Beliefs and Behavioral Outcome

In studying deceptive advertising, a number of researchers have operationalized deception as belief in the advertising claims. They argue that unless a claim is believed it is unlikely to impact consumers' actual behavior (e.g. Gardner 1975; Olson and Dover 1978; Shimp 1978; Russo, Metcalf and Stephens 1981; Shimp and Preston 1981; Garfinkel 1983; Gaeth and Heath 1987). Russo, Metcalf, and Stephens (1981), for instance, use the term falsity to refer to the discrepancy between an advertising claim and a product's attributes, or a claim-fact discrepancy. Russo et al. (1981) reason, that the key to a misleading ad is whether consumers believe the falsity after being exposed to an ad, so that a belief-fact discrepancy results. These researchers also argue that while not all false claims are believed, only false claims that are believed can be misleading.

Building upon the framework proposed by Russo et al., Burke, DeSarbo, Oliver, and Robertson (1988) found that implications in fact led a significant number of subjects to false beliefs about the sponsor brands. Such beliefs were absent when the subjects were exposed to truthful explicit claims or to no claims at all.

From the FTC's perspective, it is irrelevant whether consumers believe a misleading claim. An advertisement must only be likely to deceive in order to be actionable. That is, it is sufficient that a significant proportion of those exposed to the message extract the deceptive meaning (Deception Policy Statement, 1983). Section 43 (a) of the Lanham Act does not explicitly require that consumer belief be shown. Belief is assumed as a necessary condition if the deceptive claims are to affect purchase behavior, a fact which must be demonstrated by the plaintiff: