

Comment

Ethic Cleansing

The investigations into *The John Laws Show* provide an opportunity to work out what audiences expect of their media and information services.

Trade practices lawyers call it “puffery” or “mere puffery”.

It’s what people trying to sell something to you occasionally lapse into. “The world’s finest chocolates.” “Beautiful one day. Perfect the next.” “Your life will never be the same.” “Be the centre of attention - again.”

The courts have decided you can spin a bit of “puffery” without breaching the section of the *Trade Practices Act* which outlaws “misleading and deceptive conduct”. You can puff away because no-one really takes this kind of stuff seriously.

Do they?

Global electronic commerce is forcing online sellers to think about local consumer protection laws, like Australia’s *Trade Practices Act*, in a new way. There are intense arguments going on in international forums about which laws should apply to a transaction - those of the jurisdiction where the seller is located or those of the jurisdiction where the purchaser is located.

Consumer organisations want the latter. Otherwise sellers will be able to circumvent strong consumer protection laws in some countries by selling into them from territories which have weak laws. Business organisations want the former. Base your online operation wherever you like, obey the laws of that land, and you’re ok.

One of the difficulties is that central concepts of consumer protection law, like “misleading and deceptive conduct” and “mere puffery” can be interpreted in culturally specific ways. Would, for example, someone from outside Australia get the same message as an Australian, who’d seen TV advertisements, when they arrived at a website of Australia’s “Biggest Retailer of Electrical Appliances”? A joke to some might be a stamp of credibility to others.

But you don’t have to live offshore to be having some problems with cultural specificity in the interpretation of media messages. Australia’s banks have been worried for a while about misleading and deceptive messages from the Australian media. They have felt “the ratings of many programs and the circulation of prominent publications were built on a formula of bank bashing”, according to Australian Bankers Association chief executive, Tony Aveling. “Facts were not allowed to stand in the way of a good story”.

So they did something about it. They tried to get Australia’s most listened-to radio host, John Laws, to tell *The Whole Story*.

The problem was, talk-back radio audiences thought they’d been getting *The Whole Story* already. They related their personal experiences of banks to the words they heard on *The John Laws Show* and thought it all rang pretty true.

Since ABC TV’s *Media Watch* had a shot at telling its version of *The Whole Story* about Laws and the banks, we’ve had a feast of further *Stories*, which might ring more or less whole depending on the specific

cultural milieu you hang around.

The Story about how some of the banks had been mad as hell about *The Whole Thing* and had hardly written the cheques to fund it at all.

The Story in the *Women’s Weekly* August edition, based on an interview with John Laws conducted “just days before the scandal broke”, which skilfully tracked down his personal assistant (“[A]long with his generosity and charm, they don’t realise how funny he can be and what terrific fun he is to work with”) and *The Weekly’s* own features editor, who’d sent Laws some of her poetry “as a green 18-year-old”. Apparently Laws “didn’t just give me an opinion, but took the trouble to invite me to the station, where he encouraged my love of writing and even told me he’d help get my poetry published”.

The evolving *Story* about the fundamental principles of journalism from 2UE on-air stablemate Mike Carlton in his Saturday *Sydney Morning Herald* column. (Week 1 - Stuff happens. Get a Life. Week 2 - If the people of a democracy lose faith in we journalists, the very foundations of our society are at risk.)

The Story from Sydney talk station competitors 2GB/2CH, emblazoned across full page newspaper advertisements, about how much more cost-efficient its ads are than those on *The John Laws Show*. “More listeners than John Laws for 30% less.* (You can bank on it.)”

Now the regulators of broadcast media (the ABA) and consumer protection (the ACCC) have got the chance to ask what kind of *Stories* should be told by the providers of information in the Information Age.

The John Codes of Practice Show has got some explaining to do. But the answers might require difficult lines to be drawn between a free media and an accurately-informed consumer market-place.

Fair? Accurate? Entertaining? Persuasive? Whole?

You know what I mean.

Jock Given