, division, or performative activism? The boundaries between ethical behavior, financial responsibility, and freedom of expression are becoming more unclear in a society where brands are significant cultural competitors.

Discussion Questions:

1. What obligations, if any, do marketers have when their advertising crosses social or political boundaries?
2. How can advertising experts strike a balance between the possible harm or audience divide and a company's right to promote its values?

3. Does consumer outrage suppress corporate expression, or does it stand for democratic accountability?
4. Is "brand activism" planned marketing or genuine communication, and is there an ethical distinction between the two?
5. Is it possible for companies to maintain objectivity in the current media landscape, or should they stay neutral on contentious issues?
6. What moral obligations do brands that highlight underrepresented identities have for those groups outside of the advertising campaign?
7. How can advertising professionals determine whether a company's political or social position serves the public interests rather than just its own financial interests?

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