



THE UNMARKETABLES

Lessons from controversial brands that find creative ways to communicate

Words LUCY HANDLEY



Walk past the Bank of America Financial Center in Downtown Las Vegas and on the other side of the road you'll see an ordinary-looking building with a couple of palm trees flanking its entrance. This is the Meet events centre, which hosted the city's inaugural (and entirely legal) Cannabis Wedding Expo earlier this year.

Elevated Engagements offered couples rolling stations and a mobile smoking lounge, while brides-to-be browsed three-course dinner menus

Inside...



- ◆ **Act as one industry** to lobby rule-makers
- ◆ **PR** can be an effective way of communicating
- ◆ **Use research** to help build a case to get ads cleared
- ◆ **Owned content** helps get messages across

at the Cultivating Spirits table. They had the option to serve guests Summit Sweet Skunk paired with their chocolate brownie desserts.

Recreational cannabis has been legal in Nevada since January 2017. There are now 11 US states, including Washington DC, which have decriminalised its use.

But even in Sin City, where there are slot machines in the airport's baggage hall and people can openly drink alcohol while walking down the Strip, there is concern over marketing marijuana. Cannabis Wedding Expo founder Philip Wolf has held events in Denver,







Los Angeles and San Francisco, but the Vegas authorities proved to be the toughest to convince: “They are scared. I got so many questions: ‘Are these kids going to be smoking weed everywhere?’”

His stands weren’t allowed to hand out samples with any actual THC in them (the psychoactive part of cannabis). Venues he approached also asked questions. “They don’t want to be associated with it. They’re worried about other clientele and any backlash.”

It’s tempting to make weed-related puns about an industry getting high from profits, but legal cannabis spending is set to grow to \$66.3 billion (£55 billion) by the end of 2025 and many brands are cashing in. Cannabis retailer MedMen made nearly \$40m (£33m) in the financial year ending June 2018 and spent \$7m (£5.8m) on marketing during that time.

THEY ARE SHUTTING OUT EXACTLY WHAT I’M OUT TO DO, WHICH IS TO NORMALISE OPEN, HEALTHY DIALOGUE AROUND ATTITUDES

Cindy Gallop, founder and chief executive, MakeLoveNotPorn



One way of making legal cannabis more marketable, Wolf says, is continuing to advocate for its safe use. Many of the stands at the wedding event included information on dosing, or invited customers to write to lawmakers to support a new rule that stops US employers illegally discriminating against people who

use it for medical reasons. (That law has now been passed.)

But, as with other restricted items such as alcohol, there are still strict rules concerning how cannabis can be advertised. Instagram and Facebook currently forbid ads, although they have relaxed rules that banned cannabis businesses from appearing in search results.

It’s also hard to advertise with online publishers because they don’t always geo-fence, and that could mean ads end up being seen in US states where recreational cannabis is illegal. MedMen used billboard advertising and created its own magazine, *Ember*, due to being rejected so many times when it tried to buy ad space in some mainstream media.

Another sector that is currently in the regulators’ spotlight is gambling. While advertising is, rightly, restricted in the UK, it is easy for people to perceive it negatively, says industry consultant and marketer Kevin Dale.



Left Dame Products’ advert was rejected by the Metropolitan Transport Authority
Below Hims’ advert for erectile dysfunction solutions had been allowed to run on the New York subway



BET ON GOOD BEHAVIOUR

“What’s new here is that the liberalisation plus the advent of the internet have meant that the industry has really boomed. This in turn has caused some to question how prominent gambling products should be promoted or made available,” Dale tells *Catalyst*.

Although gambling is controversial, the industry made £14.5 billion between October 2017 and September 2018 in the UK, down 0.4% on the previous period. Forty-six per cent of people had gambled in the past four weeks, when asked about their gambling habits in February 2019, according to the Gambling Commission.

Dale points out that most people who gamble do so responsibly. Only 0.7% of people over 16 in Great Britain are classed as ‘problem’ gamblers, according to the most recent figures from the Gambling Commission – but it is currently a hot topic in political circles.

Ironically, the increase in online bookmakers sponsoring football kits and





Guerrilla tactics to market unmarketables

"Everything in life starts with you and your values," says Cindy Gallop, an entrepreneur and former chair of ad agency BBH in the US. "Our parents bring us up to have good manners, a work ethic, a sense of responsibility," she adds. But there is a fundamental gap in how people are educated about one thing in particular: sex.

"Nobody ever brings us up to behave well in bed. But values like empathy, sensitivity, generosity, kindness, honesty and respect are as important there as they are in every other area of our lives," Gallop says. Many young people, she argues, get their sex education from pornography, which often portrays the opposite.

With that in mind she started MakeLoveNotPorn (MLNP), a website where contributors upload intimate videos of themselves, and users subscribe to view. "Socialising sex to improve sexual values and behaviour" is one of its taglines.

But when society considers something a taboo, it is likely to be harder to market. This has been the case for Gallop's site, which has been unable to advertise via traditional channels, instead relying on PR. Gallop's 2009 TED Talk launching the initiative has been watched more than 2.4 million times. Since then she has been featured in 'The Guardian', 'The New York Times', 'Forbes' and others.

During June's New York Pride, Gallop worked with experiential marketing agency Scenester Projects to project large-scale ads on to buildings to promote the site, after the city's authorities rejected traditional billboard ads. The guerrilla activity was MLNP's first paid-for ad campaign and resulted in a big spike in custom.

Gallop wants to go further, and criticises the likes of Facebook for not allowing ads that promote healthy, consensual sex. "They are shutting out exactly what I'm out to do, which is to normalise open, healthy dialogue around attitudes, about behaviour towards sex in the real world."

spending money on ad campaigns has in part damaged the industry, Dale says, because it has attracted more attention. In July, Paddy Power created a sponsorship campaign with Huddersfield Town, emblazoning its logo across the team's football shirts in a sash-style, before revealing days later that it was a stunt and that the shirt would be sponsor-free. The bookmaker used the publicity to launch a 'Save our Shirt' campaign, calling for gambling companies to stop advertising on football kit.

But this has divided the industry, Dale says. "It follows similar moves by a couple of the same companies to look

whiter-than-white by announcing their plans to reduce or restrict TV advertising. If we were a joined-up industry, we wouldn't be trying to compete on regulatory issues," he says. Dale welcomes the formation of industry body the Betting and Gaming Council, which launches in the UK this autumn.

In the US, it's a very different picture: sports betting is only legal – or soon will be – in 13 states, a market that had until very recently been dominated by Nevada. It's a move that will see a shift from a \$150 billion (£124 billion) grey market, some of which is illegal, to an above-board industry.

A major international player is The Stars Group, a \$1.4 billion (£1.2 billion) company that owns PokerStars and Sky Bet, and is set to spend \$400m on marketing in 2019. Even in countries like Italy, which this year banned gambling advertising in mainstream media, The Stars Group expects to do well because PokerStars is an established brand – and betting companies will still be allowed to appear in search engine results.

Gambling may be restricted in advertising or promotion, but there are products and services that are arguably more unmarketable. The 'sextech' industry, a relatively new moniker, is one of them. ▶



The most unmarketable of all?

In just a few decades, ads from cigarette companies have gone from TV spots and billboards showing the likes of the Marlboro Man to a 2018 anti-smoking marketing campaign promoting a 'smoke-free future'.

Both are from tobacco giant Philip Morris International (PMI): the US's Marlboro Man retired in 1998 when cigarette ads featuring people or animated characters were banned. The UK anti-smoking ad showed a woman holding out her hands under the headline "Hold my light".

This controversial four-page newspaper wraparound ad, funded by PMI, directed people to a website aimed at helping people to quit, including switching to e-cigarettes or heated tobacco products. Heating is allegedly less harmful than burning, as most of the toxic compounds come from combustion rather than the tobacco itself, according to PMI.

The activity is part of PMI's promotion of a "smoke-free future", as was the company's Open Mic pavilion at ad conference Cannes Lions in June. The point was to appeal to people who would help it "change the lives of the one billion people who smoke." PMI director of global communications Tommaso Di Giovanni says the event aimed to discuss how it and the creative industries "need to work together" to ensure adult smokers can access alternatives.

PMI's IQOS heated tobacco device was approved for sale in the US in April, with stringent regulations, such as making sure the product does not get offered to people who do not smoke. But the approval and marketing of such alternatives is riddled with restrictions in different countries - PMI submitted a 200-page document to the US authorities in the hope it can claim IQOS poses a "reduced risk" of users contracting a tobacco-related disease than from traditional cigarettes. Di Giovanni says the process is "ongoing".

PMI's inclusion at Cannes was heavily criticised by some and the company said that it was there in part to respond to negative PR. "We don't usually comment on PR campaigns by anti-tobacco organisations: we're trying to stop people smoking, while they're trying to stop us," the company stated on its website.

Part of what PMI needs to communicate is the burning versus heating argument, says Di Giovanni. "Addressing this confusion and ideological opposition is the biggest challenge to 'unsmoking' the world."

Images Alamy; Dame Products; Bodyform; MLNP

AVOID THE SPOTLIGHT AS A SINGLE ENTITY BUT WORK WITH COMPETITORS TO ENSURE GOOD INDUSTRY REPRESENTATION

Kevin Dale, CMO and gambling industry consultant

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DOUBLE STANDARDS

When female-focused sexual wellness company Dame Products wanted to advertise on the New York subway, it hit a problem: the Metropolitan Transportation Authority (MTA) rejected three rounds of adverts it sent them, each amendment an attempt to address the authority's concerns. The final round of ads featured Dame's small, colourful products, with the line "Toys, for sex". The MTA cited new guidelines that prevented "sexually oriented" businesses from advertising.

But a series of ads for Hims, a company that sells erectile dysfunction (ED) solutions for men, had been allowed to run on the New York subway, using lines such as "Hard made easy", next to a picture of a banana-shaped cactus flopping over the side of a flowerpot.

Alexandra Fine, Dame's co-founder and chief executive, calls this a double standard: "The MTA is one of many institutions that prioritises men's sexuality but dismisses women's sexuality. Erectile dysfunction companies can advertise with the MTA (and Facebook and Instagram, which are other platforms on which we can't advertise). They're also discounting the importance of advocating for enjoyable, pleasurable sex." In July, Dame and Unbound, another sexual wellness company, protested Facebook's advertising rules at its New York headquarters, a move that got it national PR in the US.

In June, Dame filed a lawsuit against the MTA, accusing it of violating its rights to "free speech, due process and equal protection" in blocking the ads. In response, the MTA said it is "constitutionally entitled to draw reasonable content-based distinctions between different types of advertisements and to consider its diverse customers."



The lawsuit generated a ton of press coverage, and its hashtag #DerailSexism has reached 1.38 million users, but Dame is still fighting ad restrictions.

It has been able to advertise on outdoor kiosks in the city, and partnered with other health and sexual wellness brands to run an ad in *The New York Times* in a collective action against the abortion ban in some US states. Like MedMen, it has also turned to owned media to promote its cause, organising its first conference, Nuance, in July last year.

AGE-OLD TABOOS

Dealing with the authorities that approve ads is a fine art, and ad agency AMV BBDO honed its skills dealing with UK broadcast body Clearcast on a campaign for Bodyform sanitary towels (known as Libresse elsewhere). The 'Blood Normal' ad campaign broke conventions by showing red liquid on a towel, period blood in a shower and a man buying sanitary protection in a shop, far from the sterile blue liquid and roller-skating women of old.

This paved the way for Bodyform's next ad campaign – a new range of intimate washes and wipes. The TV ad included a concept unlikely to have been seen by broadcast authorities (and consumers) ever before: singing vulvas, represented by objects from cupcakes to conch shells. The 'Viva la Vulva' campaign won a clutch of prizes at everything from Cannes Lions to the D&AD awards, but the agency had some battles with broadcasters before it could air.

"At one point, they said the cupcakes are too explicit. Can you make the conch shell less pink? Can you tidy up the illustrations?" recalls Toby Allen, AMV BBDO's creative partner. The team argued back. "Our strategist was saying, what you're asking us to do to our art-directed vulvas is exactly the pressure you put on women for their own vulvas."

The agency's research helped it get the authorities to give it the go-ahead, says account director Sara Abaza. "Forty-four per cent of women have felt embarrassed by the way that their vulva

naturally looks... You also have a lot of women missing their cervical screening, which becomes a major issue, because they're embarrassed about how they look. [We were] able to build a very compelling case because it's not a subjective opinion. It's a factual one about how women feel."

Using factual defences and working as one industry will help unmarketable products work better with regulators. Individual companies trying to market 'taboo' (but legal) products like gambling might be best not to attract attention, Dale suggests. "Avoid the spotlight as a single entity but work with competitors to ensure good industry representation. Make sure the whole company is on top of all the latest compliance issues [too]."

Understanding the rules helps companies find gaps that lawmakers haven't identified yet, especially for new or growing industries. But, the caveat is that you are entering uncharted – and unmarketed – territory. ◇

Lucy Handley is editor-at-large of *Catalyst*

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Sara Abaza, account director, AMV BBDO



Right (and image on opening page)
Bodyform's 'Viva la Vulva' campaign

