

Consumer Behavior and Unresolved Regulatory Issues in Electronic Marketing

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Interactive media such as the World Wide Web are increasingly popular venues for marketers. These media differ from traditional forms of making information, products, and services available to consumers, thus creating potential regulatory issues. Before regulation can be determined and imposed, knowledge of how consumer behavior will be affected by the new media should be obtained. We discuss several theoretical issues in consumer behavior to illustrate potential effects of interactive media on decision-making, and we relate these effects to the potential issues created for marketers and policy makers. J BUSN RES 1998. 41.231–238 © 1998 Elsevier Science Inc.

yberspace, Internet, Information Superhighway, World Wide Web—these terms refer to aspects of an envolving global complex of information that is changing the way we think about marketing. By any name, this evolving structure presents a challenge to marketers as a complex bundle of legal, business, ethical, and regulatory issues. The World Wide Web (WWW) is the network most familiar to electronic marketers, and we will focus primarily on the WWW in this article.

Recently, many commercial services have become available on the WWW, including compact disc sales, book sales, and stock market information. With the commercialization of the WWW has come the question of whether regulations imposed on information presented in traditional media should be extended into cyberspace. For example, tobacco products have been banned from broadcast media since 1970, and producers of distilled spirits have voluntarily agreed to refrain from television advertising since 1952. No such agreement exists regarding the WWW, and although officials at the Federal Trade Commission have expressed some concerns (Warner,

Journal of Business Research 41, 231–238 (1998) © 1998 Elsevier Science Inc. All rights reserved. 655 Avenue of the Americas, New York, NY 10010 1995), there are as yet no guidelines for marketers. Basic laws and regulations regarding fraudulent and deceptive practices still apply, however, and as noted by the FTC Associated Director for Advertising Practices, C. Lee Peeler, "if it's illegal in the world, it's illegal in cyberspace" (Peeler, 1995).

The anticipated benefits of the WWW for marketers are reflected in the increasing attention to electronic commerce in academic publications (e.g., Hoffman and Novak, 1995; Klein, 1995) and in the popular press (e.g., Cronin, 1994). Less attention has been paid within the marketing literature to the implications of interactive media for consumers and for the policy issues that bridge the perspectives of the consumer and the marketer (see, however, Coupey, in press; Dholakia and Huber, 1995). Thus far, the WWW is relatively unrestricted as to the content of available information. The growing commercialization and acceptance of the medium, however, raises concerns as to whether it should—or even whether it *could*—be regulated.

Determining whether and how to regulate suggests two different concerns: (1) how consumers will use the new interactive media and the effects of the media on consumer behavior, and (2) the extent to which the observed behaviors differ from those typically associated with information use in traditional media, such as print, broadcast, and radio. Both aspects are important because the regulation of information on the WWW can be imposed either by the creation of new regulations designed specifically for the WWW or by the transfer of extant regulations in other media. As FTC Commissioner Christine Varney has observed, "[c]yberspace clearly represents a convergence of several technologies: telephones, broadcast media, and other media. Any advertising on the Internet is subject to current law on deceptive or fraudulent advertising. But whether cyberspace should be considered more analogous to print or broadcast media remains to be seen" (Hall, 1995). Thus, whereas governments can play different roles in the regulation of new systems for providing information to consumers (Azcuenaga, 1995), research is needed to assess

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how the technology affects consumer behavior before the form of regulation (i.e., newly developed or transferred) is determined. For example, concerns about the adequacy of information available to consumers (e.g., Breyer, 1975) prompted regulation of traditional media. With the greater amounts of information and increased flexibility for manipulating information afforded consumers by interactive media such as the WWW, are those earlier regulations necessary or appropriate?

In the following sections, we consider aspects of consumer behavior in interactive environments that may be interpreted to indicate the need for regulation, given extant regulation of similar situations in other media. To organize the relevant issues and delineate possible behaviors, we present a conceptual framework for describing the impact of interactive media on consumers' information use. We begin with a brief description of the fundamental goals of regulation and their implications for regulating interactive media such as the WWW.

Developing the Regulatory Matrix

Goals of Regulation

Governmental regulation affects the way practitioners do business and frames many issues for academics. Ramsay (1985, p. 353) suggests that three questions are raised with respect to regulating the consumer marketplace: (1) why do consumers need protection, (2) when ought governments intervene, and (3) how ought governments intervene. Reflecting these concerns, most laws and regulations are imposed with the putative public policy goals of eliminating some undesirable behavior, protecting some segment of society from perceived harms, or providing information necessary for making informed decisions (Azcuenaga, 1995; Gundlach and Wilkie, 1990; Schwartz and Wilde, 1979). The laws and regulations now in place have been developed for marketers within the context of the traditional media of print, radio, and television.

Regulation and the WWW

The WWW is a new medium for consumer decision-making (Hoffman and Novak, 1996), with similarities to and differences from traditional media. The WWW differs from traditional consumer information outlets, such as television, print, and radio, in several fundamental ways. First, the WWW is an environment in which traditional barriers of time and distance are minimized by the marketer's ability to create databases of product information and by the consumer's ability to selectively obtain information (Cronin, 1994). In addition to this characteristic, Coupey (in press) notes that the WWW is distinguished from other media in three ways: increased flexibility in creating information displays for both the marketer and the consumer; greater range and depth of information within interactive technology than with traditional media per unit cost (i.e., consumer's time and effort); and the combination of modalities of television, print, and radio into a single presentation of video, text, and sound.

Given the differences between the new interactive media and traditional media, the regulatory matrix developed for the WWW cannot be based solely on patterns developed for traditional media, which evolved separately based on historical differences (Chong, 1995). For example, universal telephone service was pursued as a regulatory policy in the 1930s with a goal of providing every household with basic telephone service (Cook, 1995). While similarities exist between the provision of telephone service and access to the Internet, there also are differences that suggest caution in the application of a parallel policy. For instance, access to the WWW can be viewed on a continuum with one end representing those with no computer service, or with very limited service, and those with high speed modems and ISDN (Integrated System Digital Network, a very high speed dedicated modem line) lines on the other. This situation is different from that which faced the architects of universal telephone service, where service was an all-or-nothing proposition.

Access to the WWW is not equivalent to full usage of the WWW. As a result, regulators must first consider ability to access the WWW as a basic threshold necessary for obtaining WWW information, and then the ability to use the WWW based upon the availability of sufficient computing capacityincluding hardware, software, and connectivity resources (Dholakia and Huber, 1995). That is, even if all consumers have WWW access, thus implying universal service (Gore and Klopfenstein, 1995), consumers will not experience the WWW in the same way, given differences in computing capacity. Dholakia and Huber (1995) compare the abilities to experience benefits of the WWW between individuals with access limited to rudimentary e-mail services or text-only displays and individuals with Pentium computers and high-speed modem links. The former would have limited access to the WWW, whereas the latter would have full access (Dholakia and Huber, 1995). Thus, regulation of the WWW will have to be flexible enough to compensate for differences (Chong, 1995) while still achieving regulatory goals. If the impact of the WWW is different for various groups of consumers, then uncertainties arise for both regulators and for business, potentially increasing the costs of regulation for both (Calfee and Craswell, 1984).

Issues of access and capacity underscore the need for flexible regulation (Dholakia and Dholakia, 1994; Cronin and Herbert, 1994) capable of addressing the concern that portions of society could be left out of the information revolution. These issues also underscore the need for research designed to examine the reactions of consumers to the WWW medium and how they make use of it, given differences in the ability to access available information, which may consist of not just text, but also static images, full-motion video, and audio components. For example, will a person with limited access make the same choices or decisions as a person with full access? The issues of access and usage pertinent to the WWW are important because these characteristics define decision environments that not only differ from traditional modes of communication between marketers and consumers, but which can also vary widely between individuals using the WWW.

Research on consumer decision processes has revealed the context-dependency of choice processes (e.g., Huber, Payne, and Puto, 1982; Schkade and Kleinmuntz, 1994). Research is needed to assess the robustness of the extant findings in the context created by the new media. Progress is just beginning to be made in this direction. For example, Hoffman and Novak (1995, 1996) utilize flow theory (Csikszentmihalyi, 1990) and a model of communication developed by Steuer (1992) to provide a general framework for how consumer decisionmaking will take place in an interactive environment such as the WWW. In the Hoffman and Novak (1995) model, the primary communication is not between senders and receivers as in traditional communications models, but rather between either senders or receivers and the computer-mediated environment (CME). When senders and receivers interact with this environment, the mediated environment is "created and experienced" (Steuer, 1992). Underlying this interactive communications model is the concept of flow, or "the process of optimal experience" (Csikszentmihalyi, 1977; Hoffman and Novak, 1995), which focuses the user's attention within the CME. Hoffman and Novak focus on the use of CME's as a process rather than an end, stating that "[f]low activities in the Web, specifically network navigation, facilitate concentration and involvement because they are distinct from the so-called 'paramount reality' of everyday existence" (Hoffman and Novak, 1995, p. 13; citing Csikszentmihalyi, 1977, p. 72).

The concept of flow provides one theoretical orientation for describing consumer behavior in a computer-mediated environment, such as the WWW. Given the importance of considering alternative theoretical models (Cook and Campbell, 1979), we propose an alternative conceptualization of how the use of interactive media might affect consumer behavior. Adopting an information processing perspective (Bettman, 1979), we focus on a subset of issues that involves the acquisition and use of information about goods and services available on WWW. These issues are outlined by presenting potential regulatory issues and illustrating theoretical perspectives that might be used to analyze consumer behavior to frame regulation to achieve a desired effect. The ability of consumers to access the WWW, and the level at which they are able to utilize WWW resources (i.e., capacity) form an underlying continuum that is considered in describing the effect of interactive environments on consumer behavior.

Framework for Research on Information Use

Advertising and selling on the WWW make salient several areas of concern to researchers. The availability of information about a vast number of products—not just those restricted on traditional media—may influence consumers' knowledge bases for product choices, including their perceptions of an attitudes toward goods and services. In addition, the interactive nature of the new media may serve as a factor that mediates the way consumers represent information when making decisions. Finally, the novelty of the media may influence decision-making by serving itself as a persuasive characteristic of a choice. These concerns are reflected below in our design of a general framework for considering the potential impact of interactive technology on consumer behavior. In the framework in Table 1, each concern is reflected as a level in which the interactive environment interacts with individuallevel consumer information processing and behavior. Thus, at level 1, the effect of the environment is least obtrusive, rendering observed behaviors more similar to behaviors predicted/observed with information use in traditional media. At level 3, the interactive medium is highly obtrusive, and behaviors are predicted to differ most from those observed in traditional media.

Consider that each concern reflects a different level of the technology's influence on behavior. Each level of influence may be present in different combinations and amounts in a particular interactive session. At the first level, we conceptualize the impact of the new media as simply affecting the availability of information; nothing is inherently different about how the technology impacts consumer behavior. Thus, sources of information, whether newspaper, television, radio, or WWW, are normatively equivalent. The WWW may affect behaviors and outcomes simply by providing a larger, more readily accessible, source of information.

From a regulatory point of view, media have not been treated as normatively equivalent, either by regulatory agencies or by advertisers. Print and broadcast media, such as radio and television, have been differently regulated. For example, cigarette advertising, while banned on broadcast media, is abundantly present in print media. Until recently, the same has been true of alcoholic beverage advertising.

Should WWW advertising be treated as normatively equivalent by regulators? Twenty years ago the Marlboro Man was removed from television advertising due to policy concerns over the use of tobacco. Whether the same concerns exist will determine whether this form of advertising is regulated on the WWW, but at this writing there are no WWW sites for tobacco companies (Warner, 1995). However, Heller and Cohen, a New York advertising firm, announced last year that it would make the old Marlboro Man television commercials available for downloading from a WWW site (Armstrong, 1995). The first level of our framework characterizes situations in which the medium affects the nature of information processing by influencing the availability and accessibility of information. Research to determine whether and to what extent interactive media affect the amount and type of information acquired and used, relative to other media, would foster the development of informed, appropriate policy.

The second level of the framework reflects situations in

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Extent of Medium's Influence on Information Processing	Description	Key Locus of Effect	Sample Theoretical Issues	Possible Outcomes/Behaviors
Level 1 Minimal	Media enables information pro- vision, but does not influence its form or content	On <i>amount</i> of infor- mation acquired and used in decision-making	Information overload; deci- sion heuristics for infor- mation acquisition and use	Objective decision quality may decrease, even though sub- jective perceptions of quality increase; frustration; de- creased knowledge of key attributes
Level 2 Moderate	Media influences construction of form and content of information display	On <i>form</i> of informa- tion display used in decision- making	Information display re- structuring; information processing (heuristic application)	Ignore information that takes too long to acquire/down- load; develop incorrect product category knowledge
Level 3 Extensive	Media influences information processing as a persuasive attribute independent of form and content	On <i>content</i> of infor- mation acquired and used on decision-making	Attitudes and persuasive (e.g., peripheral cites (ELM); subjective norms (TRA))	Focus on vivid but peripheral cues, with decreased message comprehension; peer pres- sure leads to decreased or in- accurate product knowledge

Table 1. A Framework for Research on Information Use

which consumers interact with the technology, thus altering behavior in ways that are unique and that could not occur with other available forms of information. This is the essence of what Steuer (1992) describes as interactivity—the situation in which consumers create and then experience their environment. Within the new interactive media, for example, a consumer can search for information about cars with a particular set of features and then display the obtained information in a desired format (e.g., cheapest to most expensive). Proprietary systems by companies already allow consumers to search (e.g., AutoAdvantage and General Motors) and to shop (e.g., General Motors) in this manner. This type of interactivity enables the consumer to screen out information that is not deemed central to the decision.

The ability to buy potentially harmful products, such as alcohol, via the WWW underscores another aspect of information use in interactive environments; what information is attended to, and how is it reflected in the decision process? A variety of spirits manufacturers including Finlandia Vodka, Jack Daniels' Distilleries, and Glenfiddich Scotch have all established WWW sites to advertise and sell their products. Beer and wine manufacturers also maintain WWW presences, including a California Company called Virtual Vineyards which markets wines from over 25 different wineries. Liquor by Wire promises the availability of "virtually any wine, champagne, spirit, or beer" from its site on CompuServ. The precursor of WWW merchants, Liquor by Wire promotes same day service and an ability to deliver in over 30 countries such items as a \$245 bottle of Dom Perignon Rosé or a \$135 Stolichnaya Cristall Vodka gift set, complete with two glasses, to your door.

With alcoholic beverages and other potentially harmful products, how consumers might use information differently

on the WWW than in traditional shopping environments is of interest to marketers and policy makers. Products where there are safe-use concerns exacerbate this interest, leading to concerns about how consumers will utilize information such as nutritional labeling or product warnings. Although issues of information use have been examined in traditional media (e.g., nutrition labeling (Moorman, 1990); product warnings (Bettman, Payne, and Staelin, 1986)), anticipated differences in information use from traditional to interactive environments necessitates the direct assessment of safe-use information acquisition in the new interactive environments.

Products with which consumers can construct their own displays already exist, such as the screensaver software offered by the PointCast Corporation. Their screensaver allows consumers to obtain a variety of online news, information, and advertising, with the presentations customized to fit individual preferences (Rupley, 1996). Little is yet known, however, about how consumers will react to, and use, this and similar products.

A third level of media impact may be observed when the simple fact of operating in the new, interactive media influences behavior. For example, Armstrong (1995) has noted that the electronic environment may serve as an enticing subculture to children, thus raising concerns about the availability of products and information on the Web. We suggest that interactive media exert influence when they provide a copacetic environment for consumer learning an decision-making; in essence, an interactive medium influences persuasion by acting as a desirable attribute in a decision.

In the following sections, we consider several unresolved issues of information use in interactive environments in terms of pertinent theoretical constructs that could be used to guide research and provide insights into whether regulation is needed in media such as the WWW. In addition, we consider the influence of access and capacity on anticipated information processing. Where relevant and available, we provide information about extant regulation in traditional media, and we outline the implications of extending such regulation to the WWW.

Level 1: Medium Affects Amount of Available Information

In level 1 of the framework, we suggest that interactive environments exert the least obtrusive effect on information processing. The interactive medium serves as a means of making information available to consumers in a manner that is normatively equivalent to more traditional information sources.

Does the availability of information differentially affect information processing in traditional and interactive media? Hoffman and Novak (1995) suggest that the attitude of the consumer toward using a computer-mediated environment is influenced by the consumer's perceptions of the positive subjective experience that can be obtained through such use. We suggest that positive experiences can comprise a wide spectrum of outcomes, including time or monetary savings, increased knowledge, and enhanced confidence or satisfaction with a choice. In a traditional economics of information framework (Stigler, 1961), the increased availability of information available through the WWW would enable consumers to become more informed about available products because they could acquire information until the marginal cost of doing so exceeded the anticipated marginal return. Thus, increasing the number of available options could result in: (1) more knowledgeable consumers, capable of (2) making better quality decisions, and (3) experiencing more satisfaction with the purchase.

One as-yet unresolved issue in consumer behavior, however, is whether too much information can actually be counterproductive-that consumers can suffer from information overload. Research findings on the impact of information overload are inconsistent, and it is not yet known whether too much information results in choices of inferior quality (Jacoby, Speller, and Kohn, 1974). The new, interactive technologies, and the availability of information through them, decrease the cost of acquiring information and thus potentially increase the amount of information consumers are willing to acquire. As a result, research is needed to ascertain whether more information improves decision-making in interactive settings. Relevant measures to consider include objective and subjective indicators of choice to address the following issues: (1) whether decreased costs to acquire information affect the amount of acquired information, (2) whether the amount of information affects the quality of choices, and (3) whether the amount of information affects perceptions of the choice (e.g., confidence in the choice).

Each of the issues described above can be qualified by considering the tandem issues of access and capacity (i.e., quality of computer resources). Most simply, without access to the WWW, issues of overload in the interactive environment are irrelevant. When the threshold requirement of access is met, capacity may moderate the effect of the interactive medium on information processing and on the likelihood of information overload. One possible outcome is the counterintuitive prediction that increased capacity increases the potential for information overload and for suboptimal decisionmaking; faster, more technologically sophisticated computing resources lead consumers to acquire more information than they can manage.

Level 2: Medium Affects Form of Available Information

One of the main differences of interactive media from traditional media is the ability of consumers to superimpose their idiosyncratic preferences for the display of information on the environment. The consumer determines the amount and organization of information that will be used in making purchase decisions. The second level of the framework reflects the increased effect of interactive media on consumer judgment and choice.

There has been extensive research on information use in decision-making, in psychology (e.g., Payne, Bettman, and Johnson, 1993), in economics (Wilde, 1980), and in marketing (Bettman and Kakkar, 1977; Coupey, 1994). Most of the research on information processing for consumer choice has, however, been conducted in fairly static settings—that is, subjects are presented with a display of information and asked to make a choice.

Coupey (1994) discusses the implications of interactive display use and describes restructuring as the set of operations by which consumers constructively process presented information displays. She notes that consumers are flexible in the way that they construct displays; resultant displays are neither influenced entirely by the initial form of the presented information, nor by the consumer's display-relevant knowledge. One concern with such flexibility is the potential for consumers to construct representations of information for decisionmaking based upon incomplete information. In self-guided information search through interactive sites, consumers often focus on irrelevant or unimportant attributes, resulting in incorrect product category knowledge and perceptions of product offerings. Without feedback to correct these perceptions (e.g., salesperson interaction), incomplete or incorrect knowledge will result in inferior decisions. Research is needed to determine the strategies consumers use for constructing displays and the factors that tend to evoke particular strategies, as for information acquisition within and across WWW sites. In a proactive, policy sense, consumers are better able to use presented information (e.g., nutrition labels, warning labels), and are more motivated to do so, if the information is readily available in formats that mesh with prior knowledge, expectations, and abilities (Bettman, Payne, and Staelin, 1986; Russo, 1977). Thus, research on information use in interactive settings should be used to guide the type, amount, and format of information required of marketers (such as nutritional labeling), and the amount and types of educational information offered to consumers.

As in level 1, capacity constraints are expected to moderate the type and extent of restructuring consumers undertake when using information in interactive environments. For example, low capacity limits consumers' ability to obtain highly graphical displays of information, such as product warnings, which may require greater bandwidth and larger amounts of computer memory than are possessed by some segments of consumers. The issue of capacity suggests that the content and form of information displays constructed by consumers may be driven by the interaction between internal predispositions (e.g., choice heuristics to minimize effort) and external constraints (e.g., computer network resources).

Level 3: Medium as a Persuasive Attribute

Several theories may prove productive for assessing the impact of the environment created by interactive, electronic media on consumer behavior, independent of the information content. As noted earlier, interactive environments may create the opportunity for what Csikszentmihalyi (1990, p. 72) describes as "flow," or the optimal experience created by the matching of skills and goals to the environment, indicating an interaction between the second and third levels of our framework. In the Hoffman and Novak model (1995), flow linked to the concept of positive subjective experiences encourages people to repeat the actions that lead to the flow experience.

One concern with achieving flow is that it may block consumers from processing critical elements of the information content; in essence, the vividness of the experience may detract from comprehension. A second limitation to the flow experience occurs if flow leads consumers to increase time in the interactive environment when there are costs to such involvement (e.g., money, time) that are not matched by benefits (e.g., better quality decisions, increased knowledge).

In an alternative conceptualization, the interactive environment may influence attitudes and behavior by serving as a peripheral cue, similar to those described in the elaboration likelihood model (ELM) (Petty and Cacioppo, 1984). In the ELM, the persuasibility of a communication is mediated by the consumer's involvement with the information. If involvement, or perceived personal relevance, is high, the consumer processes the message through a central route. If involvement is low, persuasion typically occurs via the peripheral route. Peripheral route processing differs from central route processing in that the consumer focuses less on message-related (i.e., central) cues, and more on contextual (i.e., peripheral) cues, such as the spokesperson, music, or graphics. Whereas the peripheral route can affect the consumer's behavior, it is less likely to exert a long-term influence on the consumer's attitudes and beliefs than is central route processing.

With the combined effects of video, text, and sound, interactive environments provide a richer context for decisionmaking than traditional media. This context may contain a wider variety of peripheral cues that have the potential to shift information processing from the central route to the peripheral route when involvement is moderate. The impact of the context on processing—and hence on beliefs, attitudes, and behaviors—will be affected by access and capacity, such that consumers with superior computer resources will be more likely to be influenced by the array of peripheral, computermediated cues than consumers with lower capacity computing resources.

Conclusions

The world of cyberspace presents interesting issues for policy markers. Very simply, although most laws and regulations apply in cyberspace, many are meaningless in the context of a network of networks, such as the WWW.

Attempts to develop appropriate regulation must take into consideration the fundamentally different structure of the WWW (Post, 1995), reflected in access and capacity issues. Access issues underscore the need to consider which segments of consumers will be exposed to interactive information, whereas capacity issues necessitate research on how the medium dictates the form of the information received by consumers. Because capacity affects the computer-mediated environment in which consumers will obtain and process information—particularly for sites that rely heavily on graphics to communicate with consumers—the effects of different types of information environments on knowledge and decision behavior must be assessed prior to introducing regulatory policy.

The challenge faced by policy makers is to determine whether regulation is necessary for a particular type of information environment, and what types of regulation are most likely to be effective if regulation is indicated. With our framework, we proposed that interactive media influence decision processes on three different levels. These levels of influence result in the construction of different information environments, which suggest different types of regulation. The framework organizes unresolved issues for policy makers, and integrates the issues with theoretical perspectives that can be used to systematically assess the impact of interactive media on consumer decision making. Such assessments can be made by examining decision behaviors in contexts reflective of each level of the framework, and by examining multiple theoretical issues within levels of the framework.

The Telecommunications Act of 1996 did not address, with the exception of the Exon amendment, which is currently in litigation, any of the concerns delimited in this paper. These concerns are of significant importance to academics and practitioners. The image of the Marlboro Man may be novel to a generation that grew up without Marlboro ads on television, but the policy concerns that sparked their banishment from television have not changed. The concern now is whether, and how, to extend the restrictions into a new and largely unregulated medium. We contend that appropriate and effective regulation can only be effected by building upon a strong foundation of knowledge about consumer behavior and how it is moderated by access and capacity in interactive, electronic environments.

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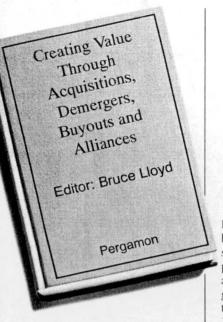
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