

Death of an Organizational Man: An Advertiser's Resistance to the FTC and the Creative Revolution in Advertising in the 1960s

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Abstract

Advertising has harnessed the power of television, radio, the Internet, billboards, and endless new communication mediums, becoming a tremendously profitable industry and a mainstay in American culture. During advertising's rise, the 1960s was one of the most pivotal decades. America was enveloped in a cultural revolution and the advertising industry itself was facing a creative revolution in management style and advertising norms. This advertising revolution was met with enormous resistance from the select few then in control of the advertising industry. Of this select few, one of advertising's most prominent figures, Rosser Reeves, fought furiously to preserve the advertising status quo. Although Reeves is most remembered for his contributions to advertising in the 1940s and 1950s, it is his less remarkable actions in the 1960s as a stubborn "square" holding on desperately to former glory that ultimately defines Reeves's character and place in advertising history. Reeves's prior success in advertising and his own arrogance prevented him from acknowledging the creative revolution in advertising as a legitimate and permanent change. This article explores Reeves's actions in the latter part of his career, as well as his motives driving these actions, through review and analysis of boxes of personal and business correspondences, years of advertising industry publications such as *Advertising Age* and *Printers' Ink*, and articles on advertising in major publications including the *New York Times*, the *New Yorker*, and *Time* magazine. Ultimately, Reeves's efforts were unsuccessful, as he found himself on the losing side of this creative revolution and relegated to being a bit player in an industry he once dominated.

"Lemon." This single word encapsulates the drastic transformation that overwhelmed the advertising industry in the United States during the 1960s. In an advertisement for the German carmaker Volkswagen, the Doyle Dane Bernbach (DDB) agency turned the advertising industry upside down and signaled the beginning of a period of creativity, innovation, and style with a single word. The ad displayed a black Volkswagen Beetle on a white backdrop with the word "Lemon" in bold font. Underneath this picture the advertisement stated that inspector Kurt Kroner had rejected this car because "the chrome strip on the glove compartment is blemished

and must be replaced.” The ad continued to describe the rigorous testing process each vehicle was subject to before it could be sold to consumers, finishing with the promise, “We pluck the lemons; you get the plums.” DDB’s creative ad drastically contrasted with the mainstream advertising styles of the 1950s that promoted the “superiority” of any particular product and the lavish lifestyle one could obtain from its purchase.¹

Thomas Frank, chronicling the creative advertising revolution initiated by DDB in *The Conquest of Cool*, summarized the significance of the 1960s by proclaiming, “The sixties are more than merely the homeland of hip, they are a commercial template for our times, a historical prototype for the construction of cultural machines that transform alienation and despair into consent.”² Frank defined this transformation as the “creative revolution,” one that had immense significance in advertising.

The advertising industry in the 1960s underwent fundamental changes in styles and practices that allowed many new advertisers to gain immense prestige and accreditation. However, this was not the case for all advertisers of the era, including industry leader Rosser Reeves. In the 1950s advertising giant Rosser Reeves grew to immense power and influence not only in the advertising industry but also as a cultural figure. He benefited both financially and in social recognition from the organizational structures and scientific practices of advertising that dominated the late 1940s and 1950s. Reeves was one of the most powerful admen during a period when advertisers reached unprecedented social statures that haven’t been seen since. Reeves, whose exploits were the focus of numerous articles in major publications including *Time* and the *New Yorker*, and who himself was the author of a *New York Times* bestselling annual on effective advertising, was a titan in an advertising industry that was enjoying historic notoriety and influence.

Although Reeves is well known for his contributions to advertising and the tremendous stature he held in the 1950s, little is said about Reeves’s latter years in advertising. In a 1969 *New Yorker* article recapping Reeves’s recently concluded advertising career, no mention was made of his actions in the 1960s or the circumstances that ultimately led to his demise in the industry. In order to truly understand Reeves’s character and his place in advertising history it is essential to examine the conditions that precipitated his erosion of power and prestige. In defiance of changing times, Reeves challenged and criticized the emergence of creativity in advertising. Reeves defended and promoted the status quo hard-sell advertising styles both verbally and in print, and in his boldest attempt to prevent the new creativity from overtaking advertising he pitted himself against the Federal Trade Commission in court. As the decade unfolded Reeves swiftly regressed from a powerful leader at the top of his profession to a man trapped by his own hubris in two insurmountable battles: one with the Federal Trade Commission and one with the creative revolution overtaking the advertising industry.

Reeves and Advertising Expansion of the 1950s

The emergence of the “creative revolution” in advertising during the 1960s had its genesis in the criticism and increased regulation that targeted the advertising industry in the 1950s and early 1960s. During the 1950s the advertising industry in America underwent enormous growth in size, strength, and influence. The public was bombarded with advertisements through radio, magazines, newspapers, and the fastest growing and most popular form of media, television. By the end of 1959, consumer ad spending surpassed \$10 billion annually, a 53 percent increase in just eight years.³

The advertising industry started to attract new skilled personnel, generating an influx of talented copywriters and art directors and increasing the size and power of these agencies. By the end of the decade advertising had become an extremely

profitable business, prompting Stephen Fox in *Mirror Makers* to classify advertising in the 1950s as the second boom, the first being the emergence of commercial advertising in the early 1920s. Advertising's second boom placed advertisers in the public eye for the first time in history.⁴

Rosser Reeves rode this boom by implementing a scientific, or factual, approach to advertising through the creation of the "Unique Selling Proposition" or "USP." Reeves's USP involved offering to the consumer a product's specific benefit that had not already been claimed by a competitor. This benefit did not have to be unique to the specific product, but, according to Reeves's vision, the product must be the first to make the claim that would influence customer purchases. Reeves designed a Colgate toothpaste campaign using this theory with the claim that Colgate "Stops Halitosis!" This claim was not unique to Colgate toothpaste because all toothpastes clean breath, but it was a perfect application of the USP approach because Colgate was the first to make the claim.⁵

Reeves believed that consumers' minds were already full and the only way for them to retain new information was to displace existing information in their minds through penetration. Reeves advocated sheer repetition as the most effective way to penetrate consumers' already crowded minds. In his first book, *Reality in Advertising*, Reeves claimed that advertising is "the art of getting a unique selling proposition into the heads of the most people at the lowest possible costs."⁶

Reeves's first opportunity to position himself as a prominent figure in the advertising industry came in the 1952 GOP presidential campaign. Reeves created the Republican presidential campaign television ads for Dwight D. Eisenhower that featured the slogan "I Like Ike." The ad's repetitive nature was quintessential Rosser Reeves style, following the reasoning that the best way to influence the public is to penetrate their minds with relentless repetition. The televised campaign, although completely uninformative and slightly annoying, helped Eisenhower gain office over Democratic candidate Adlai Stevenson. The success of the campaign earned Reeves great credibility and influence in the advertising industry.⁷

A firm believer in statistical information, Reeves prescribed that research was the only true method of measuring an advertisement's success. In *Reality in Advertising*, Reeves claimed that the research he led at Ted Bates and Company provided insight into 180,000 minds, generating hard evidence of what advertising flourishes and what advertising flounders. Filled with percentages and scientific research figures, hard-sell advocacy, and warnings of the dangers of imagination in advertising, *Reality in Advertising* provided a venue for Reeves to express his opinions on advertising in an attempt to influence his peers to embrace the Reeves approach to advertising.⁸

Reeves, starting as a copywriter at Ted Bates & Company, facilitated the growth of a rather small agency with \$16 million in annual billings in 1945 to one of the top agencies in the industry with annual billings of \$130 million by the end of 1960. As the architect behind many ads and decisions at Ted Bates & Company, Reeves developed a process that quickly became the industry norm in television advertising in the 1950s. In the early years of commercial television advertising, most agencies obtained network airtime as they did with radio, sponsoring entire programs that then ran sponsors' commercials during the program breaks. Unlike these agencies, Reeves created 30- to 60-second commercials for clients that could be inserted into any broadcast program. This new concept attracted clients to Ted Bates & Company through its ability to cut costs and increase effectiveness of its commercials. In August 1955 Reeves was elected chairman of the board, granting him substantial control over the agency. While operating as chairman, Reeves continued to lead numerous profitable campaigns for Fortune 500 companies including Colgate, Procter & Gamble, and the

Brown & Williamson Tobacco Corporation. Although Reeves dominated advertising in the 1950s, by the end of the decade critiques of his style, and the industry as a whole, became more relentless and uncompromising.⁹

Creative Resistance to Hard-Sell Advertising Emerges

While the advertising industry in the United States grew at unprecedented rates during the 1950s, so did criticism directed against it. Skepticism toward corporations and advertising became a polarizing issue in America after author and critic William Whyte published *The Organization Man* in 1956. Whyte's bestselling book described corporate America as an environment of collectivism where the best way to get ahead was to simply "fit in." Whyte gave the American public an inside look into the modern business environment, a place that oppressed individuals and their creative ideas in favor of the status quo of conformity. Whyte even observed that suburbs produced "inconspicuous consumption," the perfect environment for advertisers to exploit.¹⁰

If William Whyte opened the door for criticism on the advertising industry, journalist Vance Packard blew the door off its hinges a year later with *The Hidden Persuaders*. In his book, Packard revealed the way in which advertisers had continually manipulated Americans through subliminal methods of "motivational research." Packard argued that the advertising industry had exploited the vulnerable public into purchasing unnecessary products through psychological manipulation. So strongly did Packard believe that admen had become master manipulators, that he classified them as "depth men." This label was derived from admen's abilities to control a consumer's subconscious. Although intellectuals like Packard and Whyte influenced public beliefs, they were not the only basis for the burgeoning distrust of advertising.¹¹

Advertising growth in the 1950s was directly related to the growth of the television industry. Television provided advertisers with a new medium to reach consumers, allowing their message to be seen as well as heard. However, the connection between advertising and television caused the reputation of the advertising industry to come into question. In April 1957, *Time* magazine released an article claiming that many popular television quiz shows of the time were fixed. The article accused producers of "controlling the outcomes as closely as they dare." Quiz shows soon fell under intense investigation leading to their demise in what was called the "Quiz Shows Scandal." This scandal had a direct negative effect on the public's trust of advertisers because many agencies sponsored these shows.¹²

In a speech to the National Association of Broadcasters, newly appointed chairman of the Federal Communications Commission (FCC), Newton N. Minow, labeled television a "vast wasteland." Minow did not spare advertisers in his denunciations, referring to the endless amount of commercials on television as "screaming, cajoling, and offending." Advertisers not only received unfavorable publicity for the quality of their commercials, but also for their direct association with many abysmal television shows. As television programming became subject to increased inquiry into its reliability and quality, advertisements on television likewise began to see a rise in examination through the Federal Trade Commission (FTC) and the FCC.¹³

Not only was the advertising industry defending itself from liberal intellectual critics and the negative perceptions of the American public, it was also subject to criticism by those in the industry itself. David Ogilvy, founder and chairman of the board at the Ogilvy, Benson & Mather agency, as well as the brother-in-law of hard-sell practitioner Rosser Reeves, openly disagreed with many prominent industry practices of the time. Ogilvy, like many others both in and out of the advertising industry, judged hard-sell advertising as misleading, monotonous, and condescending toward consumers. Only a year after Reeves released his hard-sell manifesto, *Reality in*

Advertising, Ogilvy released *Confessions of an Advertising Man*, advocating a soft-sell approach that built brand loyalty as a more effective form of advertising. Through this book Ogilvy launched his opinions on effective advertising into the literature market. In *Confessions*, Ogilvy proclaimed that the advertising industry “needs a massive transfusion of talent” and that this talent “is most likely to be found among non-conformists.”¹⁴

Although Ogilvy conveyed dissatisfaction with the hard-sell philosophy and conformity of the industry, his disapproval was minor in comparison to some of the industry’s most influential and powerful members. Advertising tycoon James Webb Young, co-founder of the influential Young & Rubicam agency, demanded better public criticism of the industry in a publication of *Advertising Age*. This came as a shock to the industry because the Young & Rubicam agency was widely considered conservative in its practices. Mr. Young even advocated the creation of a career critic of the industry, writing: “What I am looking for is a publisher or editor with insight and courage to enter this new field of criticism—and for the competent critic to aid him. . . . Let me say clearly that advertising needs, is entitled to and can profit from criticism of the most public kind.” Young’s call for better criticism revealed that the advertising industry was facing enormous pressure to reform from within, as well as from outside, the industry. In a speech to the American Association of Advertising Agencies (AAAA), advertising veteran Fairfax M. Cone of the Foote, Cone & Blending agency, confessed that there is no excuse for the industry’s poor advertising, unexpectedly stating that complaints leveled at television advertising “have been well deserved.”¹⁵

The figure who most accurately represented the industry’s internal fight for reform was William Bernbach, president of the aforementioned DDB advertising agency. Bernbach considered advertising to be the art of persuasion, one that could not be reduced to a formula, as Reeves argued. Bernbach made his discontent for advertising’s scientific formula approach public, stating in a *New York Times* article:

That is why I am absolutely appalled by the suggestion—indeed the policy—of some agencies that once the selling proposition has been determined, the job is done, that anyone can take it from there and complete the ad. It’s exactly at this point we need creativity. It’s exactly at this point that we need, not word and picture mechanics, but imaginative, original craftsmen who can take that selling proposition, through the magic of their artistry, get people to see it, get people to remember it.¹⁶

Creative Revolution in Advertising Finds Unlikely Ally in FTC

Accountability for advertisers and organizational men had been avoided for years, but as demand for reform within the industry combined with intellectual attacks on deceptive advertising practices and public skepticism, the prospect of increased government regulation seemed inevitable. The burden of government regulation on advertising fell upon the FTC. This governing body was granted power to regulate broadcasting for two decades prior to its intervention into advertising in the late 1950s; however, it did not exercise these powers because advertising was widely considered a factual practice of conveying product attributes. As the American economy grew in the 1950s, competition between similar products increased. The Reeves USP method increasingly resulted in exaggerated and sometimes deceptive product claims. In response, the FTC began to enforce its authority to reign in an advertising industry functioning in complete autonomy.¹⁷

In the early 1950s, the FTC suffered from the bureaucratic lethargy and rigidity that enveloped many government activities during the decade. However, as the decade progressed the FTC steadily increased monitoring of advertisements on radio and television under Chairman John W. Gwynne in the late 1950s. In a surprising move Gwynne forced members of the FTC to monitor advertising during off-duty hours in an attempt to catch questionable advertisements. The most significant escalation of regulation on advertising occurred when President Eisenhower appointed Republican lawyer Earl W. Kintner as successor to Gwynne as chairman of the FTC in May 1959. The newly appointed FTC chairman hastily released the Kintner Statement, a warning to advertisers and broadcasters of the imminent increase in federal regulation. Kintner wrote of the obligation for greater regulation on advertising, declaring it “imperative if the public interest is to be protected.” Kintner gave notice that the FTC would “strike hard and fast” on those advertisers who violated the law and even warned, “any advertising of doubtful integrity will be investigated.” The Kintner Statement outlined the actions to increase regulation, including the monitoring of all networks at all times and the doubling of TV and radio monitoring staff “for as long into the future as necessary.”¹⁸

Supporting Kintner’s demand for greater regulation, Attorney General William P. Rogers’s 1960 report on deceptive practices to the president of the United States implored the president to grant the FTC greater authority and injunction powers. The report contended that this power would be to “take action with respect to false and misleading advertising.” Continuing its attack on deceptive advertising it insisted that unless the FTC was granted greater injunction power, “an unscrupulous advertiser may continue deceiving the public with impunity and with profit.” This report concluded that many members of the government viewed intense regulation on advertising as absolutely necessary to protect the public. In less than six months, a government that was notorious for prolonged processes and filibustering granted the greater FTC the injunction power advised by the attorney general. By the end of 1960, it became clear that the unrestricted era of the advertising organizational man was in jeopardy.¹⁹

Author Philip Gold declared this rise in regulation “the age of nonsensical regulation.” While Gold was correct in his summarization that many of the FTC’s newly granted powers were overbearing and unwarranted, he did not acknowledge that up until this regulation advertisers had the freedom to knowingly make false claims. These false claims caused the public immense harm with deceptive product promotions, including “teeth whitening” cigarettes.²⁰

The FTC used the words “unfair” and “deceptive” as all-encompassing weapons in its campaign against unscrupulous advertising. Uneasiness in advertising began to overwhelm the industry as advertisers awaited the impending FTC investigations. A journalist for the *New York Times*, Carl Spielvogel, described the industry as “a man sitting on the edge of his bed,” even suggesting that it “is spending more time looking and listening than sleeping.” The Gallagher Report, a confidential letter circulated to select advertising and publishing executives in 1960, chronicled the problems the advertising industry was facing, revealing: “The crease is gone from the gray flannel suit. Tough times for advertising agencies. Fear. Panic. Indignation. Mostly just worry. But plenty to worry about.”²¹

Countless industry periodical articles and newspaper editorials wrote of forthcoming advertising uncertainty, displaying the advertising industry’s obsessive paranoia over potential FTC regulation. Every agency, aside from the creatively based DDB agency, was apprehensive of launching new campaigns in fear that it would be subject to FTC investigations. In response to the Kintner Statement, the Ted Bates agency began to prepare for the inevitable FTC inquiries. In a memorandum to

members of the agency, all employees were told not to respond to any outside questions about Ted Bates's processes or advertisements.

Many advertisers nervously awaited FTC regulation, while other members of the ad industry took proactive steps to curb regulation. Taking advice from FTC Chairman Kintner, the industry began to strengthen in-house regulation. The AAAA began by issuing a public statement clarifying its code for false and deceptive television ads in January 1960. The statement listed the guidelines for avoidance of deceptive advertising, but provided no consequences for breaking these guidelines, stating, "These situations cannot be governed by rules." Even though AAAA resisted establishing punishments for deceptive practices to its own members, it did attempt to enhance its image. The organization hired a New York-based public relations firm as counsel in cleaning up advertising's deplorable public image.²²

In 1960 the Association of National Advertisers (ANA) joined the AAAA in policing the advertising industry. The two groups encompassed nearly all the nation's leading agencies, and together they formed a watchdog unit to monitor and process "objectionable" advertising. They established expulsion penalties for agencies they deemed to be engaging in deceptive practices. To aid in this self-regulation effort a third industry group, the Advertising Federation of America (AFA), released a "Truth Book" to be used as a self-regulatory test for questionable ads.²³

Despite the fact that these undertakings of self-regulation were urged by FTC Chairman Kintner, who in a conversation with ANA Chairman Donald Frost "expressed . . . enthusiastic support of this kind of voluntary effort," the FTC's distrust of the advertising industry continued unabated. In a dispute with the advertising industry over its dependability, FTC examiner Leon Gross questioned: "I wonder how chastened the Madison Ave. crowd is. They are able and effective, and they have acquired a lot of power. Not only power in the commercial world, but in the political world too." The head of the FTC, Kintner, was no more sympathetic toward advertisers. Although he admitted being optimistic about recent improvement in the industry, his disapproval for the industry was still unmistakable. Kintner even told FTC examiner Gross that he wondered if advertisers who showed cooperation with the commission were allowed "to go home free," and whether or not "we'll [the FTC] be right back where we started."²⁴

With the advertising industry unsuccessful in its attempts to persuade the commission from taking action, the FTC began to drop the hammer on deceptive and unscrupulous advertisements. The nail that was about to be struck beneath this hammer was hard-sell advertising. The FTC made no effort to conceal its agenda on what ads it would prosecute. The regulating body provided agencies with a "guide" to making scientific guarantees in ads, a staple of hard-sell advertising. The FTC wasted no time in taking action, releasing four simultaneous complaints on television ads in 1960.

FTC and Reeves Battle Over Advertising Future

The agency hardest hit by this action was the hub for the hard-sell advertising, the Ted Bates & Company agency. With Rosser Reeves as the head of the agency, it came as no surprise that the first accusations were against the man who wrote an entire book advocating the hard-sell in advertising. The Bates agency was hit with two separate complaints. The first was directed at a Colgate-Palmolive shaving cream ad that boasted its shaving cream was so effective it could shave a sandpaper beard. The second targeted a Blue Bonnet margarine ad that claimed to have "Flavor Gems" that made their product superior to other margarines and butters.²⁵

Although many agencies and admen resisted the FTC's new regulations and investigations, none proved as vehement in opposition as the Ted Bates agency. From

this agency one man stood at the forefront of this opposition, Rosser Reeves. He was no amateur when it came to dealing with public controversy and FTC investigations. In prior investigations Reeves strongly resisted FTC authority. Ultimately this resistance failed and Reeves was forced to remove claims of “liver” in Carter’s Little Liver Pills, along with Colgate Dental Cream claims of the product’s “protective shield.” A highly publicized incident occurred with Reeves’s reaction to FTC complaints regarding the a Life Cigarettes advertisement and the FTC’s charge of “false statements, representations and pictorial presentations with respect to the filters in their cigarettes.” Reeves and Ted Bates & Company confronted the FTC complaints by replying, “The Ted Bates & Company agency will welcome the opportunity to support claims made for Life Cigarettes or any other brand entrusted to it.”²⁶

In blatant disregard for FTC sanctioning, Reeves ran an advertising campaign for Life Cigarettes immediately after the complaint had been issued. In personal correspondence to Ted Bates, Reeves declared: “Regardless of Mr. Kintner, I am breaking this full-page ad in 546 big newspapers on Monday morning!” Bates responded, “I’m with you,” then mordantly scripted, “I love prison food!”²⁷

Reeves had frequently voiced his opinion about government regulation in public. In 1959 he used the industry publication *Advertising Age* to announce his objections to regulations aimed at “Bad Taste” advertising: “Watch out for such regulation! Or we may be drifting into a ‘body politic,’ which can tell us how we should dress, what we should eat, what we should read.” Reeves’s belief that FTC regulation should be employed only when absolutely necessary was primarily derived from his conservative political views. Along with consulting on several Republican campaigns, Reeves once circulated to the heads of the Ted Bates agency the book *Conscience of a Conservative*, authored by ultra-conservative senator and presidential candidate Barry Goldwater. In Reeves’s attached letters, he encouraged the recipients to read the book, imploring, “It will clarify a lot of your thinking as to what our administration should do on everything from the problem of the labor unions, to the United Nations to Soviet Russia and Red China.”²⁸

Reeves Takes Stance against FTC and Critics of Hard-Sell Advertising

In addition to condemning critics outside of the industry, Reeves countered those who maintained that creativity was a compelling tactic in advertising. In *Reality of Advertising*, Reeves presented his thoughts on creativity when he proclaimed, “the most dangerous word of all in advertising—*originality*.” Not to single out creativity in advertising, motivational research was considered to be “The Freudian Hoax” according to Reeves. Ever eager to provide his views to those with the power to influence the public, Reeves frequently contacted newspapers and magazine editors, journalists, and legislators to lobby for advertising’s reputation.²⁹

Throughout the 1960s Reeves stood as the quintessential defender of the 1950s hard-sell advertising style. Reeves possessed an immense knowledge and experience in advertising, a stubborn attitude toward government, a disdain for liberal intellectuals, an unwavering belief in the hard-sell advertising philosophy, and the inclination to prove that advertising was not the despicable industry many had contended. Already in a position of authority in the industry, Reeves acted as chairman of the board for the AAAA, an active member of the Committee of the Board on Advertising Relations, and a board of directors member of American Federation of America, the Washington, D.C.-based trade association. As a member of these groups, Reeves worked toward preserving the current advertising industry. Solidifying his place as guardian of the advertising industry, he undertook his most significant stand against the changing tides with the FTC’s allegations on Colgate-Palmolive’s deceptive advertisements.³⁰

However, Reeves's ego blinded him from recognizing that he was entering a campaign against a government agency fueled by insurmountable cultural forces.

Kintner and the FTC publicly released its investigation into Colgate-Palmolive and the Ted Bates agency for the deceptive "sandpaper beard" shaving cream commercial on January 15, 1960. Ten days later, Reeves responded with a full-page advertisement attacking the FTC. Reeves placed the ad in seven major newspapers across the country at the cost of \$23,574. The header of the ad read, in 84-point bold type, "In the Interest of All the Great Companies Who Serve the American Public We Wish to Ask Mr. Earl W. Kintner These Questions." In typical Reeves hard-sell fashion, with no hidden message or soft-sell, the ad criticized Kintner for excessive regulation. Although it was addressed to Mr. Kintner, the real targets were everyone who had leveled criticisms at Reeves and the industry he helped build. Reeves utilized this opportunity to make a stand for the hard-sell advertisers who had been cast in the role of deceitful and manipulative "hucksters." In a clearly argumentative tone, Reeves's "Mr. Kintner" advertisement stated, "We published this advertisement because we are puzzled. Our clients are puzzled. Our attorneys are puzzled. We think businessmen everywhere are puzzled."³¹

The retaliation advertisement positioned the advertisers as faultless victims of an unjust attack. Striving to convey the integrity of advertising, Reeves's "Mr. Kintner" ad claimed that deceptiveness in ads only stems from an attempt to create real images. Protecting their interests, the Ted Bates agency announced in the "Mr. Kintner" ad that the Colgate-Palmolive sandpaper shave really works, if it "soaks." What the agency conveniently omitted was the fact that this soak must occur for 80 minutes, not just briefly as the commercial depicts. Reeves and his agency decided to leave the definition of "soak" up to the "creative" person's imagination. Playing to the appeal of the overgoverned, wrongfully accused, victimized America, Bates asserted that the shaving cream campaign was only withdrawn due to the unwarranted accusations of the FTC. The Ted Bates agency contended, "Ultimately, the courts will decide this, for it will be fought out in the courts." The argument for wrongful accusation culminated with one question: "What are your Rules?"³²

The reactions to Reeves's advertisement, both positive and negative, were nearly as strong as the ad itself. Many advertisers believed a statement of this manner against the FTC should have been made by the AAAA or the AFA, not a sole agency. Advertisers from all around the country wrote Reeves with lavish praise for his response to the FTC. Adman Dave Grayson of Benton & Bowles wrote, "I just had to add my message of verbal applause." The head of the advertising department for *Reader's Digest* supported Reeves, declaring the ad, "a most thoughtful and well written piece of copy which not only defends your position, but that of our entire industry." *Advertising Age* provided its support for Reeves's ad in the editorial section, reporting, "Bates has struck a blow for sensible regulation, and done a public relations service for the advertising business."³³

For every compliment Reeves received for his ad denouncing the FTC, there were more than 10 complaints. Reeves and the Ted Bates agency received a stream of complaints for the "Mr. Kintner" ad for months. These complaints came from professors, publishers, business owners, the general public, and even other advertisers. One of the most notable complaints came from Paul Goodman, a Harvard professor and author of the organizational critique *Growing up Absurd*. In the objection, Goodman informed Reeves that he had "performed a single disservice to the cause of honest advertising." Goodman, like many other intellectuals, supported the FTC, writing, "The federal authorities have been forced to start doing their jobs." Ending his reprimand of Reeves with a single question, Goodman challenged, "How much have you exploited the former [individual freedom] at the expense of the public good?"³⁴

Along with wide public objection, other agencies on Madison Avenue claimed that Reeves's ad was "a phony." One agency described it as a "deplorable exhibition of advertising sophistry at its worst." *New York Times* journalist Robert Alden revealed the mood in many advertising agencies at the time, reporting "The Bates agency had made a bad tactical error, that Washington was now really stirred up and a crackdown could be expected." *Time* magazine described the "Mr. Kintner" ad as "[Rosser Reeves] taking a swing at the judge while the case was still in court."³⁵

Kintner absorbed Reeves's jab with the composure of a seasoned boxer. Not providing Reeves any satisfaction of public reaction, Kintner voiced no counter to Reeves's discrediting ad, but rather provided reporters with the countless letters of support he received. Despite Kintner's self-control, the *New York Times* reported, "In Washington yesterday, it seemed that a storm might be brewing."³⁶

This storm came in the form of litigation against both Ted Bates & Company and Colgate-Palmolive. The Bates agency, shortly following the FTC's filings, removed the campaign for Colgate-Palmolive shaving cream. However, the short life span of the Palmolive campaign was in no means indicative of the forthcoming legal dispute. The Bates agency countered the FTC claims of deceptive advertising by claiming that the FTC cleared the shaving cream campaign before it was published. Additionally, the agency's legal argument for the sandpaper commercial declared, "a fair and true illustration of the otherwise proven fact that Palmolive Rapid Shaving Cream has excellent wetting properties in actual shaving purposes." In contrast, the FTC maintained the sandpaper shave misrepresented the product, ultimately deceiving the customers in purchase decisions. From the exterior it appeared that this court case was about the use of "mock-ups" in advertising. While the case documents hold that to be true, the real theme of these proceedings was a hard-sell advertiser's last effort to maintain a position of prominence in a changing advertising industry.³⁷

As this dispute continued, FTC examiner William Pack withdrew the FTC's claims of deceptive advertising, declaring the ad a "harmless exaggeration." The examiner's decision was a brief reprieve for advertisers as the FTC board immediately appealed the examiner's decision. The FTC board overturned Pack's conclusion stating that the ad was deceptive due to the "mock-ups" used. The FTC's reversal of the examiner's findings was subject to review in the Federal Court of Appeals. After the FTC decision was upheld in the Federal Court of Appeals, the Bates agency challenged the court's decision. The Bates agency's challenge propelled the case to its pinnacle, the United States Supreme Court. In 1965, the justices of the Supreme Court upheld the decision of the lower court stating, "an advertiser could not show a false demonstration to prove a claim about a product, even if the claim is true." Revealing that the decision pertained specifically to advertisers of the hard-sell credo, the justices enforced, "It [the decision] concerns only those used for tests, experiments or demonstrations represented as proof of an advertising claim." While providing the final resolution to the dispute that commenced more than five years prior, the Supreme Court decision was essentially moot. By the time this protracted legal battle had ended, the FTC had a new, stricter chairman in Paul Rand Dixon, and the advertising industry itself had transformed drastically.³⁸

Reeves's Swift Fall from Advertising Prominence

By the conclusion of the Colgate-Palmolive proceedings in 1965, advertisers were no longer the men in gray-flannel suits, but rather hip and creative artists with the empowerment of personal expression. The Supreme Court's decision on restrictions of deceptive practices merely underlined what had by then become trade practice. Once the man who stood most prominently for the industry at the onset of the confrontation

with the FTC, Reeves's presence in advertising was now minuscule. Advertising progressed from styles of the hard-sell and scientific research that dominated the industry in the 1950s to more imaginative and unrestricted expression in the 1960s. No longer was an adman's job solely to sell a product, but rather to provide customers with advertisements that were humorous, likeable, and even, as Thomas Frank emphasized, "hip." As a man who was unwilling to compromise his beliefs, Reeves began to realize that his stature in advertising had waned. In fact, the entire Ted Bates agency lost position in the industry, falling behind the agencies that embraced creativity. By late 1961, Reeves had succumbed to the pressures of the industry and gave up his highly scrutinized administrative position of CEO to become a copywriter.³⁹

As the 1960s progressed Reeves became increasingly out of place due to his resistance to the changing times. "Temporary trends do not change principles," Reeves declared in a letter to a Ted Bates employee. It was these principles that rendered Reeves an outcast in the advertising industry he previously dominated. Insight into Reeves's standing in the Ted Bates agency through numerous internal office memos revealed that Reeves's stubborn, and at times arrogant, attitude toward the creative changes in advertising rendered him an outcast at the agency he helped build. Reeves was soon discharged from the largest agency accounts and was demoted to a consulting position with little influence. As creativity took over the industry, Reeves no longer openly voiced his opinions about advertising. Reeves rejected requests to speak publicly, even to clients, responding to one solicitor, "I have been turning down clients on speech requests at the rate of about one a week." Reeves's discontent for advertising in the 1960s was so significant that he later described the era as a madhouse, proclaiming, "Lunatics began to take over the asylum."⁴⁰

Although Reeves was already on his way out of the industry, the Supreme Court defeat provided a final push for his retirement. In a stroke of irony, the campaign that signified the end of the hard-sell adman, Palmolive shaving cream, was also Reeves's first with the agency, "I wrote the first copy for that wonderful man named Ted, it was for Palmolive Shave Cream, and I believe it was the first campaign ever written for a client by the agency."⁴¹

In a move that *Advertising Age* declared "a signal of changing ideas about creativity," Reeves announced his retirement from advertising in February 1966. After 36 years "in the trenches and under fire," at the young age of 55 Reeves left an industry that had already surpassed him. The retirement came as a surprise to most in the Bates agency and advertising community, but the changing environments both in and outside of the agency were too much for Reeves to overcome. Despite Reeves's claims that his retirement decision was a "personal decision" and not in any way connected to office politics, there was suspicion attributed to his departure. "We're not changing; we're just current," Ted Bates president Foster rationalized in a statement to the advertising community on charges that Reeves's retirement from the Ted Bates & Company agency was premature.⁴²

Advertising writer Kevin Goldman contends that Reeves was forced into retirement when he was voted out by the Bates board in 1965. Twenty-five years after co-founding the agency, Reeves was forced out of the house he helped build due to an uphill battle against the creative advertising revolution. Before Reeves left the agency he made sure that the board compensated him for his forced departure. Reeves's financial arrangements included the agency paying \$350,000 for Reeves's stocks in the Bates agency, \$40,000 in a severance package, and \$520,000 in an unspecified escrow account. The escrow account has been attributed as a payment plan to keep Reeves from preventing the Bates agency's transition into a creative shop.⁴³

Retirement proved to be unexciting and monotonous for Reeves, and he soon returned to the New York business scene. Forming the Tiderock Corporation, Reeves

claimed that the new business had no ties to advertising and was “fundamentally a problem solving business.” Thirteen months later Reeves invested in Daniel Starch and Staff, an advertising research firm. With this investment Reeves was appointed once again to chairman of the board in an advertising firm. Reeves’s attempt to reenter the advertising industry proved to be too exasperating for a semi-retired adman. Both endeavors failed shortly after Reeves’s involvement.⁴⁴

By the time Reeves finally stepped away from advertising the trade had become dominated with new agencies full of youthful, imaginative talent. No longer did advertisers sell to consumers through deceitful persuasion or sheer repetitive force. This new creative revolution, led by the original “creativeman” William Bernbach, generated likeable ads designed to relate with consumers, rather than exploit them. As the 1960s continued, humor, rebellion, hip styles, psychedelic images, and even Reeves’s most despised form of advertising, sexuality, had all become the norm in advertising.

Recounting the 1960s, Thomas Frank asserts, “advertising would abandon its self-imposed restrictions and leap headlong into rebellion.” In the 1960s advertising did rebel against the squares and advertising styles of the 1950s; however, Frank’s assertion of a headlong leap into abandonment fails to recognize that early in the 1960s many advertisers remained staunch supporters of Reeves and the struggle against this rebellion of creativity and individuality. Ultimately, the gray-flannel-suited organizational men yielded to the rebellion of the hip longhaired creative generation. The combination of pressures outside of the industry, including FTC sanctioning and intellectuals’ criticisms, as well as resistance within advertising against the organizational hard-sell agencies, proved to be too much for even the strongest Madison Avenue “suits” to withstand. Most remembered for his contributions to advertising in the 1950s, Reeves’s most defining moment came in his confrontation with the tides of change in the early 1960s. A proud, determined man, Rosser Reeves fought to preserve an industry he believed was shifting in the wrong direction. In a twist of fate, this 1950s organizational man actually acted in a manner consistent with 1960s rebellious rise: fighting against authority for something he truly believed in.⁴⁵

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40. Rosser Reeves to Julian V. Pace, May 16, 1966, RR, Box 11, Folder 6; Rosser Reeves to Herbert Drake, January 25, 1966, RR, Box 11, Folder 5; *Advertising Age*, January 19, 1970, 42.
41. A. McG. Foster to Ted Bates & Co. employees, February 10, 1966, RR, Box 11, Folder 5.
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